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

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In the Matter of

RHONA CHAMBERS

16 O'Dell Circle, Newburgh  
Section 51; Block 5; Lot 5  
R-1 Zone

----- X

Date: December 27, 2018  
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  
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: CHARLES BROWN

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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 this evening is the public hearing scheduled for proceedings. The procedure of the Board is the applicant will be called upon to step forward, speak the request and why it should be granted. The Board will then ask the applicant any questions it may have, and 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 try to render decisions this evening but may take up to 62 days to reach a determination.

I ask if you have a cellphone, to turn it off or turn it on silent. When speaking, speak directly into the microphone. We have the stenographer recording the minutes.

Roll call.

MS. JABLESNIK: Richard Levin?

MR. LEVIN: Present.

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MS. JABLESNIK: Anthony Marino?

MR. MARINO: Here.

MS. JABLESNIK: John Masten?

MR. MASTEN: Here.

MS. JABLESNIK: John McKelvey?

MR. MCKELVEY: Here.

MS. JABLESNIK: Peter Olympia?

MR. OLYMPIA: Here.

MS. JABLESNIK: Darrin Scalzo?

CHAIRMAN SCALZO: Here. Thank you very much.

If I could ask Mr. McKelvey to lead us in the Pledge of allegiance.

(Pledge of Allegiance)

CHAIRMAN SCALZO: Our first applicant this evening is Rhona Chambers seeking an area variance to rebuild the front porch and a second-story addition, raise the roof line and rebuild the decks and pergolas. It requires a front yard minimum setback of 50 feet where 25.4 is proposed; one side yard minimum setback of 30 feet where 1.5 feet is proposed; a combined side yard of 80 feet where 12 feet is proposed; and a rear yard of

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40 feet where 0 feet is proposed. The maximum building lot coverage is 10 percent where 45 is proposed; and the maximum surface lot coverage is 20 percent where 54 percent is proposed.

I would like to let all of the Members that are here and the audience, to let you know we are all obliged by position to visit the sites. We have all seen these properties.

Charlie, you can introduce yourself and begin.

MR. BROWN: My name is Charlie Brown, I'm here for the applicant on 16 Odell Circle which has the existing house on it. The siding is rotten, there's a hole in the kitchen floor.

The proposal is, as the notice said, part of the house is a two-story. The second part is a one-story addition on the back and one-story addition on the front that currently exists.

We're going to stay within the footprint of the existing house, making the entire house two stories. It does have

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structural issues, which is why the roof has to come off. It will be an improvement to the neighborhood.

The new house, that's what it looks like. You can't do this any other way because the setback is overlapped. There's no available area on this lot.

Again, we're not changing the footprint of the existing building. The setbacks are consistent with the other houses in the neighborhood.

The applicant, the owner, bought this as it was from a bank foreclosure.

Correct?

MS. CHAMBERS: Correct.

CHAIRMAN SCALZO: Thank you.

MR. BROWN: I've got the elevations up here.

MR. MCKELVEY: Can you swing that around?

MR. BROWN: Sure. The siding, proposal of elevation. The other one is the existing.

CHAIRMAN SCALZO: Thank you.

As I mentioned, we have all visited the

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site. I was there today.

Is there a plan to reconstruct the stairs leading to the landing and back down to the house? The rise overruns as far as the stairs go. You take your third step and that third step is a good two inches deeper than the one before. I almost fell down the stairs.

MR. BROWN: As far as meeting current code, that would be a little difficult to do but that will be done.

CHAIRMAN SCALZO: Thank you. It looks to be consistent with the surroundings to me. As I said, I was there today and I looked over the deck. The deck overhangs the water. You're actually going to back it up a little bit?

MR. BROWN: Yes. We're cutting the deck back to the property line.

CHAIRMAN SCALZO: I have no further questions, although Members of the Board may.

MR. MARINO: No.

MR. MASTEN: Nothing.

MR. LEVIN: I think it fits the neighborhood, the house next door. I have no questions.

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MR. MCKELVEY: Just looking at the front of the building, it looks like it needs repair.

MR. BROWN: Yes. The roof has been leaking and there's a hole in the kitchen floor. You could fall right into the crawl space.

CHAIRMAN SCALZO: Mr. Olympia?

MR. OLYMPIA: It's certainly an improvement and a compliment to the homes, neighboring homes. No question about it.

CHAIRMAN SCALZO: I would agree.

At this point I'll open the discussion up to any members of the public that wish to comment on this application.

Identify yourself, sir.

MR. SQUIRES: Raymond Squires. I'm here with a letter to represent my mother who is in Florida. She has one objection.

CHAIRMAN SCALZO: It appears it is a short letter. Can you recite what it says? Or if you're going to verbalize, fine.

MR. SQUIRES: She's sending me to represent her. Her only objection would be the raising of the roof line will block her view of

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the water.

CHAIRMAN SCALZO: Okay. Thank you very much.

MR. MCKELVEY: I have a question. What number is your mother's house?

MR. SQUIRES: 21 Spencer Avenue. It's directly across the street.

In the past she agreed to the people building new houses along the lake. When you're looking at pictures like that, you don't realize how much higher the roofs are going to go because the houses don't have foundations under them. When they put foundations under them, it raises the elevation of the house tremendously and it pretty much blocks the view of the water completely. You don't get to see the boats go by and stuff like that.

CHAIRMAN SCALZO: You make a solid point. He is increasing the degree of nonconformity by raising the elevation of the house. When I say he, the applicant, Mr. Brown.

Charlie, help me out. Existing conditions, how much higher is the new dwelling going to be?



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MR. BROWN: The ridge line is pretty much the same. If that's the case, we could match the ridge line. The way the roof is now -- this would be looking at it further down. You actually reverse this. If you take the gables off it would affect the look of the house but that would provide more view from across the street.

CHAIRMAN SCALZO: Is there a living area underneath?

MR. BROWN: No. That would be very generous, Chairman.

CHAIRMAN SCALZO: Charlie, if you're willing to accommodate that request at this point -- do you want to confer with your client? That's entirely up to you. If you're authorized to do it, this could be a condition of how we vote this evening.

MS. CHAMBERS: I'm Rhona Chambers, the property owner. So it's all of a sudden -- I don't understand exactly what you want to do.

MR. BROWN: You're taking off this and this. These two reverse. So you have the vaulted ceiling inside. That won't affect the

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structure at all.

MR. CHAIRMAN: So from inside the dwelling, from what Mr. Brown explained, at least the way I understand it, in the interior of the house you're going to see no difference. The ceiling heights will remain the same. All they are doing is they're reducing the pitch.

Are you going from say 5 to 3? What are you going to do?

MR. BROWN: These two reverse here and are actually framed over. If you take these off, that's eliminating a good portion of the roof that is blocking the view.

MS. CHAMBERS: Isn't that the way it is right now?

MR. BROWN: Yes.

MS. CHAMBERS: How would it be blocking?

MR. BROWN: We would be improving it.

CHAIRMAN SCALZO: If you're maintaining the existing condition --

MS. CHAMBERS: That is the way it is right now. If it comes to that in order to get the approval, I don't have a choice, but it seems

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like it's not really that different and it's very costly to have all these drawings done again.

CHAIRMAN SCALZO: I understand that. I appreciate that.

Charlie, perhaps if you could reiterate the final elevation. The top of the roof at this point, that elevation is going to remain what it is today?

MR. BROWN. This is current. This is what the proposal is.

MR. OLYMPIA: 2 foot higher?

MR. BROWN: 2 foot higher. The second floor doesn't have the required ceiling height right now, currently.

MS. CHAMBERS: And that's from across the street. But if you were across the street looking across the house, you're still not seeing the lake. If it's 2 foot higher you're still -- it's exactly the same. It blocks the lake no matter what. You know what I'm saying?

CHAIRMAN SCALZO: To an extent, yes. You're saying Spencer is elevated from where you are. Your house sits much lower.

MS. CHAMBERS: Yes, but you're still

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not going to see the lake. The house is like a block -- it's still the same block but a little higher. It's still blocking the view.

CHAIRMAN SCALZO: Any further questions from anyone from the public?

MS. SCOTT: I'm here with my mother who lives on Spencer Avenue also.

CHAIRMAN SCALZO: We need to know who you are.

MS. SCOTT: Sorry. My name is Sherry Scott, 14 Spencer Avenue. I'll probably be living in this house for the rest of my life. The view from my house is gorgeous of the lake. I've looked at it my entire life. From what this says, they're going to put a second floor --

CHAIRMAN SCALZO: Which there is a second story.

MS. SCOTT: Another story. I can read it. But if they do that, there will be -- it will block our view of the lake that we had and it will bring down the value of the house. I mean 2 feet or a story, I mean --

CHAIRMAN SCALZO: The architectural renderings that are over on that board, you can

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go over and look at it. They indicate an elevation. The top elevation is 2 feet higher than what you're looking at right now, which still falls within code for a normal two-and-a-half story.

MR. BROWN: 35 feet.

MR. DONOVAN: Is there a request for a height difference? What's the finished elevation?

MR. BROWN: Just under 35.

MR. DONOVAN: What's the maximum?

MR. BROWN: 35.

CHAIRMAN SCALZO: Okay.

MS. SCOTT: Do you think what they're willing to do is not going to block our view of the lake? Is that a guarantee?

CHAIRMAN SCALZO: We can't guarantee anything. I have a feeling Mr. Brown is going to confer with his client.

MS. SCOTT: I look at that view every day when I get up in the morning. That's the first thing I see every day.

CHAIRMAN SCALZO: I wish I lived there. It's beautiful out there.

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MS. SCOTT: To deter that from what we've looked at our entire lives, and also to bring down the value of our home. That would bring down the value of our home, no doubt.

CHAIRMAN SCALZO: I'm not an appraiser, I can't answer that.

MS. SCOTT: That's why we're here.

CHAIRMAN SCALZO: Thank you very much.

MS. BRANGACCIO: My name is Jodi Brangaccio, I live at 14 Odell Circle. So the neighbor to the immediate right when you're looking at the Chambers's house, when you're looking at the lake -- my family's lived on the lake for almost 100 years. I've lived there my whole life and I've been in this house for 14 years. As you saw, my house is very modest, 1,300 square feet, but I purchased it solely for the amazing views it had. Throughout the years I spent a lot of money trying to upkeep it and maintain the house, my views and my neighbors' views.

I'm here to express my concern with the plans held by the Chambers, which, as I will demonstrate, will not only block my side views of

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the lake but will infringe on my right as a lake owner as well as jeopardize my property value once these views are taken away.

They are asking for several variances, all of which will have an impact one way or the other. However, I realize the lots are small. I realize anything you do requires a variance and a permit. I'm not arguing against that or beautification of the property.

I would like to focus on my objections and on the variance concerns. The second floor addition towards the lake, the hangover deck off of that I think will affect the rear side setbacks and the maximum surface and lot coverage. The proposed second floor addition towards the lake with a hangover deck off of it will completely block my upper side view of the lake and mountains. However, I wanted to be fair and unbiased. I had drawings rendered, which I can share with you now. That is the perspective of my current view and what the proposed view will now look like so that you guys can make a judgement for yourselves. With your permission, I would like to show you guys.

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CHAIRMAN SCALZO: Bring them up.

MS. BRANGACCIO: As you can see, the proposed addition will block my northern views of the lake like a giant wall. The complete blocking of my views and devaluing of my home are my major concerns here.

However, some of the previous demonstrated behaviors of the Chambers and tending to block my lower level views from some of their actions, excessive, high amounts of paddle boards and a giant umbrella all summer, fall.

I have an even higher concern for my upper views. I have photos of that as well. I have eyewitnesses if you want them.

MR. OLYMPIA: Are you directly adjacent to this property?

MS. BRANGACCIO: I'm right next door.

This brings me to my concerns regarding the proposed side. The Chambers claim that the blocking of the views from the paddle boards and umbrellas was an effort to ensure their privacy for themselves. However, they are now proposing to redo the illegal decks back in the same way



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they were which is within a foot of my property, which normally I wouldn't mind sharing the property line, it's a tight space, however I have an objection if by me allowing a setback, it basically allows them to set the paddle boards in my space because they want the decks they want. No one is denying that there's a need for privacy of these lots. However, purposely blocking your neighbor's view for your own gain I feel is very unneighborly and somewhat malicious. There needs to be some compromise. People have been living on these lots. I've been living on it for thirteen years. My neighbors and I, we've all gotten along without issue. I'm all for beautifying the neighborhood, and we know this house could use a little love. There has to be some limits on how one's beautification affects others.

We are all very close in that area, and you know that when you buy the property. All the houses on the road have been beautified and they've all done so without impeding on other's views or rights.

I'm asking the Chambers to consider

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following the examples of the neighbors. I understand they want a bigger house. The property they bought for the house they want isn't an easy match. There has to be a little bit of compromise.

So the requesting of at least six variances, that's six ways they are asking the Board to suspend the laws that the homeowners association and the Town of Newburgh worked so diligently to get passed for the protection of property owners' existing views and our property values. I'm not an unreasonable person and I try to be a considerate neighbor. I don't want to do it at the complete expense of my views and my property values.

I'm asking the Zoning Board of Appeals for your consideration to find a fair solution to this challenging matter.

Thank you.

CHAIRMAN SCALZO: Thank you. The first set of photos that you supplied, it appears you had taken them at an elevated position.

MS. BRANGACCIO: That's the view from my upstairs, which would be worse if they were

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lowered.

CHAIRMAN SCALZO: Lower. You would look at the lower portion, which you apparently do.

MR. LEVIN: Are you on the lake or behind? You're right on the lake?

MS. BRANGACCIO: I'm right next door.

CHAIRMAN SCALZO: Are there any other members of the public here to discuss this?

MR. LANGER: I'm an officer of the homeowners association board. We were asked to speak mainly because our priority on the homeowners association is maintaining current views of everyone on the lake.

We wanted to share, we have a record of a previous owner, Shapiro, submitting plans for an expansion of the home and it being turned down for a similar precedent of not being able to find a compromise to keep the views as agreeable to all the other neighbors.

There are similarities as in the Murphy's bought 299 Lakeside and the request is they confer with the homeowners association to find something that worked for everybody. They

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didn't pursue it on that particular property.

Our usual precedence is that in instances like this where everyone wants to find a compromise, the homeowners association is happy to look at plans, to cooperate with people to make sure that agreeable solutions are found and work with everybody.

Our suggestion would be that we could be included in any sort of approval of the plans to make sure that it basically works out for everybody.

MR. OLYMPIA: Have you requested this particular owner to confer with the homeowners association regarding the plans?

MR. LANGER: I'm not sure.  
Chambers, I've never met you before.

CHAIRMAN SCALZO: Mr. Brown, did you reach out to the homeowners association on the lake at all?

MR. BROWN: No.

MR. MCKELVEY: We always try to protect the view of the lake.

CHAIRMAN SCALZO: You referenced the Murphy's on the other side of the lake. They

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were looking for a very tall two story with a full finished attic, from what I recall.

MR. LANGER: They came to the board and we said that we are happy to talk about it. They didn't want to pursue any further building.

Again, the example that we're here to talk about is how we cooperate. So again, our priority is making sure that people have the views that they want.

CHAIRMAN SCALZO: So your first look at these plans are the elevations. Is that my assumption?

UNIDENTIFIED SPEAKER: Yes, the elevations.

CHAIRMAN SCALZO: Thank you very much.

MS. LINET: My name is Jennifer Linet, I live on 20 Odell Circle. I'm one of the recent home improvements in the neighborhood. I actually did consult with the board. I met with Greg before I submitted plans to the Zoning Board to get his opinion. It is something that I recommend the Chambers family do.

I have two quick concerns. One, I didn't receive a letter for this hearing. I know

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the notice is posted. I leave my house before the sun is up and I come home after the sun is down. It's not easy to see that sign. I'm here. I made it here. My concern is if I didn't receive the notice then there may be others that didn't receive the notice about this hearing. I spoke to the building department. I should have received a notice. I never did.

MS. JABLESNIK: She had come in. All the mailings went out on the 17th. She had come in, I gave her a copy of the notice because she said she didn't receive it.

Did everybody else receive a copy of the notice or no?

MS. LINET: Obviously people here may have. It's my concern that who were supposed to did not.

CHAIRMAN SCALZO: Thank you very much.

At the very beginning of this application I didn't ask Siobhan if mailings were posted as well as published in --

MS. JABLESNIK: Yes, yes.

MS. LINET: Second, because I did go through this process and I made sure in my

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application -- you know, there's a question that there's no undesirable changes or detriment to nearby properties. Mine was a dock end enclosure that didn't block anybody's view, set back from the lake, even though I am on the water. In your decision it says here that my porch and deck would be in harmony with the existing neighborhood and will not in any way result in any undesirable changes to the neighborhood nor cause any detriment to any nearby properties.

I'm all for home improvement. The house is an eyesore and it would be great to have it look like the others, but to set the precedent to block somebody's entire side view. What if my neighbors to the right and left decided to do it? I want to extend my house more and more too, but the lots are small. We live within the spaces.

I would ask the Board to take into consideration the fact that these plans really are -- it sounds like they're blocking views on Spencer and Odell. There has to be a compromise in those plans.

CHAIRMAN SCALZO: What was the date of the decision for your action?

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MS. LINET: Received August 24, 2018.

CHAIRMAN SCALZO: Thank you.

MR. LANGER: Greg Langer, president of the homeowners association.

Every year we have an annual meeting and at that meeting we encourage all the homeowners to come to us if they plan to do any renovations or discuss it with us. We never got a request or anybody came to us and said what they were going to do on this project. The other people -- many of the other homeowners on this street made renovations, came to us, they weren't going to block anybody's view. We weren't involved in this. There was a decision. We were back in front of this Board in 2007 to say the same thing we're going to say tonight. We don't want to see anybody's views blocked on this lake. We've gone to a great extent to pass rules, regulations with the Town Board to make sure people's views don't get blocked. That's our main -- whether it be across the street or the next door neighbor, our goal is to make sure nobody's views are blocked. You bought that house, you paid for that view, nobody should be



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RONA CHAMBERS

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able to take that away from you.

CHAIRMAN SCALZO: Thank you.

MS. CHAMBERS: Can I have your card? I didn't know there was a formal --

CHAIRMAN SCALZO: Any other members of the public?

MR. FARNELL: Jeff Farnell, I live at 42 Tenbrouck which is directly across from the south cove of the subject property.

I would say that probably nobody, other than the two adjacent properties, gets to see this property more than I do. I'm probably the major benefactor on improvements on Odell because there it is right in front of me every morning.

While I'm all for home improvement and making it better, it is a better view for one house. It shouldn't come at a cost of anybody else's view.

You should visit the homeowners association and talk to them and work that out, as well as getting out there and seeing what those changes may be and being able to visualize something that is more tangible than a side elevation. I think it makes it a whole lot

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easier to visualize. With that, I'm all about coming up with a suitable solution.

CHAIRMAN SCALZO: Thank you very much.

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

(No response.)

CHAIRMAN SCALZO: Any comments here?

MR. MARINO: I would like to urge both sides to try to sit down and work out a compromise. Obviously we don't want anybody's view of the lake ruined, but at the same time I don't want to see Ms. Chambers backed up into a corner where she's not able to make some of the changes she could make for her home improvement and be forced to spend a lot more money to make some of these changes. I understand both sides. If they could remain calm, sit down together and try to work out a compromise that satisfies both parties, not a hundred percent but as close to it as you could get where both parties walk away satisfied.

CHAIRMAN SCALZO: Well stated.

It's early to say this but perhaps, again, you guys can work together.

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Hearing what I'm hearing, I already know at this point I'm going to recommend that we leave the public hearing open on this. I would like to also review the meeting minutes decision from the 2007 Shapiro home for myself.

I'm not the end of this. I'm going to turn to the Board. Does anybody else have any comments or questions they would like to add?

(No response.)

CHAIRMAN SCALZO: Charlie, anything that you or your client would like to --

MR. BROWN: I'll confer with my client. If we hold the public hearing open, I'll come back next month.

MR. MCKELVEY: I'll make that motion, to roll it over to next month.

MR. MASTEN: I'll second that.

CHAIRMAN SCALZO: Roll call.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

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MS. JABLESNIK: Mr. Marino?

MR. MARINO: 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 going to remain open.

Charlie, please work with your client and the homeowners association to perhaps come up with a compromise that everyone can live with.

MR. BROWN: Okay.

MR. DONOVAN: Just for the benefit of the public, there will be no new mailings. The public hearing is left open until the fourth Thursday of January.

CHAIRMAN SCALZO: Keep your eyes on the agenda, folks. Sometimes it's a little longer to resolve. It's possible that they may ask for an extension through January and February. Just keep your eye out.

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Thank you very much.

(Time noted 7:34 p.m.)

C E R T I F I C A T E

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

That the witness whose examination  
is hereinbefore set forth was duly sworn and that  
such examination is a true record of the testimony  
given by that witness.

I further certify that I am not  
related to any of the parties to this action 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 4th day of January 2019.

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ALEXANDRA GLASGOW

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

----- X  
In the Matter of

A PLUS AUTO

12 Little Lane, Newburgh  
Section 54; Block 4; Lot 4.21  
B Zone

----- X

Date: December 27, 2018  
Time: 7:35 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  
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: MICHAEL LYNCH

----- X

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

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A PLUS AUTO

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CHAIRMAN SCALZO: Our second applicant this evening is A Plus Auto at 12 Little Lane, Newburgh. It's Section 54, Block 4, Lot 4.21. They're seeking an area variance to utilize an existing commercial building on the premises for an auto repair garage and requesting area variances for the two structures on the site. A, an area variance for the front structure allowing a front yard setback of 25.2 where 60 feet is required; and B, a rear yard area variance for the structure in the rear.

MS. JABLESNIK: Forty-seven mailings went out. All the mailings and postings are in order.

This one went to the County and I haven't received anything back.

CHAIRMAN SCALZO: You also published it and sent it in?

MS. JABLESNIK: Yes, to the Orange County Post and The Mid-Hudson Times.

CHAIRMAN SCALZO: Thank you.

I'm not sure if you understood what Siobhan said to you. We have not heard back from

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the County yet. That's going to prevent us from closing the public hearing.

With that being said, you can still introduce yourself and continue.

MR. LYNCH: My name is Mike Lynch, I work for Engineering Properties. I'm here tonight to represent A Plus Auto for this application.

The project is located on 12 Little Lane. It's adjacent to Route 52. We have two existing buildings on the site. One is a one-story building towards the rear of the lot. That is where the applicant has an application in front of the Planning Board for I think improvements to this site. There's also a two-story residential building toward the front of the lot.

We're here tonight to seek a front yard variance for the existing residential building. It's an existing building. It's an existing nonconforming condition.

I understand that the attorney also requested a rear yard variance for the one-story building in the rear of the lot.



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We spoke to the property owner and as part of the site plan process we've considered a lot line combination with the rear lot, which is also owned by the parcel owner, which would alleviate the need for a rear yard setback variance. Since we requested it, I guess that's something we could discuss tonight.

MR. DONOVAN: If you're going to go ahead and merge the two, you could indicate that's going to happen and you don't need the other.

MR. LYNCH: Great. We will pursue that then.

At this time I guess we're just requesting the front yard variance with the pre-existing nonconforming condition.

CHAIRMAN SCALZO: The pre-existing nonconforming condition?

MR. LYNCH: Yes.

MR. DONOVAN: You're not making it any worse? It's going to stay the same?

MR. LYNCH: Correct. There are no improvements to that property.

MR. DONOVAN: Just to reiterate, with

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the change of use any pre-existing nonconforming protection is lost. Even though they're not increasing the front yard, the pre-existing status has been lost as a result of the changes in this proposal.

MR. MARINO: It's residential now and they want to change it to?

MR. DONOVAN: I'm speaking about the variance.

MR. LYNCH: Sorry. It's two sets of buildings. The front building is residential and it will remain residential. The rear building, one-story building, the applicant is enclosing to make it a repair garage.

MR. LEVIN: What's the use of the front building?

MR. LYNCH: Residential. It's going to remain residential.

MR. LEVIN: What was the use of the other building, the previous use?

MR. LYNCH: A storage garage. I don't know exactly. We're pursuing an auto repair garage at the moment. There's no physical improvements to the building itself. It's just

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A PLUS AUTO

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utilization of an auto repair garage.

MR. MCKELVEY: They're not doing anything to it right now? There's an awful lot of cars there.

MR. LYNCH: I'm not aware of the current operations of the lot itself.

CHAIRMAN SCALZO: I'll look to the Board for any questions they may have. Mr. Olympia?

MR. OLYMPIA: What is it zoned as? Is it zoned residential or business?

MR. LYNCH: Correct, business.

MR. DONOVAN: Just for clarification, in looking over the attorney's letter it indicated that you may need to apply for a use variance for the residential use. Is that something you elected not to do?

MR. LYNCH: We elected not to because our client is currently only pursuing a site plan for the rear building. I know that the building in the front, it's more up to the property owner. That is being discussed between the Town and the property owner at this time and doesn't affect our application for the site.

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MR. DONOVAN: I'm speculating to some degree on what the Planning Board attorney is saying, but is the residential use or mixed use permitted in this zone?

MR. LYNCH: Again, that's being discussed right now between the Town and the property owner. We didn't include it in this part of the application.

MR. DONOVAN: So what I need to impress upon you is if the Board is so inclined to grant the area variance, that doesn't necessarily mean that the residential use gets to continue. If there is a prohibition against the continuation of the residential use as a result of the change of use to allow for the auto repair shop, I don't know the answer to that. The Planning Board attorney flags this as a potential issue. You could find yourself back here again on the use variance. I don't know the answer to that because that's not why you're here. You haven't applied for it.

MR. LYNCH: Correct. If the residential use of the property comes up again, that would come up to the owner, property

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owner, and they would have to pursue it another time.

MR. DONOVAN: I'm saying there may be an issue. I don't know. There may be an issue to have that mixed use on the property, which could prevent -- your client's going to be a tenant?

MR. LYNCH: Yes.

MR. DONOVAN: I'm not sure if you're going to be able to have that mixed use. Maybe you can. I haven't evaluated it. The Planning Board's attorney, in his referral to this Board, has indicated that you may need to apply separately for each variance. I need you to walk out tonight knowing that using the three-family is not set in stone. This Board isn't going to act on that because you haven't asked.

MR. LYNCH: I understand. That's something we could discuss with the property owner. I know as of tonight we were not informed to proceed with that.

MS. JABLESNIK: Currently right now the building department has an order to remedy issued on that three-family because it's only supposed

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A PLUS AUTO

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to be one-family.

MR. DONOVAN: So the Latin for that is you have a problem.

MR. LYNCH: Again, I can't confirm or deny the extent of the use of the front building. Again, that's something that the property owner is discussing with the Town. Whatever they come up with is what's going to happen.

CHAIRMAN SCALZO: Do we, as the Board, have the right to not act on this?

MR. DONOVAN: Yes. It's an issue I need to look into because an order to remedy has been issued and there's an appeal to this Board. We have an application to this Board unrelated to the order to remedy. Until that issue is resolved, I don't know that I would be comfortable acting on anything.

MR. OLYMPIA: We haven't gotten the paper back from the County?

MR. DONOVAN: Correct. The Board can't effectively put on blinders when there's an order to remedy for misuse of the property.

Again, even notwithstanding that fact, you need to be on notice that multi-family

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A PLUS AUTO

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is not being approved.

MR. LYNCH: I understand.

CHAIRMAN SCALZO: At this point I can open this up to any the members while the public hearing is still open. Do any members of the public wish to speak on this action?

MR. FETTER: Bill Fetter, Rockwood Drive.

Regarding the use of the rear building, it's going to be storage? Is that what we understand?

MR. LYNCH: It's been empty for a long time.

MR. FETTER: To go to a service garage, would that be a change of that structure?

MR. MCKELVEY: I would think so.

MR. LYNCH: It is, and that's what the application is in front of the Board.

MR. FETTER: So I would like to personally oppose that due to the amount of development already on the Bushkill Creek at this point. The parking lot is draining. I can only assume that the site development is going to include paving a parking lot for -- I don't know

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A PLUS AUTO

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if it's fully paved at this time.

MR. LYNCH: It's gravel other than semi-permeable handicapped parking spaces. That's to meet compliance with the Town.

CHAIRMAN SCALZO: Mr. Fetter, as far as development of the lot, that's a Planning Board issue. When they make their way back to the Planning Board, that's your opportunity to bring those concerns up then.

MR. FETTER: The end goal is I oppose.

CHAIRMAN SCALZO: Duly noted. Thank you.

Is anybody here to speak on this application?

(No response.)

CHAIRMAN SCALZO: I'll give one last look to the Board?

(No response.)

CHAIRMAN SCALZO: No. Okay. So I'll leave the public hearing open.

MR. MARINO: I'll make that motion.

CHAIRMAN SCALZO: I can read Mr. Marino's lips. Do we have a second motion to Mr. Marino?



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A PLUS AUTO

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MR. MASTEN: Second.

CHAIRMAN SCALZO: Roll call.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: 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 remains open. We'll  
see you next month.

(Time noted 7:46 p.m.)

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C E R T I F I C A T E

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

That the witness whose examination  
is hereinbefore set forth was duly sworn and that  
such examination is a true record of the testimony  
given by that witness.

I further certify that I am not  
related to any of the parties to this action 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 4th day of January 2019.

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ALEXANDRA GLASGOW

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

----- X  
In the Matter of

CARL PACELLA

1 Fleetwood Drive, Newburgh  
Section 88; Block 1; Lot 16  
R-1 Zone

----- X

Date: December 27, 2018  
Time: 7:47 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  
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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CARL PACELLA

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CHAIRMAN SCALZO: We are moving forward with the public hearings that were held open at the November 20th meeting. The applicant was Carl Pacella, 1 Fleetwood Drive, Newburgh seeking an area variance for increasing the degree of nonconformity of the front yard on a corner lot to build a 12 foot by 20 foot rear deck. State roads require a minimum of 60 feet in the front yard. There is an existing 12 foot 6 inch. An area variance to exceed bulk table requirements of 20 percent building lot surface coverage where a 28.33 percent increase is proposed.

This public hearing will remain open purely because we haven't received the GML 239 from the County.

However, since that time the County has determined our counter recommendation to a Local determination. We did have discussion on that last month.

Is there any further discussion or is anybody from the public here to discuss this application?

(No response.)

CHAIRMAN SCALZO: Hearing none, I will

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CARL PACELLA

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look to the Board for a motion to close the  
public hearing.

MR. LEVIN: I'll make a motion.

MR. MASTEN: I second.

CHAIRMAN SCALZO: I have a motion from  
Mr. Levin and a second from Mr. Masten.

Roll call.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Abstain.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes. The public  
hearing is closed.

(Time noted 7:49 p.m.)

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CARL PACELLA

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(Time resumed for decision: 8:00 p.m.)

CHAIRMAN SCALZO: I would like to call the meeting back to order. I would make note that all of the applicants that we are about to vote on this evening are Type II actions.

The first two applications remained open.

The next applicant was the application held open from the November 20th meeting, Carl Pacella, seeking an area variance for increasing the degree of nonconformity of the front yard on a corner lot to build a 12 foot by 20 foot deck.

Do we have any further discussion on this?

(No response.)

CHAIRMAN SCALZO: We're going to go through the area variance criteria and discuss the five factors, the first one being whether or not the benefit could be achieved by other means feasible to the applicant?

MR. MCKELVEY: No.

MR. LEVIN: No.

CHAIRMAN SCALZO: Second, if there's an undesirable change of the neighborhood character

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CARL PACELLA

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or detriment to nearby properties?

MR. MCKELVEY: I don't believe so.

CHAIRMAN SCALZO: Thirdly, whether the request is substantial?

MR. MCKELVEY: I don't believe so.

CHAIRMAN SCALZO: Fourth, whether the request will have an adverse or physical environmental affect?

MR. MCKELVEY: I don't believe so.

CHAIRMAN SCALZO: Fifth, whether the alleged difficulty is self-created, relevant but not determinative?

Hearing everything, I look to the Board for a motion.

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

MR. MASTEN: I'll second.

CHAIRMAN SCLAZO: Mr. McKelvey made the motion and Mr. Masten seconded.

Roll call.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

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CARL PACELLA

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MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Abstain.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

Motion carried.

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



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C E R T I F I C A T E

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

That the witness whose examination  
is hereinbefore set forth was duly sworn and that  
such examination is a true record of the testimony  
given by that witness.

I further certify that I am not  
related to any of the parties to this action 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 4th day of January 2019.

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ALEXANDRA GLASGOW

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

----- X  
In the Matter of

BRIAN CHEN & LIXIAO XIE

39 South Plank Road, Newburgh  
Section 72; Block 13; Lot 5  
B Zone

----- X

Date: December 27, 2018  
Time: 7:50 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  
PETER OLYMPIA

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JUSTIN DATES

----- 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 is Brian Chen and Lixiao Xie at 39 South Plank Road, Newburgh. This is for an area variance to renovate an existing two-story building for use as a licensed massage therapy and cosmetologist office. The existing building has a lot area of 13,335 square feet where 15,000 is required; a lot width of 50 feet where 100 feet is required; a front yard setback of 30.1 where 60 feet is required; a side yard setback of 4.4 where 15 feet is required; and a combined side yard setback of 21.8 where 30 feet is required.

Much like the previous application, this applicant presented last month and we had not heard back from the County. The County had recommended a Local determination.

I would refresh the Board Members here. This is a pre-existing nonconforming condition. The applicants had provided their licensure to operate that type of business in that area.

There was snow on the ground last time they were here, I had a difficult time getting back, but it has since melted. I took a look at it myself. I have no comments on this.

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Do we have any comments from the Board?

MR. MCKELVEY: As far as the property, we're not --

CHAIRMAN SCALZO: We're not going to see a difference.

Any further comments?

MR. DONOVAN: If I could ask one question. The square footage of the building?

MR. DATES: My name is Justin Dates, Maser Consulting. I represent the applicant.

The square footage is just over 1,000 square feet. It's 1,060 square feet.

MR. DONOVAN: The reason why I ask is how lawyers are. There was some discussion as to whether or not this was an Unlisted action, a Type II action. Non-residential structures of 4,000 square feet or less, new structure expansion or renovations are Type II actions. This is a Type II action.

CHAIRMAN SCALZO: Thank you. I was taking advice from your replacement.

MR. DONOVAN: He did a fine job. Thank you.

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CHAIRMAN SCALZO: I have no further questions. I'll look to the Board for a motion to close the public hearing.

MR. LEVIN: I'll make a motion.

MR. MCKELVEY: I'll second.

CHAIRMAN SCALZO: First from Mr. Levin, a second from Mr McKelvey. Roll call.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Abstain.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The public hearing is closed.

(Time noted 7:53 p.m.)

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(Time resumed for decision: 8:03 p.m.)

CHAIRMAN SCALZO: Moving on to the second applicant, Brian Chen and Lixiao Xie, 39 South Plank Road, Newburgh. This is for an area variance to renovate an existing two-story building for use as a licensed massage therapy and cosmetologist office.

Discussing the five factors, the first one being whether or not the benefit can be achieved by other means feasible to the applicant? I believe no because it's pre-existing nonconforming.

Second, if there's an undesirable change to the neighborhood character or a detriment to nearby properties?

MR. LEVIN: No.

CHAIRMAN SCALZO: Third, whether the request is substantial. Again, no. It's pre-existing nonconforming.

Fourth, whether the request will have an adverse physical or environmental affect?

MR. LEVIN: No.

MR. MCKELVEY: No.

CHAIRMAN SCLAZO: Fifth, whether the

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alleged difficulty is self-created. In this case  
it is not.

So with that, I'll look to the Board.

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

MR. MARINO: Second.

CHAIRMAN SCALZO: We have a motion for  
approval from Mr. Levin and a second from Mr.  
Marino.

Roll call.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Abstain.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes. Motion carried.

Thank you very much.

(Time noted: 8:05 p.m.)

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C E R T I F I C A T E

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

That the witness whose examination  
is hereinbefore set forth was duly sworn and that  
such examination is a true record of the testimony  
given by that witness.

I further certify that I am not  
related to any of the parties to this action 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 4th day of January 2019.

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ALEXANDRA GLASGOW



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

----- X  
In the Matter of

ROBERT MILLER

22 Adonna Drive, Newburgh  
Section 39; Block 1; Lot 82  
R-2 Zone

----- X

Date: December 27, 2018  
Time: 7:54 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  
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: Moving on to the third applicant which was Robert Miller, 22 Adonna Drive, Newburgh. He's seeking an area variance to construct a 6 foot 10 deck on the side yard with a proposed 21 feet where a minimum of 30 thirty is required.

Again this was within 500 feet of a County road. We heard back from the County. Their recommendation is a Local determination.

I'll refresh the Board's memory. This is on Adonna Drive, a private road. It's well off the beaten path, if you will.

I don't believe we had any comments from the public.

I'll look to the Board. Any last questions before I look for a motion to close the public hearing?

MR. LEVIN: No.

MR. MCKELVEY: I'll make a motion to close it.

MR. MASTEN: I'll second.

CHAIRMAN SCALZO: Motion from Mr. McKelvey and Mr. Masten seconded.

Roll call.

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MS. JABLESNIK: Mr. Levin?

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MR. LEVIN: Yes.

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MS. JABLESNIK: Mr. Marino?

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MR. MARINO: Yes.

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MS. JABLESNIK: Mr. Masten?

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MR. MASTEN: Yes.

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MS. JABLESNIK: Mr. McKelvey?

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MR. MCKELVEY: Yes.

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MS. JABLESNIK: Mr. Olympia?

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MR. OLYMPIA: Abstain.

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MS. JABLESNIK: Mr. Scalzo?

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CHAIRMAN SCALZO: Yes.

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The public hearing is closed.

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Before proceeding the Board will take a

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short adjournment and confer with Counsel

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regarding legal questions raised by tonight's

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applications.

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If I could ask in the interest of time,

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if you could wait in the hallway and we'll call

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you back very shortly.

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

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(Time resumed for decision: 8:05 p.m.)

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CHAIRMAN SCALZO: The next

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application is Robert Miller, 22 Adonna

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Drive, Newburgh, seeking area variance to

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construct a 6 by 10 foot deck on the side

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yard.

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The first criteria is whether or not

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this benefit could be achieved by other means

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feasible to the applicant? The house sits

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way back on the property. It would be very

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difficult to do it any other way.

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Second, if there's an undesirable

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change to the neighborhood character or

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a detriment to nearby properties? I didn't

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see any myself.

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Third, whether the request is

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substantial? I didn't see that either.

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Fourth, whether the request will

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have an adverse physical or environmental

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affect?

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MR. LEVIN: No.

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MR. MCKELVEY. No.

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CHAIRMAN SCALZO: Fifth, whether the

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alleged difficulty is self-created? From what I

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recall, this is replacing an old deck.

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With that being said, I'll look to the

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Board for a motion --

MR. MASTEN: I'll make a motion.

CHAIRMAN SCALZO: -- for approval.

MR. MASTEN: Yes.

MR. MARINO: Second.

CHAIRMAN SCALZO: Mr. Masten made a  
motion and Mr. Marino seconded.

Roll call.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Olympia?

MR. OLYMPIA: Abstain.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

Motion carried.

(Time noted: 8:07 p.m.)

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C E R T I F I C A T E

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

That the witness whose examination  
is hereinbefore set forth was duly sworn and that  
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I further certify that I am not  
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set my hand this 4th day of January 2019.

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ALEXANDRA GLASGOW

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CAROL HUDELSON

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

----- X  
In the Matter of

CAROL HUDELSON

200 Oak Street, Newburgh  
Section 9; Block 3; Lot 50.11  
R-3 Zone

----- X

Date: December 27, 2018  
Time: 8:07 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  
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

CHAIRMAN SCALZO: We had a request

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CAROL HUDELSON

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from an applicant, the Hudelsons on Oak Street, to consider. On their application they requested that we have a full Board vote this evening. We are absent one member. However, that doesn't make a difference because their request comes in late.

If you could elaborate on that.

MR. DONOVAN: Yes, Mr. Chairman. As I understand the request that was received by the Board on December 11th, the applicants asked for the Board to revote since the vote in October resulted in a tie with one member absent. As indicated, there is one member absent tonight.

I review this as a request under Town Law Section 267(A)(13), not under 267(A)(12), which is a rehearing that requires a unanimous vote from the Board. Under 267(A)(13) the Board may amend a failed motion or a resolution that failed as a result of a tie vote within the time allowed by the statute. The time allowed is 62 days. That vote needs to come within 62 days of your prior vote. Unfortunately, tonight happens to be the 63rd day. You're not in position where you can revote.



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The applicant needs to find another way to get here or ask for a rehearing, which would require unanimous of the Members present. We can't take any action on this request.

CHAIRMAN SCALZO: Thank you, Counsel.

The last order of business is acceptance of the meeting minutes for the November meeting. Do I have a motion to accept those minutes?

MR. MASTEN: I'll make a motion for the meeting minutes.

MR. LEVIN: I'll second.

CHAIRMAN SCALZO: A motion from Mr. Masten and a second from Mr. Levin. All in favor?

MR. LEVIN: Aye.

MR. MARINO: Aye.

MR. MCKELVEY: Aye.

MR. MASTEN: Aye.

MR. OLYMPIA: Aye.

CHAIRMAN SCALZO: Aye.

The last order is to close the meeting.

MR. LEVIN: I'll make the motion.

MR. MASTEN: Second.

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CHAIRMAN SCALZO: All in favor?

MR. LEVIN: Aye.

MR. MARINO: Aye.

MR. MCKELVEY: Aye.

MR. MASTEN: Aye.

MR. OLYMPIA: Aye.

CHAIRMAN SCALZO: Aye.

(Time noted 8:12 p.m.)

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C E R T I F I C A T E

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ALEXANDRA GLASGOW