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

- - - - - X
In the Matter of

SEGUNDO DAVID LEMA

171 South Plank Road, Newburgh
Section 60; Block 3; Lot 17.2
IB Zone

- - - - - X

Date: January 22, 2026
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: JONATHAN CELLA
SEGUNDO DAVID LEMA

- - - - - X

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

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MR. BELL: Good evening, everybody.
I would like to call the meeting of the
ZBA to order. The first order of
business is the public hearings that are
scheduled for today. The procedure of
the Board is that all applicants will be
called upon to step forward, state their
request and explain why your request
should be granted. The Board will then
ask the applicant any questions that it
may have, and then any questions or
comments will also be heard from the
public. The Board will then consider all
applications in the order heard, but
we're going to kind of switch some things
around this evening. It really won't be
in the order that the agenda is. We're
going to make some changes there. We
have up to 62 days to render a decision.
I ask that if anybody has a cellphone, if
they would please put it on silent. When
you speak, please speak directly into the
mic. Our stenographer, she's recording.
Roll call.

2 MS. JABLESNIK: Sure. Latwan
3 Banks.

4 MS. BANKS: Present.

5 MS. JABLESNIK: James Eberhart.

6 MR. EBERHART: Present.

7 MS. JABLESNIK: Greg Hermance.

8 MR. HERMANCE: Present.

9 MS. JABLESNIK: John Masten.

10 MR. MASTEN: Here.

11 MS. JABLESNIK: Darrell Bell.

12 MR. BELL: Here.

13 MS. JABLESNIK: Absent this evening
14 is Donna Rein and our Chairman, Darrin
15 Scalzo. Also present is our Attorney,
16 Dave Donovan, from Code Compliance is
17 Joseph Mattina and our Stenographer is
18 Michelle Conero.

19 MR. BELL: If we could all stand,
20 please, for the Pledge of Allegiance to
21 the flag.

22 (Pledge of Allegiance.)

23 MR. BELL: Like I had mentioned,
24 we're going to switch up the order here.
25 We're going to start with those that were

2 held over from last month's meeting.

3 The first one is Segundo David
4 Lema. You have an application for area
5 variances for a proposed change of use,
6 the existing building with a new addition
7 for lot width, lot area, one side yard
8 and combined side yards; existing storage
9 structure, side yard; proposed cargo
10 container, side yard; proposed freestanding
11 sign, front yard.

12 Who do we have here?

13 MR. CELLA: I'm Jonathan Cella.

14 MR. DONOVAN: If I can, before you
15 start, just to orient everybody, this was
16 in front of us in December. It seems
17 like last year. I guess it was last
18 year. We hadn't heard from the County.
19 This was a mandatory referral.

20 Siobhan, did we hear back from the
21 County?

22 MS. JABLESNIK: Yes. It was a
23 local determination.

24 MR. DONOVAN: I think, Jonathan,
25 will do a presentation. I think some of

2 the Board Members weren't here.

3 To summarize, I think you were
4 trying to remove that encroachment as
5 well. Right?

6 MR. CELLA: The encroachment? Oh,
7 yes. I'm sorry.

8 MR. DONOVAN: It was last year.
9 You forgot all about it. You fixed it.

10 MR. CELLA: I wasn't ready to go
11 first.

12 MS. JABLESNIK: We want to make
13 sure everybody is awake here.

14 MR. CELLA: Good evening, everyone.
15 We're here to construct a 455 square foot
16 building on the north end of an existing
17 building. It's a wood frame structure.
18 It will be a one-story addition with a
19 small front porch and a ramp.

20 The building will be used for a
21 sales room and an office for the owner's
22 construction business.

23 The application includes removing
24 the encroaching shed which encroaches on
25 the western property line and the removal

2 of two storage containers.

3 We need a handful of variances.

4 We're not increasing the degree of
5 nonconformity other than for construction
6 of a handicap ramp.

7 The proposed addition will follow
8 the western side of the building -- I'm
9 sorry, the northwestern side of the
10 building along the property line. It
11 will be further from the property line
12 than the existing building.

13 We are requesting to put a storage
14 container in the back, but we're also
15 providing screening with a fence to
16 enclose it so it's not visible from the
17 neighboring properties.

18 MR. DONOVAN: Jonathan, before we
19 start with the Board, could you call out
20 for the Board -- this is a preexisting
21 condition. What variances are necessitated
22 by the addition?

23 MR. CELLA: Necessitated by the
24 addition. Like I said, this corner of
25 the building is actually closer, so just

2 the front yard setback. We're reducing
3 the front yard setback by 21 feet.

4 MR. DONOVAN: This is what lawyers
5 call a leading question, Jonathan.
6 You're supposed to walk into this and say
7 basically nothing.

8 MR. CELLA: Basically nothing.

9 MR. DONOVAN: We're not changing
10 the existing building so we're not
11 creating any new nonconformities.

12 MR. CELLA: We are reducing the
13 front yard setback. The front yard
14 setback would be measured from the
15 setback to, I guess that orange-ish
16 color on the building. We're building
17 the blue.

18 MR. DONOVAN: That would be the one
19 that's required as a result of the
20 addition?

21 MR. CELLA: Correct.

22 MR. DONOVAN: I'll send you my bill
23 tomorrow.

24 MR. CELLA: Thank you.

25 MR. BELL: Okay. So it's my

2 understanding -- I was not here. It is
3 my understanding that this building sits
4 between Eddie's Pizza and the bowling
5 alley.

6 MR. CELLA: Right.

7 MR. BELL: Okay. You are looking
8 to not change anything on the building
9 except for adding a handicap ramp?

10 MR. CELLA: The blue is an
11 addition.

12 MR. BELL: That's an addition. Is
13 that on the --

14 MR. CELLA: It's on the street side
15 -- the front street side of the building.

16 MR. BELL: You're looking to use
17 this as a roofing --

18 MR. LEMA: Like a showroom. A
19 small showroom.

20 MR. DONOVAN: Young man, if you
21 could, just for Michelle for the record,
22 tell us who you are.

23 MR. LEMA: My name is Segundo
24 David.

25 MR. DONOVAN: Thank you.

2 MR. BELL: It's going to be a
3 showroom for roofing only?

4 MR. LEMA: Roofing. I do roofing,
5 siding. The main thing I do is
6 residential roofing. It's just to show
7 some color samples where a customer can
8 -- most of the time it's more inhouse, we
9 go there and give an estimate. Sometimes
10 they want to come out and check out the
11 colors with bigger samples.

12 MR. BELL: I understand. You
13 mentioned that you're going to remove a
14 storage --

15 MR. LEMA: Currently on the back
16 side I have a tool container right now so
17 I can have my tools. They're asking me
18 to remove that. I would like to remove
19 one, but, if possible, I want to keep one
20 so I can have some space to put my stuff.

21 MR. BELL: Along that back side,
22 what is behind there?

23 MR. LEMA: There's a big space,
24 like a parking lot, and there's two
25 containers right by the property line.

2 We put the sides of the container this
3 way. We'll remove one. I have two right
4 now.

5 MR. BELL: You had mentioned about
6 putting some type of screening?

7 MR. CELLA: He's proposing a fence
8 in here.

9 MR. LEMA: I'd just like to close
10 it just so it's not --

11 MR. BELL: This is one site that I
12 had not yet visited because it was not on
13 my agenda.

14 Are there any homes or other existing
15 businesses behind there? I know there's
16 a road that runs --

17 MR. LEMA: There's an empty lot on
18 the back side.

19 MR. MASTEN: Meadow Hill Road.

20 MR. LEMA: There's an empty lot
21 behind it. There's no house other than
22 just the bowling alley and the pizza --
23 Eddie's Pizza.

24 MR. BELL: With that, I'm going to
25 start at the end. Ms. Banks.

2 MS. BANKS: I just had a question
3 about maybe a remodel of the proposed
4 fence. Do you have an example of what
5 that's going to look like with you?

6 MR. CELLA: Are you going to do a
7 six foot?

8 MR. LEMA: I want a six foot.
9 Just a normal fence. A white fence.

10 MR. CELLA: A six-foot fence.

11 MR. BELL: Mr. Eberhart.

12 MR. EBERHART: No questions for me.

13 MR. BELL: Mr. Hermance.

14 MR. HERMANCE: My question is for
15 Joe. Aren't storage containers not
16 allowed?

17 MR. MATTINA: For residential. For
18 the business it's allowed. There are
19 certain requirements, paint schemes and
20 shading and stuff like that. We'll take
21 care of that through the Building Department.

22 MR. HERMANCE: What zone is this in?

23 MR. MATTINA: It's going to be a B
24 Zone.

25 MR. HERMANCE: It's listed as like

2 a two-family currently.

3 MR. MATTINA: Originally back in
4 the day it was two single families on
5 that lot. Thirty years ago they took one
6 of the houses down and this was the
7 residual.

8 MR. HERMANCE: All right.

9 MR. BELL: Mr. Masten.

10 MR. MASTEN: I have nothing right
11 now.

12 MR. BELL: Okay. With that said, I
13 will open it up to the public if there's
14 anyone that wishes to come forward and
15 speak on this application.

16 (No response.)

17 MR. BELL: There is no one here.

18 MS. BANKS: Can I just ask one more
19 question?

20 MR. BELL: Yes, you may.

21 MS. BANKS: How many letters did
22 you guys send out?

23 MR. DONOVAN: Forty-four.

24 MS. BANKS: Okay.

25 MR. DONOVAN: When I have the

2 minutes of the last meeting in front of
3 me I'm a genius. Forty-four was the
4 number.

5 MR. BELL: It's kind of obvious
6 that we missed this meeting the last
7 month.

8 Okay. Anyone else?

9 MR. HERMANCE: The other part of
10 this proposal was for a sign in front?

11 MR. LEMA: Currently I have a
12 ten-foot post. We'll put a sign there.
13 Pretty much right where the bowling alley
14 sign is. Like in the same --

15 MR. HERMANCE: What is the variance
16 you need for that? Just the distance
17 from the road or the size?

18 MR. CELLA: We don't need any
19 variances for the sign.

20 MR. HERMANCE: It says proposed
21 freestanding sign.

22 MR. DONOVAN: Was there a variance
23 for that, Joe? I don't see it called out
24 in the Code Compliance letter.

25 MR. MATTINA: I don't think there

2 was.

3 MR. CELLA: The sign will conform
4 to the zoning requirements.

5 MR. DONOVAN: Looking at the Code
6 Compliance denial, just so you know,
7 there's no mention of a sign.

8 MR. BELL: Will it be something
9 like the one that the restaurant has?

10 MR. DONOVAN: It either complies or
11 it doesn't. You're not ruling on that
12 because there's no appeal from that.

13 MR. CELLA: It will comply.

14 MR. MATTINA: One thing we did with
15 this application, due to the price of
16 going to the Planning Board, so many
17 variances were required, we sent him here
18 first, this way if he obtains his
19 variance, he'll go to the Planning Board.
20 If any other variances pop up during the
21 process, he knows he has to come back.
22 We've covered most of them now.

23 MR. BELL: Okay. So there's no one
24 from the public.

25 With that said, do we have a motion

2 to close the public hearing?

3 MR. HERMANCE: I'll make a motion
4 to close the public hearing.

5 MR. EBERHART: I'll second it.

6 MR. BELL: We have a first by
7 Mr. Hermance and a second by Mr. Eberhart.
8 All in favor.

9 MS. BANKS: Aye.

10 MR. EBERHART: Aye.

11 MR. HERMANCE: Aye.

12 MR. BELL: Aye.

13 MR. MASTEN: Aye.

14 MR. BELL: This is a --

15 MR. DONOVAN: Type 2 action.

16 MR. BELL: -- Type 2 action. Okay.
17 We'll go through the balancing act here.

18 With that being said, the first one
19 being whether or not the benefit can be
20 achieved by other means feasible to the
21 applicant.

22 MR. HERMANCE: No.

23 MR. BELL: No.

24 The second, is there an undesirable
25 change in the neighborhood character or a

2 detriment to nearby properties. I don't
3 think so.

4 MS. BANKS: No.

5 MR. EBERHART: No.

6 MR. HERMANCE: No.

7 MR. MASTEN: I don't believe so.

8 MR. BELL: Third, whether the
9 request is substantial. No.

10 MR. HERMANCE: No.

11 MR. BELL: Fourth, whether the
12 request will have adverse physical or
13 environmental effects. I don't believe
14 so.

15 MR. EBERHART: No.

16 MR. HERMANCE: No.

17 MR. BELL: Fifth, whether the
18 alleged difficulty is self-created.
19 That's relevant but not determinative.

20 With that said, what will be the
21 motion of the Board?

22 MR. EBERHART: I'll motion for
23 approval.

24 MR. BELL: We've got a motion for
25 approval by Mr. Eberhart. Do we have a

2 second?

3 MR. MASTEN: I'll second it.

4 MR. BELL: We have a second by
5 Mr. Masten. Roll call.

6 MS. JABLESNIK: Ms. Banks.

7 MS. BANKS: Can I ask to see it
8 again, see the property again, before
9 we approve or -- I can't imagine --
10 like there's storage.

11 You're going to create a showroom
12 and then you want to add, did I hear
13 a dumpster or a storage container?

14 MR. CELLA: Well, there are two
15 now. We're going to -- he wants to add
16 one in the back which will be conforming
17 to the zoning.

18 MS. BANKS: Okay.

19 MR. LEMA: I just want to add like
20 a fence from the corner of the house to
21 the back side just to close this up.

22 MS. BANKS: Okay.

23 MR. CELLA: We have to go to the
24 Planning Board for site plan approval.
25 If anything comes up again, --

2 MS. BANKS: You'll come back.

3 MR. BELL: They will have to come
4 back here.

5 MR. CELLA: -- we'll have to come
6 here first, otherwise the Planning Board
7 can't do anything.

8 MR. BELL: Do you approve?

9 MS. BANKS: Yes.

10 MS. JABLESNIK: Mr. Eberhart.

11 MR. EBERHART: Approve.

12 MS. JABLESNIK: Mr. Hermance.

13 MR. HERMANCE: Yes.

14 MS. JABLESNIK: Mr. Masten.

15 MR. MASTEN: Yes.

16 MS. JABLESNIK: Mr. Bell.

17 MR. BELL: Yes.

18 The variance is approved.

19 You're going to the Planning Board.

20 Hopefully you'll be back.

21 MR. CELLA: Hopefully we won't.

22 MR. BELL: I'm sorry. Hopefully
23 you won't.

24

25 (Time noted: 7:15 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO

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

- - - - - X

In the Matter of

LYNDA AND MARK DAIGLE

349 Lakeside Road, Newburgh
Section 33; Block 1; Lot 24
R-1 Zone

- - - - - X

Date: January 22, 2026
Time: 7:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: MARK DAIGLE
LYNDA DAIGLE

- - - - - X

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

2 MR. BELL: The next order of
3 business is Lynda and Mark Daigle,
4 349 Lakeside Road for a variance of a
5 -- well, this was last month. Was
6 this the one with two parts?

7 MR. DAIGLE: Two parts. One for a
8 shed.

9 MR. BELL: Okay. With that said --

10 MR. DAIGLE: I'm Mark Daigle, 349
11 Lakeside Road.

12 We came before the Board looking
13 for a variance for a shed and a deck.
14 There was a question regarding the
15 cantilevering of the deck which
16 encroaches on the air space above the
17 lake. It cantilevers about a foot to a
18 foot and a half, or something like that.

19 I did a little research from the
20 previous meetings of the Board. In 2019
21 there was a property at 218 Sunset Cove
22 that required a similar case where it was
23 -- the deck was cantilevered over the
24 lake, again about a foot or so. I
25 provided a photo of it. In that case the

2 Board approved the variance stating that
3 it was -- even though it was encroaching
4 on the lake, it wouldn't affect the
5 Board's ability to make a decision in the
6 matter.

7 MR. BELL: Okay.

8 MR. DAIGLE: I provided a photo of
9 it.

10 MR. BELL: Yup. Okay.

11 MR. DONOVAN: So the Chairman
12 actually charged you with doing a little
13 homework as to whether or not we had the
14 ability to approve or grant a variance
15 for an encroachment. There is that prior
16 matter that we apparently approved, but I
17 don't find any authority for the ZBA to
18 grant a variance to allow an encroachment
19 onto someone else's property.

20 We have a little bit of a different
21 situation here in that it is Orange Lake.
22 It's not as if their shed is encroaching
23 on his property, which we obviously
24 couldn't approve.

25 I don't know how we can approve it.

2 I don't recall the reasons we did that
3 before.

4 This is off your property line.

5 Now, I understand there's the law,
6 right, and there's the practicality of it
7 when you're standing on the edge of your
8 deck. It seems kind of ridiculous that
9 you'd have to shave it back a foot. I
10 don't know where our authority is to
11 allow a structure to extend across
12 someone's property line.

13 MR. EBERHART: It hasn't been
14 established who has ownership. Right?

15 MR. DONOVAN: We have a survey that
16 shows the ownership of the lake is not
17 established, except it's not him.

18 MR. DAIGLE: Correct.

19 MR. DONOVAN: That part we know.
20 Who really owns it, we don't know.

21 It's a very difficult situation
22 that you're confronted with because the
23 harm is of course nonexistent. There is
24 no harm.

25 We also know that Orange Lake is

2 here. The properties in Orange Lake are
3 here multiple times over the course
4 because of the nature of the properties
5 that are there and the homes that are
6 being built there now.

7 One of the questions you always ask
8 me is are we establishing a precedent.
9 Of course you are.

10 MR. EBERHART: Counsel, wasn't the
11 precedent established prior, in 2019?

12 MR. DONOVAN: I have to confess, I
13 went looking for that and I couldn't find
14 it. I don't know what the name of that
15 decision was. It would be on -- I saw it
16 and then I misplaced it.

17 Do you have another copy?

18 MR. DAIGLE: Yup.

19 MR. DONOVAN: You wouldn't happen
20 to have a copy of the decision, would you?

21 MR. DAIGLE: That's the minutes.
22 That pertains to the encroachment and the
23 cantilever.

24 MR. BELL: Looking at your pictures
25 here, if you're facing out to the lake,

2 which side of the deck is encroaching on
3 the other person's property?

4 MR. HERMANCE: It's going over the
5 water.

6 MR. BELL: It's over the water?

7 MR. HERMANCE: Straight out to the
8 lake.

9 MR. BELL: We're not talking side
10 to side. That's what I thought. Okay.

11 MR. DONOVAN: What I said in 2019
12 was that if the Board's inclination is to
13 approve this application, we note that
14 the dock and the concrete pad, but we
15 have a deck here.

16 MR. DAIGLE: I did provide a photo
17 of that deck.

18 MR. BELL: Of the '19 one. Yes, I
19 saw that.

20 MR. DONOVAN: While they are pre-
21 existing conditions relative to this
22 application, and while they encroach,
23 there's not any extension, there's not an
24 increase in the degree of nonconformity,
25 they're not being changed at all in that

2 application, and that we would indicate
3 that Code Compliance is correct. We
4 should note the encroachment, but it's
5 not imperative to the Board's action.

6 To your question, that would be our
7 precedent. Since it's a preexisting
8 condition, I guess we were viewing it
9 differently than if he was coming here
10 asking for permission to build a deck to
11 encroach.

12 MR. EBERHART: So there's a path
13 for us to get to yes?

14 MR. DONOVAN: When it's a pre-
15 existing condition on a deck or a dock on
16 Orange Lake.

17 MR. HERMANCE: So the deck was
18 built without a permit?

19 MR. DONOVAN: In case anybody else
20 here has a preexisting, nonconforming
21 case.

22 MR. HERMANCE: The deck was built
23 without a permit? Is that why it
24 encroaches over the lake?

25 MR. DONOVAN: I don't think there's

2 any -- is there any indication that --

3 MR. BELL: Was it built without a
4 permit?

5 MR. DAIGLE: I went to the Building
6 Department to apply for a permit. I was
7 told at that time that I didn't need one
8 because it was -- it only -- the deck had
9 to be under 30 inches in height and built
10 over a concrete slab, which both of those
11 apply in my case, but I never got anything
12 in writing.

13 MR. DONOVAN: Joe, do we have an
14 exclusion that if a structure is less
15 than a certain number of feet above --

16 MR. MATTINA: A terrace less than
17 12 inches from grade is considered
18 exempt from zoning.

19 MR. DONOVAN: What's a terrace?

20 MR. MATTINA: Exactly.

21 MR. DONOVAN: Do you have a terrace
22 as opposed to a deck?

23 MR. DAIGLE: I guess so.

24 MR. MATTINA: It's over the 12 inches,
25 though.

2 MR. BELL: I'm not going to ask the
3 question that I was going to ask.

4 MR. HERMANCE: Is it a terrible
5 hardship to shave a foot off and instead
6 of cantilevering, end the deck right at
7 the box beam?

8 MR. DAIGLE: That would be -- they
9 no longer make -- well, I suppose I
10 should say it could be done. It would be
11 a hardship. It would be expensive. They
12 no longer make that color of timber deck
13 anymore. The railing would have to be
14 changed, the system.

15 I mean, it is a very common
16 situation on Orange Lake. Some of our
17 neighbors have them. Again, I don't know
18 whether they're preexisting from that
19 point of view.

20 MR. BELL: Because it extends out
21 over your concrete barrier that's below.
22 Correct? I can't tell from here.

23 MR. DAIGLE: It's about a foot and
24 a half.

25 MR. BELL: We already have -- you

2 weren't here the last month?

3 MS. JABLESNIK: I wasn't here.

4 MR. DONOVAN: The shed got approved.

5 It was basically for me to do homework,

6 which I couldn't find any.

7 You've done your due diligence and

8 you provided an example of what the

9 Board did six years ago, seven years ago.

10 MR. DAIGLE: Would that mean --

11 maybe this doesn't apply in this case,

12 but if I go in the water, am I trespassing

13 then? If I had my boat in the water, am

14 I encroaching?

15 When I took that picture that I

16 gave to you -- I walked out on the ice

17 so I wouldn't be trespassing on anybody's

18 property when I took the photo, but I

19 was encroaching I guess.

20 MR. DONOVAN: I recognize what

21 you're saying. Obviously you can't get

22 in your boat or you can't have a dock

23 that's on your property because it

24 doesn't work that way, right.

25 MR. DAIGLE: I'm just seeing if

2 it's consistent.

3 MR. BELL: The answer to that -- I
4 can't say the answer to that, but what
5 I've heard is all of those who own
6 property along the lake, they have full
7 access to the lake.

8 MR. DAIGLE: Yup.

9 MR. EBERHART: Where is that in
10 writing? That's what my next question
11 would be. I know, I get it.

12 MR. DONOVAN: You thought it was
13 going to be easier to do the holdovers
14 first.

15 MR. HERMANCE: I think a structure
16 is different from entering the lake or
17 riding on a boat.

18 MR. BELL: We're talking about a
19 foot.

20 MR. HERMANCE: I understand.

21 MR. EBERHART: Is there a dock in
22 the water?

23 MR. BELL: The dock is in the
24 water.

25 MR. DONOVAN: By the nature of the

2 dock.

3 MR. HERMANCE: They're removable.

4 MR. BELL: What does the Board want
5 to do? What is the recommendation from
6 the Board?

7 MR. DONOVAN: Let me say this to
8 you before the Board takes any action.
9 For everybody else that has an
10 application here tonight, this is a
11 seven-member Board. In order to get an
12 affirmative result, you need four members
13 voting in favor. That would mean tonight
14 on a vote you'd need four out of five.
15 The general practice of the Board in the
16 past, any applicant is given the
17 opportunity to defer until there is a
18 full complement of members here,
19 increasing your odds, if you will, of
20 getting four votes. I'm not trying to be
21 persuasive. I'm just letting everyone
22 know that if two people vote against a
23 resolution to approve, you went down in
24 flames. You have the ability to ask the
25 Board to defer if you want.

2 I'm just putting that out to the
3 Board. I don't know how the Board feels.
4 I mean, it's an issue. You've done your
5 homework and said this is how you handled
6 it in the past. A dock is a little
7 different from a deck.

8 MR. DAIGLE: I would like to defer.
9 Thank you.

10 MR. DONOVAN: Is anybody here in
11 the public for this application?

12 MR. BELL: I thought it was closed.
13 I'm sorry.

14 MR. DONOVAN: The public hearing is
15 closed. I was going to say there's no
16 new notice or anything that's going to
17 come out. That's all I wanted to say.

18
19 (Time noted: 7:28 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO

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

AUGUSTIN RIVERA
130 Canterbury Drive, Newburgh
Section 17; Block 2; Lot 7.3
AR Zone

----- X

Date: January 22, 2026
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: AUGUSTIN RIVERA

----- X

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

2 MR. BELL: The next one is
3 Augustin Rivera, 13 Canterbury Drive,
4 an area variance of the front yard to
5 install a 10 by 20 accessory building
6 along the driveway.

7 I know that you were here last
8 month. If you want to give a quick
9 rundown on what you're trying to do
10 for those who were not here.

11 MR. RIVERA: If it please the
12 Board, I just have one thing I just want
13 to address. I received an e-mail with --

14 MS. JABLESNIK: It's a scam.

15 MR. RIVERA: I know. What is being
16 done about it?

17 MS. JABLESNIK: So, I mean, as of
18 right now we have it posted. I have it
19 on the front of all the agendas. I've
20 made everyone aware of it.

21 MR. RIVERA: Is the Attorney
22 General being aware of it, because how
23 did it --

24 MS. JABLESNIK: I'm the Zoning
25 Board secretary. The County is aware of

2 it and the supervisor is aware of it.

3 MR. RIVERA: I just want to make
4 sure. I don't want nobody getting
5 scammed.

6 MS. JABLESNIK: Yeah, yeah. We do
7 know.

8 MR. RIVERA: This is more important
9 than a shed.

10 MS. JABLESNIK: Yes. They're on it.

11 MR. RIVERA: Because the thing was
12 that the shed is only like \$6,000. They
13 were charging me like \$5,000 in fees and
14 stuff like that. I thought I was going
15 to the casino.

16 MS. JABLESNIK: They need to pay
17 for their Christmas presents.

18 MR. RIVERA: The e-mail looked
19 official. I came to the office and I was
20 going to give you a piece of my mind and
21 stuff like that. Like I said, I just
22 want to make sure, if you want --

23 MR. BELL: I'm good.

24 MR. RIVERA: You're good?

25 MR. DONOVAN: Not that it's going

2 to make you feel any better, but the Town
3 of Newburgh is not the only municipality
4 being targeted.

5 MR. RIVERA: I was not aware of it.

6 Let's get back to business and
7 stuff like that.

8 MR. BELL: Okay.

9 MR. RIVERA: I'm just looking out
10 for my fellow citizens.

11 Basically you came over to my
12 property I believe. Ms. Banks also
13 stopped. You saw I'm just trying to put
14 a 10 by 20 shed right there by my
15 driveway and stuff. I need the storage
16 on my property. It's not impeding
17 anything. It's a private road. All I'm
18 surrounded by is woods. There's not
19 anything that's blocking or anything like
20 that.

21 MR. DONOVAN: I think one of the
22 issues, the existing shed and the new
23 shed, you had -- I think you had stated
24 at the hearing last month that they were
25 going to be ten feet apart but your

2 handwritten drawing said three feet.

3 MR. RIVERA: When they did the --
4 because I had them grade the land so that
5 way it will fit flush by the driveway.
6 Instead of three feet, I believe it's at
7 the most six feet to eight feet, or
8 something like that. It's in between.
9 It's on my property and the most is going
10 to be towards the front of the house is
11 like twenty-five feet. I don't even need
12 it for the variance.

13 MR. DONOVAN: I think we want to
14 know the distance between the two sheds.

15 MR. RIVERA: Between the two sheds,
16 it's six to eight feet. I think it
17 was --

18 MR. DONOVAN: It says three and you
19 told us ten.

20 MR. RIVERA: When they graded it,
21 they graded it, you know, six feet away
22 from the other prior shed.

23 MR. BELL: So not ten feet?

24 MR. RIVERA: It's not ten feet.

25 It's about six feet.

2 MR. BELL: The grade is six feet
3 starting from end to end?

4 MR. RIVERA: From where the other
5 shed is to --

6 MR. BELL: So the distance between
7 is going to be six feet?

8 MR. RIVERA: Yeah. At most. It
9 passed the front of the house. I
10 measured it and it's twenty-five feet.

11 MR. HERMANCE: Is this going to be
12 a prefabricated shed?

13 MR. RIVERA: It's a prefab. I
14 ordered it and stuff like that. I'm just
15 waiting for the approvals so I can order
16 it. No construction in the house.
17 They're just going to plop it down.

18 MR. BELL: Basically it's almost
19 just like the shed that's currently
20 there --

21 MR. RIVERA: Yes.

22 MR. BELL: -- that I saw yesterday?

23 MR. RIVERA: It's a prefab.

24 MR. BELL: Prefab. Okay. All
25 right.

2 MR. HERMANCE: Just make sure they
3 set it six feet apart. We're going to
4 note that on the plans.

5 MR. BELL: They closed the public
6 hearing on this last time?

7 MR. DONOVAN: No. The public
8 hearing was continued to today.

9 MR. BELL: With that said, is there
10 anybody from the public here that wishes
11 to speak on this application?

12 (No response.)

13 MR. BELL: No one from the public.
14 Okay.

15 Is there a motion?

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

18 MS. BANKS: I'll second it.

19 MR. BELL: We have a first by
20 Mr. Eberhart and a second by Ms. Banks.
21 All in favor.

22 MS. BANKS: Aye.

23 MR. EBERHART: Aye.

24 MR. HERMANCE: Aye.

25 MR. BELL: Aye.

2 MR. MASTEN: Aye.

3 MR. BELL: Is there a motion from
4 the Board on this application?

5 MR. HERMANCE: Is this a Type 2?

6 MR. DONOVAN: It's a Type 2 action
7 under SEQRA. We have to do the balancing
8 test/act.

9 MR. BELL: Thank you. I'm trying
10 to move ahead.

11 The first one being whether or not
12 the benefit can be achieved by any other
13 means feasible to the applicant. It
14 seems like he's done what he needed to do
15 to get the spacing and have it graded.

16 Second, is there an undesirable
17 change in the neighborhood character or a
18 detriment to nearby properties.

19 MR. EBERHART: No.

20 MR. BELL: There's not. It's woods
21 all around him. It's open.

22 Third, whether the request is
23 substantial. Well, that's on him.

24 Fourth, whether the request will
25 have adverse physical or environmental

2 effects. It will not.

3 MR. HERMANCE: No.

4 MR. BELL: Fifth, whether the
5 alleged difficulty is self-created, which
6 it is but it's not relevant.

7 With that said, what is the motion
8 of the Board?

9 MS. BANKS: I'll make a motion to
10 approve.

11 MR. EBERHART: I'll second it.

12 MR. DONOVAN: Last month we talked
13 about making sure that we documented the
14 fact that this is the last house on a
15 private road, so the public is not
16 passing by, and that you might feel
17 differently if it was on a busy
18 thoroughfare with the public going by
19 and there was an accessory structure
20 in the front yard. We'll note that
21 in the decision.

22 The minimum distance between
23 this structure and the existing
24 structure is to be six feet.

25 That's what you said. Right?

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MS. BANKS: Yes. Of course.

MR. BELL: That was Ms. Banks and
Mr. Eberhart. Roll call.

MS. JABLESNIK: Ms. Banks.

MS. BANKS: Yes.

MS. JABLESNIK: Mr. Eberhart.

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Hermance.

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Masten.

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Bell.

MR. BELL: Yes.

Approved.

MR. RIVERA: Thank you, sir.

(Time noted: 7:37 p.m.)

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Michelle Conero

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

In the Matter of

JM & DM HOLDINGS
C/O JOSEPH ACCETTURA

1463 Route 300, Newburgh
Section 62; Block 1; Lot 8
B Zone

----- X

Date: January 22, 2026
Time: 7:37 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: FLOYD JOHNSON
JOSEPH ACCETTURA

----- X

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

2 MR. BELL: Let's get back to the
3 top of the agenda with JM & DM Holdings,
4 Joseph Accettura at 1463 Route 300 in
5 Newburgh. This is for an area variance
6 of increasing the degree of nonconformity
7 of the rear yard to include a patio/porch
8 on the left side of the building.

9 MS. JABLESNIK: The applicant sent
10 thirty-two letters.

11 MR. BELL: Thank you.

12 MS. JABLESNIK: We received County
13 back. It was a local determination.

14 MR. DONOVAN: Sir, you've been here
15 before, but can you tell Michelle who you
16 are.

17 MR. JOHNSON: Floyd Johnson.

18 We are proposing to close in two
19 existing patios, one on the left side of
20 the property and one in the rear of the
21 property. We are not going outside the
22 footprint of what exists there right now.

23 What we have is two nonconforming
24 setbacks, one on the rear and one on the
25 side of Union Avenue. We're looking for

2 a variance for those two nonconforming
3 setbacks.

4 MR. BELL: Okay. When I was out
5 there there was a young lady that was
6 inside of the building. I guess she
7 called --

8 MR. ACCETTURA: Probably my
9 daughter.

10 MR. BELL: Okay. She called, I'm
11 assuming it was probably you.

12 MR. ACCETTURA: Yes.

13 MR. BELL: She only showed me one
14 side that had been requested, and that
15 was coming out that side door.

16 MR. ACCETTURA: That's the side
17 we're looking for. There was a back
18 wall.

19 MR. BELL: So there are two and not
20 one?

21 MR. JOHNSON: We're enclosing this
22 here. This has a nonconforming setback.
23 We have the second one which is on the
24 left side.

25 MR. BELL: On the left side. So

2 the one on the rear side you're enclosing?

3 MR. JOHNSON: Yes. We're enclosing
4 this and then the rear.

5 MR. BELL: Okay. I'll start with
6 Mr. Masten.

7 MR. MASTEN: I have nothing right
8 now, Darrell.

9 MR. BELL: Greg.

10 MR. HERMANCE: There's currently a
11 roof over each one of those?

12 MR. ACCETTURA: Yes.

13 MR. HERMANCE: Instead of open air
14 it's --

15 MR. ACCETTURA: We got a variance
16 before, because I just moved my office
17 there. What we found is we tried to use
18 this as another workspace and it's
19 freezing. The women don't want to go out
20 in 50 degree weather. We just wanted to
21 basically enclose that. If you know the
22 way I enclosed the porch currently, it's
23 done very tastefully. Everything will be
24 done -- you know, it will be nice.

25 MR. HERMANCE: It's not going

2 outside the existing footprint?

3 MR. ACCETTURA: No.

4 MR. HERMANCE: That's all I have.

5 MR. EBERHART: I have no questions.

6 MS. BANKS: No questions.

7 MR. BELL: No questions. Okay.

8 Is there anyone here from the
9 public that wishes to speak on this
10 application?

11 (No response.)

12 MR. BELL: Nobody. Okay.

13 With that said, let's make a motion
14 to close the public hearing.

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

17 MR. MASTEN: I'll second it.

18 MR. BELL: We have Mr. Eberhart and
19 Mr. Masten seconded. All in favor.

20 MS. BANKS: Aye.

21 MR. EBERHART: Aye.

22 MR. HERMANCE: Aye.

23 MR. BELL: Aye.

24 MR. MASTEN: Aye.

25 MR. DONOVAN: This is a Type 2

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action under SEQRA, Mr. Chairman.

MR. BELL: So with that being said, the first one being whether or not the benefit can be achieved by any other means feasible to the applicant. I don't think so from what I saw.

MR. JOHNSON: It's the existing setbacks. They're both nonconforming.

MR. BELL: Second, is there an undesirable change to the neighborhood character or a detriment to nearby properties. No, there's not.

Third, whether the request is substantial. It's not.

Whether the request would have adverse physical or environmental effects.

MR. HERMANCE: No.

MR. BELL: No.

Fifth, whether the alleged difficulty is self-created, which it is but that's on you.

With that then said, what is the motion of the Board?

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

MR. MASTEN: I'll second it.

MR. BELL: We have a first by
Mr. Eberhart and a second by Mr. Masten.

Do a roll call, Siobhan.

MS. JABLESNIK: Ms. Banks.

MS. BANKS: Yes.

MS. JABLESNIK: Mr. Eberhart.

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Hermance.

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Masten.

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Bell.

MR. BELL: Yes.

That one is approved.

MR. JOHNSON: Thank you.

(Time noted: 7:42 p.m.)

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

JAMES SAFFIOTI
20 Jennifer Rose Way, Wallkill
Section 5; Block 1; Lot 14
RR Zone

----- X

Date: January 22, 2026
Time: 7:42 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: NILS FREDRIKSEN

----- X

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

2 MR. BELL: Next on the agenda is
3 James Saffioti, 20 Jennifer Rose Way, an
4 area variance of the rear yard setback to
5 build a 4 by 10 rear deck extension.

6 How many mailings, Siobhan?

7 MS. JABLESNIK: Twenty-three.

8 MR. BELL: Twenty-three mailings.
9 Thank you.

10 MR. FREDRIKSEN: My name is Nils
11 Fredriksen, I'm the architect for 20
12 Jennifer Rose Way.

13 I was here a couple months ago for
14 the front addition that you approved.

15 Since then we have been looking at
16 the rear deck. The hope is to increase
17 the width of the rear deck to align with
18 the family room that's in the back.

19 My client uses that rear deck
20 often. It really enhanced that space.

21 The entire lot is nonconforming.
22 The rear deck is nonconforming. There's
23 a small little triangle of 2.2 square
24 feet that cantilevers over the rear yard
25 setback. We believe that's a relatively

2 minor variance, so we're hoping that you
3 grant that.

4 The posts below it are within the
5 setbacks. Again, it's just cantilever
6 joists that are coming out.

7 I'm happy to answer any questions
8 you may have about it.

9 MR. BELL: I'm going to start with
10 Ms. Banks.

11 MS. BANKS: No questions.

12 MR. BELL: Mr. Eberhart.

13 MR. EBERHART: No questions.

14 MR. HERMANCENCE: I have no questions.

15 MR. MASTEN: No questions.

16 MR. BELL: Okay. This is going to
17 be easy. I only have one. I noticed
18 that the septic tank --

19 MR. FREDRIKSEN: We uncovered it,
20 which is why you can see that we angled
21 part of that deck. Originally we had it
22 squared off. We pulled that back to make
23 sure the footing is not close -- too
24 close to the septic tank. The tank is
25 also concrete, so I'm not too concerned

2 about the proximity of the footings.

3 MR. BELL: That was my only
4 concern.

5 Are you okay with that, Joe?

6 MR. MATTINA: Yes. It's all good.

7 MR. HERMANCENCE: You can still access
8 the clean-outs?

9 MR. FREDRIKSEN: We opened everything
10 up. We actually raised the access.

11 MR. BELL: There were three or four
12 smaller ones in a row going out?

13 MR. FREDRIKSEN: No. There's one
14 tank but there are two access hatches.

15 MR. BELL: Access hatches. I saw
16 that.

17 MR. FREDRIKSEN: We uncovered the
18 entire thing. I documented the locations
19 just to make sure there was no conflict.

20 MR. BELL: Good.

21 Is there anyone here from the public
22 that wishes to speak on this application?

23 (No response.)

24 MR. BELL: Nobody tonight.

25 Is there a motion to close the

2 public hearing?

3 MR. EBERHART: I'll make a motion
4 to close the public hearing.

5 MR. BELL: Mr. Eberhart. A second?

6 MS. BANKS: I'll second.

7 MR. BELL: Ms. Banks. All in favor.

8 MS. BANKS: Aye.

9 MR. EBERHART: Aye.

10 MR. HERMANCE: Aye.

11 MR. BELL: Aye.

12 MR. MASTEN: Aye.

13 MR. BELL: With that said, this is
14 a Type 2?

15 MR. DONOVAN: A Type 2 action.

16 MR. BELL: Let's go through the
17 balancing act, the first one being whether
18 or not the benefit can be achieved by any
19 other means feasible to the applicant.
20 No, I don't think so. You have a small
21 area. There's an angle to put this
22 addition of the deck in.

23 Second, is there an undesirable
24 change to the neighborhood character
25 or a detriment to nearby properties.

2 No, there's not.

3 Third, whether the request is
4 substantial. It is for him.

5 Fourth, whether the request will
6 have adverse physical or environmental
7 effects. It will not.

8 Fifth, whether the alleged
9 difficulty is self-created.

10 With that said, what is the motion
11 of the Board?

12 MR. MASTEN: I'll make a motion to
13 approve it.

14 MR. EBERHART: Second.

15 MR. BELL: We've got a motion by
16 Mr. Masten. We have a second by
17 Mr. Eberhart.

18 Can you do a roll call, please.

19 MS. JABLESNIK: Ms. Banks.

20 MS. BANKS: Yes.

21 MS. JABLESNIK: Mr. Eberhart.

22 MR. EBERHART: Yes.

23 MS. JABLESNIK: Mr. Hermance.

24 MR. HERMANCE: Yes.

25 MS. JABLESNIK: Mr. Masten.

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MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Bell.

MR. BELL: Yes.

You're approved.

(Time noted: 7:48 p.m.)

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I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO

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

SILBASE ENTERPRISES, LLC
JOSE GARCIA

97 Colden Hill Road, Newburgh
Section 47; Block 1; Lot 5.21
R-1 Zone

----- X

Date: January 22, 2026
Time: 7:48 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: JOSE GARCIA

----- X

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

2 MR. BELL: The next one is Silbase
3 Enterprises, Jose Garcia, 97 Colden Hill
4 Road, an area variance of the minimum
5 side yard setback to keep a 14 by 45 rear
6 deck.

7 MR. GARCIA: Yes. Members of the
8 Board, my name is Jose Garcia. I'm the
9 owner of 97 Colden Hill in the Town of
10 Newburgh. I want to thank you for having
11 me here to speak today.

12 I'm here to request to approve the
13 variance on the setback requirement for a
14 deck extension. This is an existing deck.
15 When I bought the house it was like that.
16 This caused a real problem back -- going
17 back twenty-three years ago. I checked
18 MLS when the house was for sale back in
19 2003. They mentioned the deck and the
20 size of the deck.

21 Anyway, the need for the variance
22 is primarily due to the unique shape
23 of the lot. Unlike other standard
24 rectangular parcels in the area, my
25 lot lines are triangular shaped which

2 limits the buildable area. Because
3 of this irregular shape, it is hard
4 to comply strictly with the setback
5 requirement. Because of this
6 irregular shape -- I'm sorry I'm
7 taking so long.

8 MR. BELL: Take your time. You
9 have trouble reading your own notes
10 there.

11 MR. GARCIA: I've got my notes.
12 This is the shape of my lot here. It's
13 like a triangle, if you guys can see it.
14 Then I'll give you a demonstration.
15 Let's say this is the house and this
16 would be the deck. Like the deck is more
17 like two feet this way.

18 The house itself is complying with
19 the setback, however the deck -- because
20 it is a triangular shape, the deck --
21 here's the corner. That's where the two
22 feet is. Around that corner, it's two
23 feet shy from complying with the setback
24 requirement.

25 The structure of the deck provides

2 a safe and reasonable outdoor living
3 space.

4 The two-foot variance is minimum in
5 nature or minor and it does not interfere
6 with any utility, drainage or anything
7 else.

8 It does not impact the neighborhood
9 or other peoples' properties in a negative
10 way.

11 Also, it's consistent with the
12 appearance and use of all the neighbors'
13 decks.

14 We don't have any complaint in
15 regards because it isn't noticeable. If
16 you guys go there and you stand there, you
17 don't see it. It's only two feet in that
18 corner.

19 It does not impact the welfare of
20 the neighborhood. There's not any safety
21 issues with this deck.

22 That's all I have. Thank you for
23 having me here.

24 MR. BELL: We went out there and
25 we've seen your property. We're required

2 to.

3 What you're saying is that you have
4 a rectangular property?

5 MR. GARCIA: Rectangular shape.

6 MR. BELL: Even though your deck is
7 aligned with the back of your house, the
8 property cuts in?

9 MR. GARCIA: Yes. Just like that
10 corner of the deck.

11 MR. BELL: I understand. Okay.

12 Let me start down here with Ms. Banks.
13 Any questions?

14 MS. BANKS: Not right now.

15 MR. BELL: Mr. Eberhart.

16 MR. EBERHART: No. I'm clear on
17 what his issue is.

18 MR. HERMANCENCE: It requires 30 feet
19 minimum and he's at 28. It's a 2-foot
20 variance because of the configuration of
21 the lot.

22 MR. GARCIA: That little corner
23 here.

24 MR. HERMANCENCE: This was preexisting,
25 you said?

2 MR. GARCIA: Yes. I checked MLS
3 back in 2003. It mentions the deck. I
4 inherited the issue.

5 MR. BELL: Did you purchase the
6 property or you inherited the property?

7 MR. GARCIA: I purchased. I
8 inherited the problem.

9 MR. BELL: You inherited the
10 problem. I wanted to make sure. I see
11 what you're saying. I wanted to hear it
12 from you.

13 Was this deck built back then with
14 a permit, Joe?

15 MR. MATTINA: No. The previous
16 owner built it without a permit. He
17 applied for a permit, we sent him to
18 zoning and he never went. Basically we
19 just transferred all the numbers you see
20 here from the old applicant.

21 MR. BELL: Over to the new guy when
22 they purchased the house.

23 MR. MATTINA: He bought the problem.

24 MR. BELL: Your realtor or somebody
25 should have helped you out.

2 MR. DONOVAN: Mr. Chairman, look at
3 the deed that's attached to the application.
4 He bought it at foreclosure. If you buy
5 a piece of property at foreclosure, you
6 take it as is. If there's a violation,
7 you get the violation and you have to
8 come to the ZBA on the fourth Thursday
9 of the month to take care of the problem.

10 MR. BELL: That's a good point.
11 Exactly. When you buy at foreclosure,
12 you take on whatever the responsibilities
13 are.

14 MR. MASTEN: I have one question.
15 When I was out there I didn't see the
16 sign for the --

17 MR. BELL: It's up in the tree.

18 MR. MASTEN: There was no sign for
19 the Zoning Board on the pole.

20 MR. GARCIA: I placed the sign and
21 took pictures.

22 MR. MASTEN: We had a snowstorm
23 since then, too.

24 MR. GARCIA: I think it was high.

25 MR. MASTEN: That's the Town of

2 Montgomery out there. When they plow,
3 they knock everything down.

4 MR. GARCIA: He saw it.

5 MR. BELL: It was up way high. It
6 was not where it should have been so we
7 could see it.

8 MR. GARCIA: I wanted to make
9 sure --

10 MS. JABLESNIK: He didn't want it
11 to get plowed away.

12 MR. BELL: Is there anyone here from
13 the public to speak on this application?

14 (No response.)

15 MR. BELL: Okay. With that said,
16 I'll take a motion to close the public
17 hearing.

18 MS. BANKS: I'll make a motion.

19 MR. EBERHART: I'll second it.

20 MR. BELL: We have a first by
21 Ms. Banks and a second by Mr. Eberhart.
22 All in favor.

23 MS. BANKS: Aye.

24 MR. EBERHART: Aye.

25 MR. HERMANCENCE: Aye.

2 MR. BELL: Aye.

3 MR. MASTEN: Aye.

4 MR. BELL: Ms. Banks, you said you
5 didn't have other questions?

6 MS. BANKS: No.

7 MR. BELL: With that said, this is
8 a Type 2 action.

9 Let's go through the balancing act
10 here, the first one being whether or not
11 the benefit can be achieved by any other
12 means necessary -- by any other means
13 feasible to the applicant. No. This
14 property is a rectangle and the deck is
15 preexisting.

16 Second, is there an undesirable
17 change in the neighborhood character or a
18 detriment to nearby properties. No.
19 Everything was in character all around.

20 Third, whether the request is
21 substantial. No, it isn't.

22 Whether the request will have adverse
23 physical or environmental effects. It will
24 not.

25 Fifth, whether the alleged difficulty

2 is self-created. That's relevant but
3 not determinative.

4 With that said, is there a motion
5 from the Board?

6 MR. MASTEN: I'll make a motion for
7 approval.

8 MR. BELL: We have a first by
9 Mr. Masten.

10 MR. EBERHART: I'll second.

11 MR. BELL: We have a second by
12 Mr. Eberhart.

13 Can you do a roll call.

14 MS. JABLESNIK: Ms. Banks.

15 MS. BANKS: Approve.

16 MS. JABLESNIK: Mr. Eberhart.

17 MR. EBERHART: Yes.

18 MS. JABLESNIK: Mr. Hermance.

19 MR. HERMANCE: Yes.

20 MS. JABLESNIK: Mr. Masten.

21 MR. MASTEN: Yes.

22 MS. JABLESNIK: Mr. Bell.

23 MR. BELL: Yes.

24 You're good.

25 MR. GARCIA: Thank you.

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MR. BELL: How many mailings?

MS. JABLESNIK: There were fifteen.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO

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

KIM IZWORSKI
4 June Road, Newburgh
Section 94; Block 1; Lot 24
R-1 Zone

----- X

Date: January 22, 2026
Time: 7:58 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: KIM IZWORSKI

----- X

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

2 MR. BELL: The next one is Kim
3 Izvorski at 4 June Road for area
4 variances of the rear yard, combined
5 side yards, lot surface coverage and
6 increasing the degree of nonconformity
7 of one side yard to keep a 12 by 14
8 rear and side yard deck.

9 With that said --

10 MS. IZWORSKI: So I'm here to
11 request --

12 MR. BELL: If you could give her
13 your name.

14 MS. IZWORSKI: My name is Kim
15 Izvorski. I live at 4 June Road.

16 I'm requesting a variance for a
17 deck that's been built that's 12 by 14.
18 It comes right off the back of the house.
19 There's a stair going down into the
20 driveway and there's a stair going into
21 my backyard.

22 When I applied for this permit I
23 saw that there were other things I needed
24 variances for, the rear yard setback, the
25 30-foot minimum yard setback, the

2 required combined side yard setback, the
3 maximum allowed lot surface coverage of
4 20 percent. None of that has been
5 changed for me. I bought the house as it
6 is. It was built, you know, in 1928.

7 The fence my neighbor put up
8 further in on her property. There's
9 still that line. Like I said, it was
10 like that when I bought it. Things
11 changed I guess.

12 MR. BELL: Okay. It's my
13 understanding that you're going to put
14 the home up for sale. That's the reason
15 why you're here?

16 MS. IZWORSKI: Yes.

17 MR. BELL: You did get a permit or
18 you did not have a permit for the change?

19 MS. IZWORSKI: No, I did not.

20 MR. BELL: Okay. We'll start down
21 with Mr. Masten.

22 MR. MASTEN: I have no questions.

23 MR. BELL: Mr. Hermance.

24 MR. HERMANCE: This was built by
25 you or somebody else?

2 MS. IZWORSKI: Somebody else. It's
3 1928. It's an older stone home. I just
4 bought the house in 2017.

5 MR. HERMANCE: So you bought it
6 with preexisting --

7 MS. IZWORSKI: Yes. All of that
8 was preexisting.

9 MR. HERMANCE: That's all I have.

10 MR. BELL: Mr. Eberhart.

11 MR. EBERHART: No questions.

12 MR. BELL: Ms. Banks.

13 MS. BANKS: No.

14 MR. BELL: Is there anybody here
15 from the public that wishes to speak on
16 this application?

17 (No response.)

18 MR. BELL: No. Okay.

19 MS. IZWORSKI: I sent the letters.

20 MS. JABLESNIK: Fifty-two.

21 MS. IZWORSKI: Fifty-two.

22 MR. BELL: With that said, we'll
23 have a motion to close the public hearing.

24 MR. HERMANCE: I'll make the motion.

25 MR. EBERHART: He made the motion.

2 I'll second it.

3 MR. BELL: Mr. Hermance and
4 Mr. Eberhart. All in favor.

5 MS. BANKS: Aye.

6 MR. EBERHART: Aye.

7 MR. HERMANCE: Aye.

8 MR. BELL: Aye.

9 MR. MASTEN: Aye.

10 MR. BELL: With that said, it's a
11 Type 2 action under SEQRA?

12 MR. DONOVAN: Correct, Mr. Chairman.

13 MR. BELL: We'll do the balancing
14 act one more time, the first one being
15 whether or not the benefit can be
16 achieved by any other means necessary.
17 No, it cannot be. It's preexisting.

18 Second, is there an undesirable
19 change in the neighborhood character or a
20 detriment to nearby properties. No. It
21 actually is a good looking deck. It
22 looks really well.

23 Third, whether the request is
24 substantial.

25 Fourth, whether the request will

2 have adverse physical or environmental
3 effects. None at all.

4 Fifth, whether the alleged
5 difficulty is self-created.

6 With that said, what is the motion
7 of the Board?

8 MR. EBERHART: I'll make a motion
9 for approval.

10 MS. BANKS: I'll second it.

11 MR. BELL: We have a motion by
12 Mr. Eberhart and a second by Ms. Banks.
13 Roll call, Siobhan.

14 MS. JABLESNIK: Ms. Banks.

15 MS. BANKS: Yes.

16 MS. JABLESNIK: Mr. Eberhart.

17 MR. EBERHART: Yes.

18 MS. JABLESNIK: Mr. Hermance.

19 MR. HERMANCE: Yes.

20 MS. JABLESNIK: Mr. Masten.

21 MR. MASTEN: Yes.

22 MS. JABLESNIK: Mr. Bell.

23 MR. BELL: Yes.

24 You're approved.

25 MS. IZVORSKI: Thank you so much.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO

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

NICK & JENNIFER DiLEMME
DiLEMME & SONS, INC.

2201 Route 300, Wallkill
Section 3; Block 1; Lot 91.2
AR Zone

----- X

Date: January 22, 2026
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman
LATWAN BANKS
JAMES EBERHART, JR.
GREGORY M. HERMANCE
JOHN MASTEN

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

APPLICANT'S REPRESENTATIVES: TAYLOR PALMER

----- X

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

2 MR. BELL: This next one is Nick
3 and Jennifer DiLemme at 2201 Route 300,
4 Wallkill.

5 Go ahead, explain.

6 MR. PALMER: Thank you for saving
7 the best for last. For the record,
8 Taylor Palmer with the law firm of
9 Cuddy & Feder on behalf of the applicants.
10 I'm joined by my colleague Dan Conant,
11 also of Cuddy & Feder.

12 While we are not before you for
13 a deck this evening, that seems to be a
14 popular request, we are instead before
15 you seeking a --

16 MR. DONOVAN: Is anything cantilevered?

17 MR. PALMER: It's not close enough
18 to Orange Lake, so we're good on that for
19 tonight.

20 We are seeking a determination that
21 the company's use of the property, as it
22 has for the last forty some odd years, is
23 indeed preexisting nonconforming on the
24 site.

25 As we detailed in our submission to

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you all dated December 26th, we have included requests for alternative relief for variances. One would be an alternative for the area variances and the other alternative would be for the use variances. I'll get through that, just give me a minute. I'll slow down for Michelle so I don't speak too quickly and she can keep up with where I'm going for the benefit of the public.

So as we did note in our submission and as the form requests, and as counsel mentioned, we will be asking the Board to continue the hearing tonight while we'll certainly seek the input from the public and the Board and try to address any questions you may have.

One piece on that, on top of the forum consideration, is that, and we have included it in our submission, we're still waiting to obtain copies of the historical zoning codes that we submitted FOIA requests for dating

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back to September. We still have those pending. We'll circle back to that in more detail in just a minute.

Turning back to the instant application. As this is the initial public hearing on the application, if I may, I'll provide you all with some background regarding the application and the requests we have. There are visuals in your packages. Next time around we will bring some more photos that we'll blow up so you have them. I know some of you may have conducted a site visit. To the extent you haven't, you can certainly come out to the site as you all see fit in the interim.

MR. DONOVAN: Can I interrupt you for two seconds? I just want to -- the main part of this request is that the use be maintained on the property, what's called a preexisting nonconforming use. Some Members are new. We don't get this a lot. The burden is to prove that when

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the use started it was legal, either because it was allowed by the zoning ordinance or it wasn't regulated, there was no regulation in place. You've got to look at, I think the date was 1980 or the early '80s, that when it was started, it was permitted. If it's now outlawed, it's permitted to continue as a preexisting nonconforming use.

I just want to make sure the Board is clear on that, on the definition of that.

I know Ms. Banks is still brand new on the Board. You haven't had any of those. Number one, he has to demonstrate to your satisfaction that the use was legal when it started.

Sorry.

MS. BANKS: I have had one of those.

MR. HERMANCE: It's not a change in use.

MR. DONOVAN: That's not the argument. It's preexisting nonconforming.

Sorry, Taylor.

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MR. PALMER: To orient everyone, this is a 1.2 acre property with driveway access on both Route 300 and Strawridge Road. The property is presently classified in the AR, that's your Agricultural Residential, Zoning District. It is improved by a residence with primary driveway access to Route 300. In the back there's a detached garage and a workshop. All of these are in Exhibit A. Images of the property and what we're discussing with you is there. There is driveway access also to Strawridge Road. The rear of the property is also enclosed by a fence that helps screen some of the use to the rear.

The company's use of the property is limited really to the basement office, which is about a 500 square foot area, which is all per the assessor's card. This property has been assessed as a business use. The use again, to our position of it being existing

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nonconforming, has been noted again in the Town's records as being operated as such.

The parking area and the company's vehicles park in a gravel parking area and the detached garage that are behind the residence.

As you would expect, the company's primary work, which is masonry and concrete work, is done not on the property but rather offsite at job sites. Not on the property itself. The property and use of -- the limited use of the property is really for administrative work in the basement and then for vehicles to park. Those are really the two operations here. There are not other sort of construction-related activities there.

If I turn to the application, it is more fully detailed in our December 26th submission, we first asked the Board, as David mentioned,

2 to essentially overturn or to
3 reconsider or interpret a more
4 favorable interpretation in favor of
5 the property owner regarding the
6 legal existing nonconforming use, the
7 use which dates back to the early
8 '80s, that falls within the 1974 code
9 of the home occupation.

10 We have a lot of material in our
11 package. I'll try to break some of
12 that down as far as definitional
13 sections for your benefit tonight.

14 Critically, the applicant's
15 ability to assess the accuracy of the
16 building -- not Mr. Mattina's
17 determination but the determination
18 of the Code Compliance office, we
19 haven't been able to do that because
20 we haven't had the benefit of that
21 additional code to tell us anything
22 else that may have been in the code
23 that could otherwise enable this.
24 While we're relying on what we have,
25 older codes and newer codes, to make

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this submission to you all, we are still seeking what the 1974 code said because that may have also provided additional uses that may have been availed by the property owners at that time.

Despite that, let me get into sort of the nature of what it is that we're before you for this evening. So the issue that is before you, this Board, again is an interpretation. If the Board did not find favorably for that or upheld the building inspector, or to some extent of that, we've submitted, in the alternative, applications for area variances and use variances.

Turning back to the use of the company on the property. Our client, Nick DiLemme, is not here with us this evening. His father Nicandro started this masonry business, and shortly thereafter the family business, after he was laid off from the Ford

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manufacturing plant in Mahwah,
New Jersey. After that is when the
Ford manufacturing plant was closed
back in the '80s. That's when this
business was started on the property.
We've included some photos in our
submissions showing you some of the
vehicles that had been parked on the
site for the DiLemme operations there.
Nicandro's business quickly proved
successful, and in the mid 1980s it
had grown into a family business.
Nicandro and his wife Francesca and
his sister Antoinette, they used the
basement of that family home, the
same property we're talking about
this evening, as a home office and
a family business with that detached
garage as a workshop. That was built
in around 1984. Also the adjacent
parking area for the vehicles and the
equipment utilized by DiLemme & Sons.
The company also provided concrete
masonry and finishing services. They

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formally incorporated DiLemme, Inc. in 1987 and continued to utilize the property since then. That leads us to today.

Turning to our appeal from the Code Compliance letter. While we have not been able to review those codes, we do submit that the company's use since the '80s does constitute a permitted home occupation under that '74 code.

This is where I'll get into some of the more technical or definitional language that we have from old zoning codes. So in the 1974 code and the schedule of uses for this district, they have the following accessory uses that were permitted on the property. It had home occupations, it had private garages and carports of not more than four vehicles, off-street parking for commercial vehicles operated by the occupants of the permitted residence when such

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vehicles are housed in the garage or carport and off-street parking not undercover for not more than one commercial vehicle not over 25 feet in length. These accessory uses contain several terms that are not subject to the interpretation if not defined in the local law in 1974, such as commercial vehicles, the definition for which may not have been adopted in the September 1998 private garage/carport enactments.

That being said, the family business, the company use in the '80s, should be considered a home occupation under the 1974 code because its use of the basement to conduct the back office operations, the administrative work which was in connection with any gainful occupation. I should be quoting all these things. These are all in your packets. I'm trying to provide some more detail here. Quoting, "Any gainful occupation or

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professional customarily conducted within a dwelling or residence thereof," clearly secondary to the DiLemme's use of the dwelling for their living purposes and did not change the structure's use as a residence, which it has not. It is still being used as a residence and the administrative office downstairs, and the vehicles are parked on the site.

This interpretation is fully supported by the 1974 definition of home occupations which goes on to state that permissible home occupations shall include but are not limited to offices for certain professions and practices such as an architect, engineer, real estate agent or accountant. There are some other specifics, but it's a generalized list of what could be considered.

The local law also allowed parking and storage of cars and

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vehicles and equipment on the property as accessory uses subject to certain limitations. So the family business and the company's use of those workshops on the property -- workshop on the property should be the same as not running afoul to that requirement in that it is customarily conducted within the home occupation and the storage of the vehicles.

We also submit that the historical use of the basement seemingly complied with the home occupation requirement of not having more than one nonresident employee working on the premises at any one time. Again, these are not employees working at this site. They're coming to the site, taking the vehicles and leaving. Then we have the administrative office operations.

Lastly, we submit that the basement office also complies with the dimension requirements of the

2 home occupation under the '74
3 definition. With that piece of this,
4 per the Town's Code, the floor area
5 for the basement is about 580 square
6 feet which is approximately 28 percent
7 of the dwelling's total living area.
8 It's well before the 1974 definition
9 limit of not more than one half of
10 the ground floor or the equivalent
11 area of the dwelling is so used.

12 Now I'll switch from the
13 interpretation to trying to keep the
14 use as it has been operating on the
15 site. In the alternative, if the
16 Board finds it is not an existing
17 legal nonconforming use, we have
18 submitted a request for area variances.
19 To that position, while we submit that
20 area variances are not required because
21 this is an existing legal nonconformity,
22 we then turn your attention to Section
23 185.48.6 -- I'll provide you with my
24 transcript so you have it for your
25 records -- which limits the number of

2 resident employees on the property at
3 any one time to one employee whose
4 activity shall be confined to a
5 space in the dwelling. We'll
6 essentially be seeking an employee
7 variance in the alternative. Under
8 existing conditions we wouldn't be
9 seeking any variance relief whatsoever,
10 just a determination from your Board
11 that this is an existing legal
12 nonconformity. In the alternative,
13 we're seeking an area variance for
14 the number of employees internal to
15 the operation.

16 The second would be off-street
17 parking for commercial vehicles in
18 all residential districts which
19 limits the number of commercial
20 vehicles having a gross weight of
21 more than 16,500 pounds.

22 Those would be the area variance
23 alternatives, for the number of vehicles
24 and the employees that we would seek
25 if not granted the interpretation.

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Let me speak specifically to the company's primary operations and then I'll certainly defer any questions or any comments the Board or the public may have.

The company's primary operations are the masonry and the concrete work that I mentioned. They take place offsite throughout Orange County and the Hudson Valley. The commercial variance that we're seeking to permit the company to store its vehicles in the workshop and the parking area, i.e. an overnight use, not during the day, and the employee variance seeks to allow these employees to park their vehicles at the premises while working offsite. Normally they'll try and keep these trucks between different job sites and not bring them back to the site. To the extent that they are on the site, they're there. These are pick ups and drop offs and not running throughout

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the day. I won't go factor by factor as we did do that in our December 26th submission.

For the public hearing tonight we would submit that we know -- we expect there will be comments from the public. For your benefit we did provide a letter by e-mail to Siobhan earlier tonight. It included three additional public letters of support. There are about thirty letters. I think it's twenty-seven. I haven't done the math on the number of mailings. It's twenty-six ish plus three more. We're about twenty-nine. There's support to get us to about thirty letters of support in connection with tonight's application.

The second alternative I mentioned.

There's also, sort of to preserve our rights in this application, a third alternative for a use variance, and that would be if the Board felt or determined that it was not an

2 existing legal nonconformity and
3 ultimately -- or some components of
4 it that didn't necessitate the area
5 variances, then we would just be
6 seeking a use variance to allow this
7 operation on the site. That part we
8 can get into further.

9 We have reached out to bring on
10 an economic consultant who would
11 evaluate no other economic viable
12 use. Again, the only other permitted
13 use on the site is a single-family
14 residence. Again our position being
15 this is a historic existing legal
16 nonconformity.

17 So at the end of the day we are
18 merely seeking an interpretation from
19 your Board that this is a legal
20 nonconformity, and in the alternative
21 variance relief that is before you.

22 MR. DONOVAN: If I can. Of the
23 many distinguished people who have taken
24 time out of their busy lives to come
25 tonight, I do notice that the Town

2 Attorney is here.

3 Mr. Taylor, good evening. Do you
4 wish to make any statement now or are you
5 just here to observe and listen?

6 MR. TAYLOR: I'm here to observe
7 and listen. The letter decision speaks
8 for itself.

9 MR. DONOVAN: I wanted to give you
10 the opportunity.

11 MR. TAYLOR: Thank you, Mr. Donovan.

12 MR. BELL: You said in the
13 beginning that this was preexisting and
14 it was permitted in the 1980s?

15 MR. DONOVAN: I didn't say that.
16 He said that. I said you were going to
17 have to decide that.

18 Basically the threshold, his lead
19 argument -- not to speak for him, his
20 lead argument, which is clear, is we were
21 allowed when we started, therefore we get
22 to continue as a preexisting nonconforming
23 use.

24 There is a lot of information. A lot
25 of folks have submitted letters. There

2 are a lot of folks here tonight. You
3 may want to listen to the public
4 because obviously this is not going
5 to finish tonight. You need time to
6 digest what's going on.

7 I would suggest that you hear --
8 obviously Mr. Palmer made his
9 presentation. There are also some
10 detailed letters from Code Compliance
11 that indicate why they are finding
12 this to be in violation. I would
13 commend them to your reading as well.
14 You may want to read them first and
15 then read the response, if you
16 haven't done that already, to kind of
17 orient you as to where you are.

18 There are a lot of folks from
19 the public. They're here. They've
20 taken time out of their lives. You
21 may want to listen to them.

22 MR. BELL: We'll start.

23 MS. BANKS: I had a question. How
24 did this come before us?

25 MR. PALMER: Do you want to speak

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to that, Mr. Donovan?

MR. DONOVAN: Code Compliance issued a violation and then took them to court. When they make an application to the ZBA, that stops the court proceeding until we make a determination, unless there's an allegation of imminent public harm, which there's not. They stopped that enforcement proceeding because they're here.

MS. BANKS: Before Zoning.

MR. DONOVAN: Correct.

MS. BANKS: So was it like an inspector noticed it or did a neighbor complain?

MR. MATTINA: It came from a neighbor complaint.

MR. PALMER: Just for your benefit Ms. Banks, we did submit a request when that initial violation was issued. The applicant never had received any type of determination with respect to the use, so then the applicant had to apply. As Mr. Donovan mentioned, it was brought

2 into the local justice court to
3 review the claims. We then sought an
4 interpretation of the Zoning Code
5 based on what the existing nonconformities
6 were, and then Code Compliance issued
7 a determination letter, based on their
8 reading of the code, that this use was
9 not -- the full use was not a full
10 legal existing nonconforming use.
11 What we requested is the law that
12 existed at the time, and we still
13 haven't been provided that. We think
14 that will benefit or further our
15 application, which is why we're
16 seeking to continue the hearing, in
17 hopes that we might get that, too, to
18 help further strengthen our position.

19 MR. BELL: With that said, I know
20 we have quite a few people from the
21 public. Raise your hand.

22 Ma'am, come forward.

23 MS. PILLITTERI: My name is Kayla
24 Pillitteri. I do have a statement
25 prepared that I would like to read, but I

2 would like to touch upon some of the
3 statements that I overheard while they're
4 still fresh in my mind.

5 I've lived at my house since 2015,
6 and just in that amount of time the
7 business has grown exponentially. I
8 understand that they're saying when they
9 started back in the '80s it was possibly
10 allowed. We don't know that yet. What
11 was happening in the '80s is not what is
12 currently happening now. The business is
13 not an administrative facility. It is
14 constant construction all day, every day
15 starting normally before 6 a.m. and
16 continuing until 8, 9 p.m. It's not
17 happening offsite. It's happening there,
18 directly at the facility.

19 The other main point is that we're
20 saying that this is happening at 2201
21 Route 300. That's not where this is
22 happening at all. As you can see --
23 Danielle, one of my other neighbors, does
24 have a Google Map for you to look at.
25 2201 is the address that they're using,

2 but there's no access point from 2201
3 back to Strawridge Road. Everything is
4 happening off of Strawridge Road.
5 There's no way for them to be getting
6 from 2201 Route 300 back to the workshop.
7 It is a massive operation with multiple
8 huge dump trucks, cranes that are there
9 all the time. They're not going offsite.
10 They're always onsite.

11 There's also multiple employees.
12 There's not one employee and it's not
13 just somebody working in a basement. If
14 that was the case, I would have no
15 problem with it.

16 I understand if there are other
17 people in the community that do support
18 it because it's a small business, of
19 course you want to keep a small business
20 in the community. They're not their
21 neighbors, and it's so disruptive.

22 I just want to start by saying that
23 I'm one of the many neighboring residents
24 that are directly impacted by the
25 operations of DiLemme & Sons. I'm here

2 today to speak in opposition of their
3 continued operation of a construction
4 business within our residentially zoned
5 neighborhood.

6 Since 2023 I repeatedly contacted
7 the Town of Newburgh to report concerns
8 and file complaints regarding DiLemme &
9 Sons operating in our neighborhood.

10 Despite these ongoing complaints, the
11 issues have continued and many have
12 worsened.

13 DiLemme & Sons list their business
14 address as Route 300, however there's no
15 access to the construction or operational
16 area from Route 300. All business
17 operations, including truck traffic,
18 deliveries, heavy equipment movement and
19 daily construction activity, are
20 conducted exclusively through Strawridge
21 Road. Strawridge Road is a small
22 residential street and is not designed
23 to accommodate the industrial traffic,
24 commercial vehicles or construction-
25 related operations.

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I'm not sure if anybody drove out and actually checked out the area itself, but the trucks are often actually blocking the whole road, and that's a really dangerous turn to begin with. You can barely even see if you're making a right out of Grandview Terrace. There's trucks blocking it and you can't see what's coming around the road at you.

The noise disruption has been disruptive. I have multiple video evidence I'd love to show of cutting of rebar, cranes dropping pallets. The construction noise frequently begins before 6 a.m. The sound of heavy metal, material and concrete being dropped into dump trucks makes a loud jarring impact that routinely wakes my family. My children are regularly awoken by this activity. There's constant beeping of trucks and cutting of rebar.

There's also frequent large

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deliveries very early in the morning, continuing into the late hours, along with frequent dumping of debris, just garbage debris, I don't know, landscaping, into my backyard. Both of these things further disrupt the peace and charm of living in a residential neighborhood.

The people are also a serious concern. Employees are often working at the edge of the roadway cutting rebar. Why they don't do that back on the gravel I'm not sure. There are sparks flying into the street. Just last week my ten year old son told me as he was getting off the school bus, as they drove past, sparks were actually flying into the street.

The quality of life for my family has been significantly impacted. The daytime noise is so loud that we're unable to enjoy our backyard or use our pool. It feels as though we're living in an active construction zone rather than a residential neighborhood.

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I would also like to address the argument that this business should be allowed to continue because it has operated this way for many years. Just because an activity has been conducted incorrectly for a long period doesn't make it appropriate. Residents have been raising concerns and filing complaints since the '90s. The fact that DiLemme has failed to follow the zoning laws should not entitle it to be allowed to continue to do so. Allowing that would reward noncompliance and undermine the purpose of the zoning regulations that are here to protect our residential neighbors.

In closing, DiLemme & Sons is operating in a manner that is not compatible with residential zoning and causes disruptions, safety hazards and loss of peace and enjoyment of our homes. I respectfully request the zoning regulations be enforced

2 and that this appeal is denied.

3 I have videos if anybody would
4 like to see them.

5 MR. BELL: How far are you from --

6 MS. PILLITTERI: I am directly
7 across the street. The operation is here
8 and I'm on Grandview Terrace. My pool is
9 basically in the construction zone.

10 MR. BELL: Okay.

11 MR. EBERHART: You said you have
12 videos?

13 MS. PILLITTERI: I have plenty of
14 video. Would you like to see them?

15 MR. DONOVAN: It's not a matter of
16 whether -- if you wish to submit them,
17 you submit them to Siobhan. If they can
18 be viewed by --

19 MS. PILLITTERI: I've been
20 submitting them to the Town of Newburgh
21 via e-mail since 2023.

22 MR. DONOVAN: To the Zoning --

23 MS. PILLITTERI: Send them via
24 e-mail?

25 MS. JABLESNIK: You can call me if

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you don't have my e-mail. It's everywhere, so --

MS. PILLITTERI: Will do. Thank you.

MR. PALMER: I'm not going to go up and respond to each question. We will provide responses in writing for the benefit of the Board. We'll condense them into a response and provide that to your Board.

MR. BELL: Anyone else?

MS. CAROLLO: My name is Danielle Carollo. I live at 442 Strawridge Road, directly across from the DiLemme operation.

I can say that since I've owned by home the operations have increased in size and in intensity.

I have serious safety concerns for multiple reasons, but the first is that there have been multiple delivery attempts to my home that I have seen POs with the DiLemme name and my address, 442 Strawridge Road. I have unauthorized deliveries coming to my home, waking me

2 up in the morning. They have knocked
3 on my windows before. They are
4 operating off of Strawridge Road and
5 not off of Route 300.

6 Not only that, the constant dust,
7 smoke, the sparks flying from the
8 rebar that they're cutting, the
9 wastewater that they produce because
10 they're cleaning their concrete forms.

11 They're pressure washing at all
12 hours of the day. We are all on wells.
13 Basic science, like that is going into
14 our groundwater and into our wells.

15 They're also operating heavy
16 machinery. I'm afraid to walk my dog
17 because of these operations, because
18 I can't go outside without being subjected
19 to this constantly.

20 Not only that, I can't have any
21 quiet enjoyment. I can't have quiet
22 enjoyment in my home or outside my home
23 because the operations are constant.
24 I work from home. I hear it all day.
25 I hear it before 6 a.m. and I've heard

2 it after 8:30 p.m. It is constant.
3 They say oh, we're just coming and
4 going. Yeah, coming and going with
5 many trucks multiple times. It is
6 exhausting.

7 I have some material that I
8 would like to submit which also has
9 statements from additional residents
10 in the neighborhood talking about
11 their experience and also showcasing
12 and outlining when the operations
13 occur with images, pictures of how
14 they're operating that will show you
15 that they're not just coming and
16 going and using this as a parking lot.
17 They're actually producing and, like,
18 working. It's a construction zone.

19 I'm here to say that I really
20 ask the Board to consider that while
21 this may have been okay in 1980, it's
22 ridiculous today, and it has grown
23 significantly. I'd ask that you
24 don't allow the operations to continue.

25 Thank you.

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MR. BELL: Next.

MS. SANCHEZ: Good evening. I'm Taiye Sanchez. I've lived next door to DiLemme since 2008. My son was raised next door, played with their family.

From what I've heard tonight -- I didn't have a speech or anything prepared, but from what I've heard tonight from the two ladies that came up and spoke earlier, I really have to deny their claim about working all hours of the day, from 5 in the morning until 8 p.m. at night. I work from home as well and I literally live next door.

I have received mail and packages as well, but their mail comes to the 2201. I'm 2203.

As far as to address that their workers cannot access the property from 2201, that is a huge, huge lie. I've seen the workers come and go from the property, from the office. I've seen the administrative staff come where exactly the lawyer said it is located.

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I've been on the property myself.
When we moved there in 2008 they used to
keep supplies in our barn.

So again, from my experience of
living there for eighteen years now,
we've never had those problems.

You hear the garbage truck at 5:30
on a Monday. That's really the only
thing that you hear. Nine times out of
ten the workers -- I'm speaking.

MR. BELL: Excuse me. Hold the
noise. Thank you.

MS. SANCHEZ: So as I was saying,
as far as the noise from the company
itself, you may hear the trucks leaving,
employees coming. They do what they need
to do and they leave. If they're even on
site at 5:30 a.m., they're gone before 7.
I can attest to that. Again, been there
for eighteen years. My son has taken the
bus through the Wallkill system his whole
entire -- we moved there when he was
four. They're usually gone before the
buses even start making their rounds.

2 In the evenings the latest I've
3 seen them, the workers, again dropping
4 off trucks, bringing back, putting
5 equipment away and then they're gone.

6 The disturbance that they describe,
7 I've never experienced that in the
8 eighteen years we've been living there.
9 We've had parties, we've had stuff in the
10 yard. It has never been an interference,
11 ever.

12 As far as the rebar and them
13 actually doing construction, I don't know
14 if that was for a short period of time,
15 but that has not been going on for
16 eighteen years.

17 Even if they call me in court, that
18 has not been going on for eighteen years.
19 They do not build anything from the back.
20 That is strictly a storage. They come
21 there and they park their trucks, the
22 workers do whatever.

23 My son is back there all the time.
24 He's twenty-one years old, he hangs out
25 in our barn. He doesn't have any

2 problem. We've had Halloween parties
3 in the barn. I mean, what they're
4 describing, it sounds like a huge
5 infringement on the whole entire
6 neighborhood.

7 The DiLemme's property sits
8 here. If you're facing us, we sit to
9 the right. There's a property on the
10 left. The yard is open. We can walk
11 across the yard.

12 I really truly don't understand.
13 I think they should be allowed to stay
14 until they're ready to move to their
15 next space.

16 MR. SANCHEZ: May I speak? I'm
17 her husband.

18 MR. BELL: Step up.

19 MR. SANCHEZ: My name is Jose
20 Sanchez. As I said, I'm her husband.

21 The DiLemmes and I, we're not
22 best friends. We don't go to each
23 others houses for barbecues, go to
24 dinners or hang out or anything like
25 that. Like I said, I've been their

2 neighbor since we moved there,
3 sixteen years already.

4 Like my wife is saying, what
5 they're saying, that's all made up
6 because they do their construction
7 work, they go to the trucks, they're
8 unloading. Of course it's going to
9 make noise. It's not all day long.
10 They're gone most of the day. Yeah,
11 sometimes they come in the evening
12 because they're doing late work and
13 they have to unload or reload, that's
14 all they're doing, and they leave.
15 The noise is gone. It's not like it
16 continues all day long.

17 There is no construction work.
18 There's never been construction work
19 there ever that I've seen. They're
20 never building anything onsite or
21 anything. That's total fabrication,
22 okay. There's no sparks flying
23 anywhere because they don't do -- if
24 there's sparks flying, that means you
25 have to have the metal cutter. They're

2 not building anything back there.

3 MS. SANCHEZ: Also, a note that
4 the young lady said about she's afraid
5 to walk her dog. I am an avid walker.
6 I walk Strawridge up and down, over
7 the hill, back and forth plenty of
8 times, especially when the weather is
9 nice. There's no danger in that.

10 MR. SANCHEZ: There's no trucks
11 ever blocking the road there. Like
12 she said, my son is back there. We
13 go back there all the time. There's
14 nothing blocking the streets. There's
15 no danger because there's practically
16 no cars that pass back there. It's
17 like 300 is the main road. The back
18 road is just a regular Town road.
19 There's barely nothing back there
20 except the homeowners coming back and
21 forth from work. It's not like a main
22 road. There's no blockage or anything
23 of traffic. They're not putting all
24 the construction in the middle of the
25 street. That's also made up because

2 if they was, I'd be complaining. I'm
3 right there. I'm the next door neighbor.
4 I would be complaining myself, you know.

5 MR. BELL: Okay.

6 MR. SANCHEZ: So none of that -- to
7 me, all that's fabricated. I'm like I
8 understand he's running a business.
9 We're not best friends. We don't go to
10 each others house for dinner or anything
11 like that. You could take my word or
12 not. That's up to you guys or whatever.

13 If he had the business there for so
14 long, I don't see why he shouldn't
15 continue. That's his livelihood. I
16 don't see anything wrong.

17 All that other stuff about all that
18 noise and everything, that's made up. If
19 that bothers you --

20 MR. DONOVAN: Let's do this.

21 MR. BELL: Don't talk to them.

22 MR. DONOVAN: Direct your comments
23 to the Board and let's hear what you have
24 to say.

25 MR. SANCHEZ: If it bothered

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them --

MR. BELL: No, no, no. Leave that part out.

MR. SANCHEZ: I'm just saying, as a homeowner, if you're buying a house, you see construction, you should know there's going to be some noise. I mean, --

MR. BELL: We understand. We got you.

MR. SANCHEZ: -- you're not going to buy property next to a farm and complain about the smell.

MR. BELL: We got you. Okay.

MS. SANCHEZ: I have a question of the Board.

MR. DONOVAN: There are some other folks that want to speak. Maybe we should listen to them.

MS. SANCHEZ: One other question. Does anyone come to the property site?

MR. BELL: Yes.

MS. BANKS: I was there.

MR. BELL: We all have to visit all of the sites.

2 MS. SANCHEZ: Have you seen --

3 MR. BELL: You can't ask me that
4 question.

5 Sir.

6 MR. SHERWOOD: My name is David
7 Sherwood. I'm also known as Chip
8 Sherwood, as many of you know me from
9 Sherwood Power on 300. I take care of
10 many pieces of power equipment for many
11 people in the Town, as well as Mr. DiLemme.
12 I kind of probably --

13 MR. BELL: I'm sorry. What's your
14 address?

15 MR. SHERWOOD: My address is 1775
16 Route 300.

17 MR. BELL: Repeat it again.

18 MR. SHERWOOD: 1775 Route 300.

19 MR. BELL: I just like to write
20 that down.

21 MR. SHERWOOD: I have a unique
22 position in the Town, perhaps, in the
23 sense, and I consider the DiLemme family
24 to be part of that, there are businesses
25 that have been here that are legacy

2 businesses, businesses that predate many,
3 many things in this Town. Many legal
4 precedences, many people on the Board,
5 many people living in the Town.

6 My grandpa started our place way
7 back in '56. You guys would have a fun
8 time with me. We've grown through the
9 years. We keep our gross containment of
10 what we're supposed to be. We're legal.
11 Thankfully we don't annoy anybody and we
12 do all the things we're supposed to do.
13 Unfortunately sometimes there's some bad
14 juju that gets in there. It's more of a
15 matter of personalities and people than
16 it is actual legality of use of what's
17 going on. Unfortunately I think Nick is
18 subjected to that situation at the
19 moment.

20 I did business, as did my father,
21 with his dad, Nick Senior, way back when.
22 They've been there for as long as I can
23 remember. We used to have friends who
24 lived right next to -- well, three houses
25 within him. We used to visit a lot in

2 our youths growing up.

3 It's one of those kind of things
4 where there's some activity there, much
5 like my place. There are cars that come
6 and go and sometimes you get deliveries
7 and there's things that occur. That's
8 part of that business.

9 Unfortunately the 300 corridor is a
10 mixed use kind of corridor. You can go
11 anywhere from the stoplight all the way
12 past the DiLemme's and there's many
13 things going on on 300 that kind of fit
14 in oddly but fit and have been there for
15 a long time.

16 The Town was supposed to actually
17 rezone a number of years ago. I actually
18 have test maps, I guess if you want to
19 call them that, colorful maps that were
20 paid for by the Town to have some new
21 zoning created to actually accommodate
22 some of these things that are pre-
23 existing, preexisting to current rules or
24 bylaws or what people expect to see in
25 the Town. None of that has ever

2 happened. That's part of the problem.
3 Unfortunately what you folks are stuck
4 dealing with now is some of those rules
5 that never really got set a hundred
6 percent. Everything has been done as an
7 exception to, a variance, a variance for
8 a nonconforming use, all these fancy
9 words they want to use. They all kind of
10 say the same thing. There are things
11 that have gone in that direction for
12 years and years.

13 They've been there a long time,
14 predating, in some cases, a lot of the
15 developments and housing and things that
16 occurred after them.

17 The real crux of it is they are a
18 well-known local family-owned business
19 that's been there a lot of years. I
20 suspect they've probably grown in years
21 as we have with our shop, our store, but
22 I'm sure they do try to -- knowing Nick
23 personally, I'm sure he does try to
24 maintain decorum per se to make sure
25 everything goes the way it's supposed to

2 and he doesn't step outside those
3 boundaries. It's a challenge to do
4 that. I can tell you that personally.

5 I do value what we are allowed
6 to do in the Town. My neighbors
7 fortunately are very cooperative with
8 us and we with them. We do things
9 that are necessary to be good neighbors.
10 That's kind of what it comes to as
11 much as anything. We try not to
12 create a scenario that we would step
13 on anybody's toes for whatever reason,
14 noise, activities or doing things.
15 It's just part of being a good neighbor
16 in the Town.

17 My reason for being here really
18 is to say that I think the DiLemme
19 family deserves to be there. I think
20 they've earned their keep, earned their
21 place. There may or may not occasionally
22 be some things that occur there that
23 may be somewhat outside the boundaries.
24 That's some things he can work on and
25 talk to his neighbors about, he with

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them, them with he, to try to make it work out. I don't know it's a fair situation to say yes, you are legal and all of a sudden no, you're not.

I know if that was to occur at my place, which mine is a similar set of boundaries, that would be a very earth shattering situation. I don't know how I would handle it. I don't know if I could handle it. I don't know if we could do anything different than we're doing.

In closing I would simply say I do support local business. I support our Town. I support the people in our Town. I think you guys have a tough job to do. I don't really envy what you're stuck doing. No matter what you do, somebody on one side of the fence or the other is going to go eh-h-h. That's the way it goes. There are the legalities of the situation, there are rules. I think the DiLemmes are within the rules, particularly

2 the ones that we're talking about
3 that allowed us to be where we are
4 for as long as we've been there.

5 Again, my grandpa started my
6 place back in '56. Try to find rules
7 that go back to '56. That's not so
8 easy. We do value our ability to be
9 where we are and do what we're doing.

10 I appreciate you listening to me.

11 MR. BELL: Thank you.

12 Sir.

13 MR. DIAZ: My name is Steven Diaz
14 and I live at 2199 Route 300.

15 The DiLemmes are -- I'm on the
16 other side of the grass. We share a
17 property line. Like I said, I know them
18 for seventeen years. It's not like we've
19 been to each other house like the other
20 gentleman says.

21 From my experience, I've had no
22 problems with them. I don't think for me
23 -- like I said, everybody's experience is
24 different. For me, I've never heard like
25 loud noise. You do hear trucks here and

2 there. For me, it doesn't bother me.
3 I'm retired. Even then I worked in the
4 city, I worked midnights for awhile. As
5 for my concern, I don't have a problem
6 with them.

7 When my father was alive, got rest
8 his soul, he was 82, he didn't have a
9 problem.

10 Like I said, I think they're right.
11 Like I said, they operate and I've never
12 seen, like, just people coming in and
13 out. Just regular normal business. What
14 I would consider business. Like I said,
15 I don't hear the noise.

16 The other neighbors do have a
17 perspective. It's different. I do share
18 a property line.

19 I don't really have much to say
20 besides like as normal business people,
21 he does take care of -- they do salt,
22 they keep the branches and stuff off the
23 road. That's pretty much it.

24 Like I said, I don't have anything
25 negative to say. That's my experience.

2 Your experience may be different, her
3 experience might be different. I've
4 never had an issue so far with them. I
5 think they're very pleasant people from
6 what I can see. I share the grass line,
7 say hello. That's pretty much what I
8 have to say.

9 I did have something written here.
10 I addressed a letter. I e-mailed it.

11 MR. BELL: We got it.

12 MR. DIAZ: I'll just make sure I'm
13 not forgetting anything.

14 Like I said, I bought my house in
15 2007. When I bought it they were there.
16 The people I bought my house from, I said
17 are the neighbors good, yeah. That was
18 my decision to make. Like I said, I had
19 no bad issues.

20 I just hope that they can come to a
21 compromise with the other neighbors.
22 People do have their property and stuff
23 like that. I just think they should get
24 -- they've been in business since the
25 '80s.

2 When I bought my house it was my
3 decision to buy it. As far as I'm
4 concerned, I never had any issues or
5 anything like that. I've never been over
6 to their house. They take care of the
7 property line and things like that.

8 That's all I've got to say really.

9 MR. BELL: Okay.

10 MR. DIAZ: Hopefully they can come
11 to some kind of decorum that works for
12 everybody.

13 As far as my experience being on
14 the other side of the house, I'm 2199,
15 the DiLemmes are on the other side, I've
16 had no issues. Even with my dogs out. I
17 have two dogs.

18 The most I've seen, they come pick
19 up their trucks, they leave. Just my
20 personal experience.

21 MR. BELL: Okay.

22 MR. DIAZ: Any questions, I can
23 give you my number. Hopefully we can
24 resolve this and keep going, you know.

25 MR. BELL: Thank you.

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MR. DIAZ: I appreciate it. Like I said, they've been there since the '80s.

MR. BELL: I appreciate you.

Yes, ma'am.

MS. PATRICIA BETANZOS: My name is Patricia Betanzos. I live probably diagonally across from the DiLemmes on 300. I think I sent you an e-mail.

MR. BELL: What's your address, ma'am?

MS. PATRICIA BETANZOS: 11 Fox Hill Road, which is across 300 from the DiLemmes. I've been there since around 1980. I'm very familiar with the DiLemmes.

I drive up and down the roads constantly. I have never seen trucks coming and going. I've never witnessed construction at the DiLemme home. They're pillars of our immediate neighborhood. My kids are friends with the DiLemme. I'm old. Fifty years old, friends for years. Played over there for years.

I've never seen what I hear here

2 tonight.

3 I'm also a country girl accustomed
4 to people moving up who are not used to
5 country and complaining about roosters
6 crowing in the morning. Well, you moved
7 into the country. A rooster crows,
8 animals poop.

9 If you're buying a home and you buy
10 it directly next to a small business, you
11 have to expect, maybe that wasn't your
12 lifestyle where you came from, but those
13 up here who have been here for a long
14 time. We're not looking to squeeze
15 people in and out of here. If you don't
16 like it, you shouldn't have bought a home
17 next to an existing business, especially
18 people who have been such great neighbors.

19 Their yard is impeccable. I live
20 close enough that if there was crazy
21 noise going on, just like the roosters, I
22 would hear it. I don't complain about
23 the roosters.

24 I don't hear that commotion. I
25 travel up and down the roads all the

2 time. I don't see it. I've never been
3 unable to have passage through Strawridge
4 or 300 where there's trouble. I just
5 don't see it.

6 Thank you.

7 MR. BELL: Thank you, ma'am.

8 Somebody over here was first. You
9 can be after this one.

10 MR. WAGNER: How are you doing? My
11 name is Kurt Wagner, I live on 444
12 Strawridge Road, just down a little ways
13 from the DiLemmes. My house is probably
14 here, from you, away from the road, so I
15 see the trucks go by. They abide by the
16 speed limits.

17 Some neighbors, they use 300, from
18 300 and Strawridge, to get down to Plains
19 and they're doing 60, 70 miles an hour
20 all the time.

21 The construction, their vehicles,
22 they have equipment on them. They don't
23 build stuff there. They come. I see
24 them leave all the time. They donate to
25 the schools.

2 He even has his employees clean the
3 roads because of people throwing garbage
4 out all the time. If the road is a mess
5 all the time, he has the employees out
6 there cleaning the road.

7 That's pretty much --

8 MS. WAGNER: We've been there for
9 thirty years. We've never witnessed what
10 they're saying. I would like to see the
11 videos myself if you can put them on the
12 Town's. We've never seen that and we've
13 been there --

14 MR. WAGNER: We see them leave. We
15 drive by. We're retired. I drive by
16 that place probably ten times a day.
17 There's nobody in the yard working.

18 MS. WAGNER: I walk the road 40
19 degrees and higher. The employees are
20 polite. They wave. You don't get no
21 whistling or any -- they're not
22 urinating.

23 MS. BANKS: Can I ask you a
24 question? How many employees would you
25 say you see?

2 MS. WAGNER: I've seen three --

3 MS. BANKS: Just three?

4 MS. WAGNER: -- getting in their
5 vehicles. Three men.

6 MS. BANKS: The same men or --

7 MR. WAGNER: Yes, the same.

8 MS. WAGNER: They're a distance
9 away.

10 There's no way you could be cutting
11 that --

12 MR. WAGNER: They're not out on the
13 road.

14 MS. WAGNER: -- wire that close to
15 the road. They have a huge white fence
16 and it's clean. If they are cutting, --

17 MR. WAGNER: It's all inside the
18 yard.

19 MS. WAGNER: -- it's way back off
20 the road.

21 MR. WAGNER: Like I said, I've been
22 there thirty years. They might have
23 gotten a little bigger.

24 MS. WAGNER: They don't have cranes.

25 MR. WAGNER: It's a boom truck.

2 MS. WAGNER: To lose them -- they
3 support Wallkill School sports, their
4 events, their senior parties. They are
5 a big plus for Wallkill Schools --

6 MR. BELL: Okay.

7 MR. WAGNER: Thank you.

8 MS. WAGNER: Thank you.

9 MR. BELL: Ma'am.

10 MS. CHRISTINE BETANZOS: Christine
11 Betanzos. I grew up on Fox Hill Road
12 which is not too far from DiLemme.

13 I've lived there for about, I'd
14 say, over thirty years. I moved down the
15 road a little ways and I've been there
16 probably about fifteen years.

17 I can say growing up I never saw
18 any issues with the DiLemmes.

19 Now I don't hear any trucks. I
20 don't know how people are saying they
21 hear trucks.

22 Basically I have things to say like
23 the last few people did.

24 If I ever saw their truck, I will
25 say they're very respectful on 300. I've

2 seen other companies that are not.

3 I know people on Strawridge Road.
4 I've never heard anybody complain about
5 the DiLemmes.

6 I actually -- when I go by, I don't
7 even realize the business is behind,
8 although I know it's there. Everything
9 is immaculate there.

10 I don't see any problem with their
11 business being there. They've been there
12 for so long. It's been handed down. I
13 support them.

14 MR. BELL: What's your address,
15 please?

16 MS. CHRISTINE BETANZOS: 16 Sunny
17 Lane.

18 MR. BELL: I'm sorry?

19 MS. CHRISTINE BETANZOS: 16 Sunny
20 Lane.

21 MR. BELL: Thank you very much.

22 Ma'am, yes.

23 MS. LATHAN KERZNER: My name is
24 Ann Lathan Kerzner. I live at 7
25 Arcadia Drive which is just off

2 Strawridge. Thanks for listening to
3 us this evening. It's appreciated.

4 First off I'd like to just let
5 you know a little bit about us. We
6 know the DiLemmes as well. Actually,
7 we've lived in our home since our son
8 was three. He's twenty-one now.
9 Nick DiLemme was a friend of my son's
10 in high school. Nick came over to
11 our house for sleepovers. The
12 DiLemmes are a nice family. I have
13 no problem with the family. They're
14 lovely people. We've been friends
15 when our kids were in school together.
16 It's nothing like that.

17 I'd also like to point out that
18 I also own a local business. I also
19 work at home. I'm very pro business.
20 I think it's an important thing to
21 support our local infrastructure in
22 terms of businesses as well.

23 I also want to mention that I'm
24 a farm girl. I know lots about roosters,
25 for what it's worth. I've got no problem

2 with roosters. I grew up on a very
3 large dairy farm. I'm very comfortable
4 with it.

5 Also, I just want to point out,
6 I know we've had a few comments tonight,
7 I have some photos I'd like to share.
8 This is a crane. I'd love you to all
9 take a look at this. This is a crane.

10 One of the things I want to point
11 out is that the property that's really
12 being used is off Strawridge, not 300.

13 That's a crane.

14 The noise is in the back of the
15 property.

16 MR. DONOVAN: Are you going to
17 submit those pictures?

18 MS. LATHAN KERZNER: We are. We're
19 going to submit them. I just wanted to
20 show them to you because I know some
21 questions are being asked about this.

22 There's the crane. That's on
23 Strawridge which is in the back. 300 is
24 on the opposite side.

25 Also, I know there were questions

2 about administrative work. This is some
3 rebar being cut and these are flames from
4 the rebar that you can take a look at.
5 If it's made up, why do we have video
6 footage and photographs? So this is the
7 rebar, this is the flames.

8 MR. BELL: I see it.

9 MS. LATHAN KERZNER: Yup. We
10 wouldn't have footage and we wouldn't
11 have video if we were making these things
12 up.

13 We're all understanding and we want
14 to support business. We want to support
15 our local community.

16 I think one thing that we all can
17 agree on, and I think the legal counsel
18 said it really well, it isn't a didact
19 that we're talking about. This is a
20 business which by all accounts has grown
21 since those 1970, 1980 years when perhaps
22 this all came before you to be looked at.
23 It's grown over the years to a much
24 larger enterprise. That much larger
25 enterprise is also having a much larger

2 impact on community and neighbors.
3 That's kind of what we really want to
4 emphasize.

5 Also, we want to emphasize that we
6 heard from Mr. DiLemme's legal counsel
7 that this is really kind of a home-based
8 operation with an office -- you know,
9 kind of a basement office. You can see
10 from those photos that's not the case
11 anymore. I think it really was that way
12 for a long time. Businesses grow.

13 My business has grown. I've been
14 in business twenty years. It's grown a
15 lot. I started with just me in my
16 office. I've got employees. I don't
17 have cranes and I don't have rebar and I
18 don't have those things. I don't impact
19 my neighbors in the same way.

20 I think that's kind of what our
21 community would like you to take a closer
22 look at, how has the business changed,
23 how has that impact negatively affected
24 the neighborhood.

25 As far as working offsite and

2 having there just be pick ups and drop
3 offs, that's certainly not the case.
4 You're going to see that by looking at
5 the photographs and the videos that are
6 going to be submitted to you.

7 Also, it's important to notice that
8 we do have a lot of trucks on the street.
9 We have photos which we submitted of
10 multiple trucks parked on the street.
11 Again, we're not talking 300. Some of
12 the neighbors who come forward, I think
13 they are telling the truth, but they're
14 on the opposite side. That's the
15 distinction that we really want to draw
16 your attention to.

17 Trucks blocking the street,
18 unnecessary noise, cutting rebar, early
19 hours. These are things that I'm sure no
20 one had as an intent in the '70s and '80s
21 with a much smaller organization.

22 We also have some letters of
23 support that have been submitted as well.

24 I know one of the things I heard
25 was no large trucks, right. No large

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items over 25 feet. Again, things have changed here. Definitely different kind of work is being done.

I think at the end of the day what we're saying is the neighbors in the back, the neighbors on the Strawridge side, what we're saying is that our benefits of living in the residential area have been impacted by the growth of the business. In doing so, being zoned as a residential district, it's impacting us. We are homeowners. We pay our property taxes, which are not insignificant, and we want to have peace and quiet where we live. We want our kids to feel safe getting off the bus. We want to not have rebar and things like that.

I think one of the things I heard you guys say lots of times as you went through all of the earlier applicants who came forward was the question is there a detrimental adverse impact on the community, are their negative impacts to

2 the surrounding community. I think in
3 this case it's a resounding yes. I think
4 you'll know that when you take a look at
5 the video and the photos that will be
6 submitted to you. You can see for
7 yourselves.

8 Thanks for listening.

9 MR. BELL: Thank you.

10 Anyone else?

11 MR. JACOBSEN: Hello. My name is
12 Eric Jacobsen, I live at 442 Strawridge
13 Road.

14 This is a video. Here's a video
15 with audio of them using saws. This is
16 from my front yard. You can barely see
17 it through the trees, but that's them.
18 They're sawing. You can see the sparks.
19 That's from my home.

20 For noise complaints to be said
21 coming off 300, saying it doesn't affect
22 them very much, I understand that. All
23 the work that's happening is facing our
24 home on Strawridge Road.

25 There was mention of being able to

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access the property via 300. That seems more like a half truth. You could get to the shed or workshop on Strawridge via 300 if you drove 50, 60 yards through his backyard on the grass. There's really no actual way to get there other than driving through his yard.

Yeah, the noise really does affect us more so.

The garage, all the vehicles are kind of creating a bowl facing Strawridge. All the noise, all the action happens that way.

As far as the workers, I've definitely seen more than three people at a time working at the facility. There's been days I've seen workers go there and not leave at all, just working in the garage cleaning stuff up, pressure washing forms.

The only way to get forms off a truck is with a crane. There is definitely a crane being used to take the forms on and off.

2 I hear them pressure washing. I
3 see them using the cement saw cutting
4 cement. There's plumes of cement
5 clouds going up. You know, I wouldn't
6 call it smoke, but clouds of cement
7 dust. I see that drift across the
8 road to our property, to the neighbors'
9 properties. So there is pollution.
10 There's noise pollution.

11 There's a lot of water being
12 used to clean it all up.

13 I just want to reiterate that
14 there are issues.

15 I have no issue with DiLemme as
16 a person. He seems like a totally
17 fine guy. This just doesn't seem
18 like it's within compliance.

19 MR. BELL: I appreciate that.

20 MS. BANKS: A quick question for
21 you.

22 MR. BELL: I'm sorry, Ms. Banks.
23 Would you submit -- would he be
24 able to submit the video?

25 MS. JABLESNIK: Yes.

2 MR. JACOBSEN: Of course.

3 MS. BANKS: You mentioned like a
4 crane and the rebar. How many vehicles
5 would you say go in and out of there?

6 MR. JACOBSEN: There is total of, I
7 want to say ten to twelve vehicles that
8 are parked there at any time. I'll see
9 at minimum three leave, including -- all
10 of them are like large commercial trucks
11 with dually wheels, built out beds and
12 stuff. I'll see three, maybe like five
13 vehicles leaving at a time.

14 MS. BANKS: Three to five. Is that
15 all day or --

16 MR. JACOBSEN: They'll come multiple
17 times a day. It's not nonstop back and
18 forth traffic. There's at least one
19 trip leaving in the morning, one trip
20 coming back at the end of the day.
21 They always bring the equipment back
22 it seems. Sometimes they'll come back
23 two or three times, separate trips in
24 between. They do clean up work at
25 the facility, so it's not just drop

2 off. They don't clean everything up
3 at whatever site they're working at,
4 drop a vehicle off and leave. They
5 bring everything back, clean it all
6 there, do additional breakdown. When
7 everything is cleaned up, then they'll
8 leave.

9 MS. BANKS: On average, approximately
10 what time does that end every day?

11 MR. JACOBSEN: I've seen it go as
12 late as past 8. On average, you'll see
13 them there probably until 6. 6-ish.
14 I get up for work every day at --
15 between 5:00 and 5:15. I leave the
16 house before 6:00. I'll see them
17 there getting things going, getting
18 the ball rolling. They are very
19 consistent at being there early in
20 the morning.

21 MS. BANKS: As early as 6 on
22 average and as late as 6 --

23 MR. JACOBSEN: On average.

24 MS. BANKS: Sometimes there are
25 exceptions?

2 MR. JACOBSEN: There are days --
3 you know, it's not uncommon to see them
4 there past 7:30, 8:00 working on things.
5 Especially during the summer, they have a
6 lot of daylight to work, then you'll
7 definitely see them working very late.
8 Times like these when the sun goes
9 down --

10 MR. BELL: You're saying more
11 extended time during the summer?

12 MR. JACOBSEN: During longer days.
13 Like most blue collar work, during longer
14 days they'll work longer.

15 MR. BELL: All right. We appreciate
16 you. Thank you very much.

17 Anyone else from the public?

18 Ma'am, come on up.

19 MS. BEHRENS: Hello, everybody.
20 Thank you for staying so late to hear all
21 of us. Kimberly Behrens. I live on the
22 Strawridge side of the DiLemme property.

23 MR. BELL: What's your address?

24 MS. BEHRENS: 12 Grandview Terrace.

25 I just want to say I come from a

2 family of small business owners,
3 including construction companies. I love
4 that the DiLemmes have a small business
5 and they contribute to the community.

6 However, all we are asking is that,
7 it's a business, move to a commercial
8 property, do the zoning properly and be
9 held to the same restrictions that other
10 small businesses are.

11 That is it. Thank you, everybody.

12 MR. BELL: That was quick.

13 Is there anyone else from the
14 public?

15 (No response.)

16 MR. DONOVAN: Can I just for a
17 second, before Mr. Palmer speaks, I want
18 to kind of bring us back to where we
19 started to orient ourselves.

20 The first issue that we're being
21 asked to consider is whether this was
22 legal when it started. So whether the
23 applicants are the greatest people in the
24 world or the worst people in the world
25 doesn't really factor in to that fact-

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based determination, was this business legal when it started. If you determine that it was, then you're going to get into the issue of whether or not there's been an expansion of the preexisting nonconforming use. If you say it wasn't legal, you're not obviously prepared to make that determination tonight, but if it wasn't legal when it started, then you're going to get into the variance applications that the applicant's counsel has also put before you.

The first thing you need to decide is was this use legal when it started in 1980.

So again, just to emphasize, you heard a lot of stuff about it's great, it's bad, it's this, it's that. That's all important, people take time out of their lives to be here, but it doesn't necessarily go to the issue of was it legal when it started. I just want you to focus on that.

MR. PALMER: Thank you for the

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comments tonight. We are going to prepare written responses to these. We'll certainly address whether those instances of other work on the site were limited. Not that one couldn't do work on their own property to fix their roof or fence, or whatever it may be. We'll look into those instances of where there were operations that aren't just vehicles coming and going as you would have with probably any home occupation or business. We'll look into those specific comments.

I look forward to getting the copies of the videos or whatever materials. We'll speak to the DiLemmes about those.

Naturally, as Mr. Donovan mentioned, the first piece of this would be the consideration of the use, and then from there -- I think tonight we're not asking you to take any action. We're asking you to continue the hearing and hopefully continue to work with the Town.

We'll get a copy of that zoning

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code as well and, again, better inform you and I think focus down on the nitty-gritty of the existing nonconformity in our next appearance before you to help you kind of get to that decision before we go down any other paths.

MR. BELL: I agree.

MR. DONOVAN: It would be a motion to continue the public hearing to the February meeting.

MR. BELL: Leave the public hearing open?

MR. DONOVAN: That's correct.

MR. HERMANCE: I'll make a motion to keep the public hearing open.

MR. EBERHART: I'll second it.

MR. DONOVAN: To the February meeting.

MR. BELL: We have Mr. Hermance making the motion and Mr. Eberhart seconded. All in favor.

MS. BANKS: Aye.

MR. EBERHART: Aye.

2 MR. HERMANCENCE: Aye.

3 MR. BELL: Aye.

4 MR. MASTEN: Aye.

5 MR. BELL: We do have a lot of work
6 to research for the next thirty days, the
7 videos and the uploads and that. That's
8 a great point.

9 MR. DONOVAN: I want to emphasize
10 to the members of the public that you're
11 not going to get another notice. Tonight
12 is your notice. It's the fourth Thursday
13 in February.

14 MR. MASTEN: February 26th.

15 MR. DONOVAN: Thanks, John.

16 Check the Town website. The Town
17 has a great website. If there's any
18 change to that, it will be reflected on
19 the website and on the agenda. It's the
20 fourth Thursday, February 26th. We hope
21 to see you all again.

22 MR. PALMER: Thank you all and good
23 luck with the snow this weekend.

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25 (Time noted: 9:10 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO

1
2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF NEWBURGH ZONING BOARD OF APPEALS
4 - - - - - X
5 In the Matter of

6 SHOPPES AT UNION
7 1217 & 1219 Route 300
8 Section 96; Block 1; Lots 6.2, 21, 22 & 11.1

9 NEWBURGH SELF-STORAGE
10 1420 Route 300
11 Section 60; Block 3; Lot 22.222

12 GARDNER RIDGE ASSOCIATES
13 Gardnertown Road
14 Section 75; Block 1; Lot 4.12

15 - - - - - X

16 Date: January 22, 2026
17 Time: 9:10 p.m.
18 Place: Town of Newburgh
19 Town Hall
20 1496 Route 300
21 Newburgh, New York

22 BOARD MEMBERS: DARRELL BELL, Acting Chairman
23 LATWAN BANKS
24 JAMES EBERHART, JR.
25 GREGORY M. HERMANCE
JOHN MASTEN

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

26 - - - - - X

27 MICHELLE L. CONERO
28 Court Reporter
29 Michelleconero@hotmail.com
30 (845) 541-4163

2 MR. BELL: Let's finish the
3 other Board business here. We have a
4 request for a six-month extension for
5 variances granted to site plans where
6 signs -- let me stop. Shoppes at
7 Union, a request for a six-month
8 extension for variances granted.
9 The site plans were signed on the
10 26th of September 2025.

11 The other one is the Newburgh
12 Self-Storage requesting a six-month
13 extension for variances granted at
14 the July 24, 2025 meeting.

15 MR. DONOVAN: A question has arisen
16 as to when we refer a matter back to the
17 Planning Board for site plan approval,
18 when does the six months start to run. I
19 have a standard provision in the
20 resolution that the clock basically on
21 the six months doesn't start until the
22 site plan is finished processing,
23 otherwise sometimes the site plan could
24 take a couple of years. Now they have to
25 keep coming back for the variances. The

1
2 six months start to run when the site
3 plan is signed, because then they are
4 done processing.

5 Relative to Shoppes at Union, as
6 the agenda so expertly says, way to go
7 Siobhan, the site plans were signed on
8 September 26th. You can give that a
9 six-month extension if you're so
10 inclined.

11 Relative to Gardner Ridge, they
12 actually asked for one when they didn't
13 need to. Their site plan isn't signed
14 yet.

15 MR. MASTEN: That's the one on
16 Gardnertown Road.

17 MR. DONOVAN: That's correct. In
18 my view they don't need an extension
19 because they are still processing their
20 site plan. The attorney for Gardner
21 Ridge, or an attorney for Gardner Ridge,
22 because there may be another attorney. I
23 spoke to an attorney who represented
24 Gardner Ridge just asked for something on
25 the record. You're telling me we don't

2 need an extension, but can you put that
3 on the record just in case. I would ask
4 that you do them separately. If you want
5 to give the extension to Shoppes at
6 Union, it's appropriate to give that six
7 months. If that's okay, go ahead and do
8 that.

9 MR. BELL: Is there a motion to
10 extend Shoppes at Union until March 26,
11 2026?

12 MR. EBERHART: I'll make a motion
13 for the six-month extension.

14 MS. JABLESNIK: It expires in
15 March. They're just here asking for the
16 six-month extension from March.

17 MR. BELL: From March.

18 MS. JABLESNIK: The site plan was
19 signed --

20 MR. DONOVAN: You automatically get
21 six months.

22 MR. BELL: So from March. Okay.
23 Got it.

24 MR. DONOVAN: To September.

25 MR. BELL: Yes. It was September

1 of '25 is when we --

2 MS. JABLESNIK: Yes.

3 MR. BELL: Six months from that
4 date is March.

5 MR. DONOVAN: They get six months
6 automatically.

7 MR. BELL: We have to go six months
8 past, so September of '26?

9 MR. DONOVAN: Yes.

10 MR. EBERHART: I'll make the motion.

11 MR. HERMANCE: Second.

12 MR. BELL: We have a motion by
13 Mr. Eberhart. Mr. Hermance --

14 MR. HERMANCE: I seconded it.

15 MR. BELL: All in favor.

16 MS. BANKS: Aye.

17 MR. EBERHART: Aye.

18 MR. HERMANCE: Aye.

19 MR. BELL: Aye.

20 MR. MASTEN: Aye.

21 MR. BELL: Moving to the next one,
22 Newburgh Self-Storage. It's a request
23 for a six-month extension for variances
24 granted.
25

2 MR. DONOVAN: Since that site plan
3 is still being processed, they don't need
4 an extension.

5 MR. BELL: Okay.

6 MR. DONOVAN: Does everyone understand.

7 MR. HERMANCENCE: Yes.

8 MR. BELL: Gardner Ridge Associates.

9 MR. DONOVAN: That's the one I was
10 talking about.

11 MS. JABLESNIK: Newburgh Self-
12 Storage does need a six-month extension.
13 Gardner Ridge does not.

14 MR. DONOVAN: I said what a great
15 job you did on the agenda. It's not on
16 my agenda.

17 MS. JABLESNIK: I gave you a new
18 agenda.

19 MR. DONOVAN: I don't pay attention
20 to that.

21 Gardner Ridge Associates does not
22 need an extension because their six-month
23 time period has not yet started to run.
24 They are still processing their site
25 plan. My apologies to the Board. I

2 won't blame Siobhan that I didn't look at
3 her agenda.

4 MR. BELL: Then we go back to the
5 Newburgh Self-Storage requesting a six-
6 month extension. We granted it back in
7 July. They got six months. They get an
8 additional six months?

9 MS. JABLESNIK: They're requesting
10 their first six-month extension.

11 MR. BELL: That would take them to
12 July of 2026.

13 With that said, let's make a motion
14 to approve the minutes.

15 MS. BANKS: I'll make a motion to
16 approve the minutes.

17 MR. HERMANCE: We need to vote on
18 the application.

19 MR. DONOVAN: No one made a motion
20 or seconded.

21 MR. HERMANCE: I'll make a motion
22 that we extend it for six months.

23 MR. EBERHART: I'll second it.

24 MR. BELL: All in favor.

25 MS. BANKS: Aye.

1
2 MR. EBERHART: Aye.

3 MR. HERMANCE: Aye.

4 MR. BELL: Aye.

5 MR. MASTEN: Aye.

6 MR. BELL: I'll take a motion to
7 approve the minutes from last month.

8 MR. EBERHART: I'll make a motion
9 to approve the minutes from last month.

10 MR. HERMANCE: I'll second.

11 MR. BELL: All in favor.

12 MS. BANKS: Aye.

13 MR. EBERHART: Aye.

14 MR. HERMANCE: Aye.

15 MR. BELL: Aye.

16 MR. MASTEN: Aye.

17 MR. HERMANCE: Motion to adjourn.

18 MR. EBERHART: Second.

19 MS. BANKS: Aye.

20 MR. EBERHART: Aye.

21 MR. HERMANCE: Aye.

22 MR. BELL: Aye.

23 MR. MASTEN: Aye.

24 MR. BELL: We're adjourned.

25 (Time noted: 9:16 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of February 2026.

Michelle Conero

MICHELLE CONERO