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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: July 23, 2026  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: DANIEL L. CONANT

----- X

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

2 CHAIRMAN SCALZO: I would like to  
3 call the meeting of the Zoning Board of  
4 Appeals to order. The order of business  
5 this evening are the public hearings  
6 which have been scheduled.

7 The procedure of the Board is that  
8 the applicant will be called upon to step  
9 forward, state their request and explain  
10 why it should be granted. The Board will  
11 then ask the applicant any questions it  
12 may have, and then any questions or comments  
13 from the public will be entertained. The  
14 Board will then consider the applications  
15 and will try to render a decision this  
16 evening but may take up to 62 days to  
17 reach a determination.

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

22 Roll call, please.

23 MS. JABLESNIK: Latwan Banks will  
24 be here shortly.

25 James Eberhart.

2                    M R . E B E R H A R T :    P r e s e n t .

3                    M S . J A B L E S N I K :   G r e g   H e r m a n c e .

4                    M R . H E R M A N C E :    H e r e .

5                    M S . J A B L E S N I K :    J o h n   M a s t e n .

6                    M R . M A S T E N :    H e r e .

7                    M S . J A B L E S N I K :    J a m e s   P o l i t i .

8                    M R . P O L I T I :    H e r e .

9                    M S . J A B L E S N I K :    D o n n a   R e i n .

10                   M S . R E I N :    H e r e .

11                   M S . J A B L E S N I K :    D a r r i n   S c a l z o .

12                   C H A I R M A N   S C A L Z O :    H e r e .

13                   M S . J A B L E S N I K :    A l s o   p r e s e n t   i s   o u r  
14                   A t t o r n e y ,   D a v e   D o n o v a n ;   f r o m   C o d e  
15                   C o m p l i a n c e ,   J o s e p h   M a t t i n a ;   a n d   o u r  
16                   S t e n o g r a p h e r ,   M i c h e l l e   C o n e r o .

17                   C H A I R M A N   S C A L Z O :    V e r y   g o o d .

18                   I f   y o u   c o u l d   a l l   p l e a s e   r i s e   f o r  
19                   t h e   P l e d g e .

20                   ( P l e d g e   o f   A l l e g i a n c e . )

21                   C H A I R M A N   S C A L Z O :    A l l   r i g h t ,   f o l k s .  
22                   T h e   a g e n d a   h a s   b e e n   p o s t e d .    I   a m   g o i n g  
23                   t o   j u m p   t o   t h e   v e r y   e n d   t o   a n   i t e m   t h a t  
24                   w a s   h e l d   o v e r   f r o m   t h e   J u n e   2 0 2 6   m e e t i n g .  
25                   I t ' s   t h e   N i c k   D i L e m m e ,   J e n n i f e r   D i L e m m e

2            and DiLemme & Sons, Inc. to the Zoning  
3            Board of Appeals appealing from a  
4            determination of the Code Compliance  
5            supervisor seeking a determination from  
6            the Board that DiLemme & Sons' use of  
7            certain existing improvements at the  
8            project location may be continued as a  
9            legal nonconforming use; and two, for  
10           area variances from Section 185-13E and  
11           185-48.6C of the Town Code for a use  
12           variance to permit DiLemme & Sons, Inc.'s  
13           commercial use of certain existing  
14           improvements at the project location.

15                So we have received correspondence  
16                from the applicant's representatives that  
17                they were directed, by this Board last  
18                month, to obtain a survey by a licensed  
19                land surveyor to provide the Board with  
20                what was permitted in the '80s. They  
21                were going to get right on it.

22                Their communication with us was  
23                that they did reach out to a surveyor.  
24                They have provided -- well, they  
25                indicated that they have preliminary

2            information, however it's not in its  
3            final format, and they are, at this  
4            point, unprepared to move forward.

5            If you folks were here last month,  
6            you heard me say it was probably unlikely  
7            that a surveyor was sitting by the phone  
8            waiting for that call to go out and do  
9            that. There's quite few surveying  
10           services these days. I happen to know  
11           that. I'm not surprised that we got the  
12           letter asking for yet another month's  
13           deferral.

14           In this instance there is no August  
15           meeting of the Zoning Board of Appeals,  
16           so they are asking to be deferred to the  
17           September meeting.

18           The public hearing is still open,  
19           but I'm going to look to the Members of  
20           the Board, do we have discussion about  
21           this? I know we're all very disappointed  
22           that this has been like an elephant  
23           birth, going on far too long. However, I  
24           feel as though we're in the home stretch  
25           here. I can't think of anything more

2 that we could possibly -- that could  
3 possibly delay this again.

4 So that being said, discussion from  
5 the Board whether or not we're going to  
6 entertain this deferment.

7 MR. EBERHART: Are we going to get  
8 a wrap on this in September if we're  
9 deferring?

10 CHAIRMAN SCALZO: Mr. Eberhart, I  
11 can only hope that that's -- well, as I  
12 say, there's been indication that the  
13 survey is nearly complete, although it  
14 was not complete in time to submit to the  
15 Board. It could be complete as of today.  
16 I'm not sure. They have indicated  
17 convincingly that at least it has begun.  
18 There was preliminary mapping that they  
19 indicated was available, but I don't want  
20 to see anything preliminary. I want to  
21 see the final.

22 So Mr. Eberhart, I'm right with  
23 you. I don't like that we've done this  
24 time and time and time and time again.

25 MS. REIN: I agree with you. I

2 agree with you a hundred percent.

3 If they come in September with some  
4 kind of format, we're going to have to go  
5 over that, there's going to be changes  
6 and then they're going to come back --

7 CHAIRMAN SCALZO: Well, I don't  
8 know about that. We keep saying -- the  
9 request from the applicant for information  
10 from the Town was a delay out of our  
11 control, and I'll say out of their control  
12 at the time. So now that that was resolved,  
13 it was at the last meeting that we determined  
14 that we wanted to see a survey with what the  
15 original permit was allowing in the '80s.  
16 So that was requested at the last meeting.

17 Unless we see something -- all  
18 I'm going to ask the Board Members is --  
19 I'm certain, because we don't have an  
20 August meeting, the applicant will most  
21 likely supply that information to us as  
22 soon as possible as a courtesy for us  
23 to evaluate it for as long as we possibly  
24 can before we actually sit here again  
25 and discuss that application. Anyway,

2 that's what I'm anticipating. I can't  
3 say it's going to happen, but, you  
4 know, I'm a half glass full kind of  
5 guy.

6 So Mr. Eberhart.

7 Mr. Hermance, do you have any  
8 comments, questions about this?

9 MR. HERMANCE: That was going to be  
10 my comment, that we hopefully receive that  
11 information well before the September  
12 meeting so we're well versed in it.

13 CHAIRMAN SCALZO: I believe we have  
14 the applicant's representative here. If  
15 you could stand and identify yourself.

16 Actually, I've said a lot. I  
17 haven't asked you to speak about this.  
18 I'm sure you know more than I do with  
19 regard to the status of the information  
20 that we had asked for at the last month's  
21 meeting.

22 If you could just let Michelle know  
23 who you are.

24 MR. CONANT: Good evening, Chairman  
25 and Members of the Board. For the record,

2            Dan Conant, an attorney with the law  
3            offices of Cuddy & Feder based out of  
4            the White Plains office. I'm here  
5            tonight on behalf of the applicants.

6            Yes, we do have the survey in  
7            preliminary form. Unfortunately  
8            there was more fieldwork required  
9            than expected because none of the  
10           monuments that were supposed to be  
11           field located are in existence anymore,  
12           save for one that was bent in the  
13           ground and buried in a rock wall.

14           CHAIRMAN SCALZO: In a stonewall.  
15           Having read the deed, some of the  
16           property corners are actually in the  
17           center of Strawridge Road. Sometimes you  
18           can't find those.

19           MR. CONANT: So the surveyor  
20           actually had to bring out a drone. We  
21           have to expand our consideration to  
22           adjacent properties to make sure we get  
23           the exact boundaries correct.

24           CHAIRMAN SCALZO: I understand.

25           MR. CONANT: I know you said you

2 didn't want to see the preliminary.

3 CHAIRMAN SCALZO: I appreciate that  
4 you brought it, but if it's not the final  
5 with all the information that we had  
6 asked for, I don't -- it's not a waste of  
7 time, but I don't want to have the Board  
8 be distracted by something else and then  
9 compare something that we received today  
10 to something that we're going to get in  
11 final format hopefully within the next  
12 ten days.

13 MR. CONANT: Understood. We will  
14 provide the survey as well as the 1980  
15 code compliant plan as soon as it is  
16 ready and well in advance of the next  
17 meeting.

18 CHAIRMAN SCALZO: Very good. I  
19 talk a lot, ask anybody. Anything you  
20 want to add to this or --

21 MR. CONANT: We appreciate you  
22 working with us. As you noted, it took  
23 about the first five and a half months of  
24 this year to get the codes that we had  
25 originally requested. Thank you for

2 being patient with us. We look forward  
3 to wrapping this up as well.

4 CHAIRMAN SCALZO: Okay. Thank you.

5 Mr. Eberhart, Mr. Hermance.

6 Mr. Politi, I'll go to you. Any  
7 questions or comments?

8 MR. POLITI: I'm good.

9 CHAIRMAN SCALZO: Mr. Masten.

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

12 CHAIRMAN SCALZO: Dr. Rein, I know  
13 you're disappointed, just like the rest  
14 of us, but any other comments?

15 MS. REIN: No, thank you.

16 CHAIRMAN SCALZO: At this point  
17 I'll open it up to any members of the  
18 public. The public hearing is still  
19 open. We're just talking about the  
20 applicant's request to defer because they  
21 don't have the information that we had  
22 requested in the last month's meeting.  
23 Again, I'll say it, I didn't expect a  
24 surveyor to be waiting by his phone or  
25 her phone to go do this.

4 (No response.)

6 MS. COROLLO: Can I just ask a  
7 question?

10 MS. COROLLO: My name is Danielle  
11 Corollo. I live at 442 Strawridge Road  
12 in Wallkill, New York.

13                   My question is, if they come back  
14                   with the survey and they say this was  
15                   allowed in 1980, how do we compare that  
16                   to what existed in 1980, because there  
17                   are satellite images from 1990 that show  
18                   what existed? If what existed is  
19                   different from what was allowed and  
20                   they've had material expansion over time,  
21                   like how is that comparison done?

22 CHAIRMAN SCALZO: That's a great  
23 question. All I can say is we'll review  
24 the application or whatever application  
25 materials that we have from the initial

2 application and go from there. It's  
3 tough to decipher whether or not any  
4 satellite images from 1990 -- perhaps  
5 they had a guest at the house and they  
6 had a box truck that they were driving  
7 that day and that's when the image was  
8 captured. I don't know that. The only  
9 thing we can rely on is the written word.  
10 I know a picture tells a thousand words,  
11 but that's all we can rely on.

12 MS. COROLLO: Okay. Thank you.

13 CHAIRMAN SCALZO: Is there anyone  
14 else from the public?

15 (No response.)

16 CHAIRMAN SCALZO: Okay. The first  
17 order of business is I'll look to the  
18 Board for a motion to keep the public  
19 hearing open until the September meeting.

20 MR. MASTEN: I'll make a motion to  
21 keep it open.

22 MR. EBERHART: I'll second it.

23 CHAIRMAN SCALZO: We have a motion  
24 from Mr. Masten. I thought we had a  
25 second coming from Mr. Eberhart. All in

2                favor.

3                MR. EBERHART:    Aye.

4                MR. HERMANCE:    Aye.

5                CHAIRMAN SCALZO:    Aye.

6                MR. POLITI:    Aye.

7                MR. MASTEN:    Aye.

8                MS. REIN:    Aye.

9                CHAIRMAN SCALZO:    Those opposed.

10                (No response.)

11                CHAIRMAN SCALZO:    Now the discussion  
12                on whether we actually grant this  
13                extension or deferment until -- Counsel,  
14                is it an extension or a deferment?

15                MR. DONOVAN:    It's an adjournment  
16                of the application until the September  
17                meeting.

18                CHAIRMAN SCALZO:    I just wanted to  
19                use the right word.    Adjournment is the  
20                right word?

21                MR. DONOVAN:    Adjournment is the  
22                right word.

23                CHAIRMAN SCALZO:    Thank you.

24                If there's no further discussion,  
25                I'll look to the Board for a motion of

2            some sort --

3            MR. DONOVAN:    You just did that.

4            CHAIRMAN SCALZO:    That was to keep  
5            the public hearing open.

6            MR. DONOVAN:    Okay.    Until  
7            September.    Isn't that the same thing?

8            CHAIRMAN SCALZO:    I guess it is.

9            MR. DONOVAN:    If you feel better to  
10           do it twice, we can do it twice.    We just  
11           did it.

12           CHAIRMAN SCALZO:    I'm good, Counsel.  
13           That's great.    So by me not saying it, by  
14           keeping the public hearing open, --

15           MR. DONOVAN:    The matter is continued  
16           until September.

17           CHAIRMAN SCALZO:    -- the matter is  
18           continued until September.

19           I've got to keep sitting next to  
20           you to keep me straight.

21           MR. CONANT:    Thank you.

22

23           (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 6th day of August 2026.

\_\_\_\_\_  
MICHELLE CONERO

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: July 23, 2026  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA  
SEGUNDO DAVID LEMA

----- X

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

2 CHAIRMAN SCALZO: Now moving back  
3 to our regularly scheduled agenda. The  
4 first application of new business this  
5 evening is Segundo David Lema, 171 South  
6 Plank Road, which is right between Tarsio  
7 and the old pizza shop there. This is a  
8 Planning Board re-referral for area  
9 variances of one side yard, combined side  
10 yards and a second side yard for a proposed  
11 972 square foot attached garage addition  
12 and roof extension on an existing building.  
13 This application previously received  
14 variances at the January 2026 meeting.

15 Do we have mailings on this, Siobhan?

16 MS. JABLESNIK: Yes. This applicant  
17 sent 45 letters.

18 CHAIRMAN SCALZO: What about GML-239?

19 MS. JABLESNIK: Local determination.

20 CHAIRMAN SCALZO: Local determination.  
21 That is awesome.

22 Having given that actual paragraph of  
23 what we're doing here; gentlemen, if you  
24 could identify yourselves, please, for  
25 recordkeeping purposes.

2                    MR. LEMA:   My name is David Lema.  
3                    I'm the owner of the property.

4                    CHAIRMAN SCALZO:   Very good.

5                    MR. CELLA:   I'm Jonathan Cella  
6                    representing the owner.

7                    CHAIRMAN SCALZO:   Okay.   So  
8                    Mr. Cella, as mentioned, this is a  
9                    Planning Board referral -- re-referral.  
10                   We had seen you folks back here in  
11                   January.   What's changed?

12                   MR. CELLA:   So in the January  
13                   meeting we applied for all the permits  
14                   from the rear of the building towards the  
15                   front.   Now we're proposing to attach a  
16                   garage on the rear of the building which  
17                   will be between South Plank and the road  
18                   in the rear.   It will be attached directly  
19                   to the building.   That triggered several  
20                   other variances.

21                   CHAIRMAN SCALZO:   Okay.

22                   MR. CELLA:   We're still maintaining  
23                   a similar total.   The total side yard  
24                   didn't change much.   We haven't reduced  
25                   any setbacks from what's existing.

2 Currently the building is 3 foot  
3 from the western property line. We're  
4 maintaining that 3 feet. The rear corner  
5 of the building will be 5 feet, so we put  
6 a small skew in the rear wall of the  
7 garage to give us a little larger buffer  
8 to the neighboring property.

9 CHAIRMAN SCALZO: Okay. Looking at  
10 the proposed 5 feet -- it's a shoebox of  
11 a lot, that's for sure. I was just there  
12 a couple hours ago.

13 Is the fencing going to remain?

14 MR. CELLA: We'll be replacing the  
15 fencing. It will be re-stringed. We'll  
16 have fencing along anything that's not a  
17 building. We're going to have a horseshoe  
18 fence in the rear yard to enclose any,  
19 you know, operations. We'll provide  
20 adequate screening for any material  
21 storage or anything that happens to be  
22 there, including the storage container.

23 CHAIRMAN SCALZO: Mr. Cella, the  
24 parking spaces, all that are listed, and  
25 the loading area, are they going to be

2            paved?

3            MR. CELLA:    Yes.

4            CHAIRMAN SCALZO:    And we're still  
5            only at lot coverage -- never mind.    Lot  
6            surface coverage, we're 79 percent.  
7            We're actually 1 percent under?

8            MR. CELLA:    Right.    So the existing  
9            lot is covered in mainly gravel which is  
10           considered impervious as well.

11           CHAIRMAN SCALZO:    Impervious or  
12           pervious?    Pervious it should be, right?  
13           Buildings are considered pervious.

14           MR. CELLA:    DEC, like in stormwater.  
15           I believe it's all considered impervious  
16           in the stormwater regulations.

17           CHAIRMAN SCALZO:    DEP or DEC?

18           MR. CELLA:    DEC.    So that's why the  
19           application doesn't change the impervious  
20           coverage much.

21           CHAIRMAN SCALZO:    Okay.

22           MR. DONOVAN:    Mr. Chairman, just to  
23           kind of piggyback, going back to the  
24           Planning Board attorney's referral, he  
25           says -- I just want to make sure you

2 don't need these -- "Additional variances  
3 may be required once the applicant confirms  
4 lot coverage and signage details."

5 You don't need those?

6 MR. CELLA: No, because you had  
7 granted the sign variance last time and  
8 we're not changing that anymore.

9 MR. DONOVAN: He also made a  
10 reference to the rotation of the cargo  
11 container. I thought you did that prior  
12 to this Board's approval last time.

13 MR. CELLA: We rotated the -- I  
14 don't have -- we did the cargo container  
15 last time.

16 MR. DONOVAN: You took that off the  
17 table, so we didn't need to give --

18 MR. CELLA: Right.

19 MR. DONOVAN: I just want to make  
20 clear, since Dominic has those three  
21 items in there, that you don't need those.

22 MR. CELLA: We don't want to come  
23 back.

24 CHAIRMAN SCALZO: Thank you.

25 You're kind of confined by where

2 the showroom/office is. You have the  
3 3.8 foot offset from the side  
4 property line. I do appreciate that  
5 you kicked it back. That is attached.  
6 It's 5 foot for accessory structures.  
7 This is actually part of the structure.  
8 You're doing the best you can.

9 MR. CELLA: We'll have to excavate  
10 so we have to stay on our property.

11 CHAIRMAN SCALZO: Right, but --  
12 well, it's very commercial in that area.

13 MR. CELLA: Yup.

14 CHAIRMAN SCALZO: I don't really  
15 think this is going to be really out of  
16 character for what's going on there.

17 MR. CELLA: I think what we're  
18 doing is going to improve the overall  
19 appearance of the property in my opinion.

20 CHAIRMAN SCALZO: Thank you. All  
21 right. I don't have any more.

22 Dr. Rein.

23 MS. REIN: Nothing.

24 CHAIRMAN SCALZO: Mr. Masten.

25 MR. MASTEN: I have nothing.

2 CHAIRMAN SCALZO: Mr. Politi.

3 MR. POLITI: No. I was on the  
4 site. The turn radius, that's noted in  
5 here. It's just the way the property is  
6 laid out.

7 CHAIRMAN SCALZO: Mr. Hermance.

8 MR. HERMANCE: So now the shipping  
9 containers are being removed? The last  
10 time --

11 MR. CELLA: No. They're staying.  
12 We received the variance for the  
13 container already. We're leaving it  
14 where it was approved.

15 MR. HERMANCE: I'm just reading  
16 where it says to be removed.

17 MR. CELLA: There is one --

18 CHAIRMAN SCALZO: Page 2.

19 MR. CELLA: You could say to be  
20 relocated or removed.

21 MR. HERMANCE: That fence, is that  
22 going to be a privacy --

23 MR. CELLA: Privacy screening.

24 MR. HERMANCE: With the slats?

25 MR. CELLA: It will be maybe a PVC

2                fence or --

3                MR. LEMA:    White PVC.

4                MR. CELLA:    A white PVC fence.

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

6                CHAIRMAN SCALZO:    Mr. Eberhart,  
7                comments, questions.

8                MR. EBERHART:    No questions.

9                CHAIRMAN SCALZO:    At this point  
10               I'll open it up to any members of the  
11               public that wish to speak about this  
12               application.

13               (No response.)

14               CHAIRMAN SCALZO:    Okay.    I'll look  
15               to the Board for a motion to close the  
16               public hearing.

17               MR. POLITI:    I'll make the motion.

18               CHAIRMAN SCALZO:    I have a motion  
19               from Mr. Politi.

20               MR. EBERHART:    I'll second it.

21               CHAIRMAN SCALZO:    A second from  
22               Mr. Eberhart.    All in favor.

23               MR. EBERHART:    Aye.

24               MR. HERMANCE:    Aye.

25               CHAIRMAN SCALZO:    Aye.

2                    MR. POLITI:    Aye.

3                    MR. MASTEN:    Yes.

4                    MS. REIN:    Aye.

5                    CHAIRMAN SCALZO:    Those opposed.

6                    (No response.)

7                    CHAIRMAN SCALZO:    Very good.

8                    This is a Type 2 action under SEQRA.

9                    Correct, Counsel?

10                   MR. DONOVAN:    Correct, Mr. Chairman.

11                   CHAIRMAN SCALZO:    Thank you.    It's  
12                   a Type 2 action under SEQRA, so we're  
13                   going to go through the area variance  
14                   criteria and discuss the five factors  
15                   we're weighing.

16                   The first one, whether the benefit  
17                   can be achieved by other means feasible  
18                   to the applicant.    If they did not do it  
19                   they wouldn't realize the benefit.

20                   Second, if there's an undesirable  
21                   change in the neighborhood character or a  
22                   detriment to nearby properties.

23                   MR. EBERHART:    No.

24                   MR. HERMANCE:    No.

25                   MR. POLITI:    No.

1 MR. MASTEN: No.

2 MS. REIN: No.

3 CHAIRMAN SCALZO: I would say no.

4 The third, whether the request is  
5 substantial.

6 Boy, Dr. Rein, we have this  
7 conversation about what's substantial  
8 all the time, don't we?

9 MS. REIN: Yes, we do.

10 CHAIRMAN SCALZO: I'm looking at  
11 you. What do you think? Is this  
12 substantial?

13 MS. REIN: This particular piece,  
14 no, because we already approved the rest.

15 CHAIRMAN SCALZO: Okay.

16 MR. DONOVAN: And the overall  
17 impact of granting the variance would not  
18 be substantial. A pure mathematical  
19 calculation may indicate such.

20 MS. REIN: That's what I said.

21 CHAIRMAN SCALZO: We're all  
22 learning.

23 The fourth, whether the request  
24 will have adverse physical or  
25

environmental effects. We actually heard from the applicant's representative that they really have not increased the impervious surface but a bit.

The fifth, whether the alleged difficulty is self-created, which we all know that it is. This is relevant but not determinative.

If the Board approves, it shall grant the minimum variances necessary and we may impose reasonable conditions.

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

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

MR. HERMANCE: I'll second it.

CHAIRMAN SCALZO: We have a motion for approval from Mr. Eberhart. We have a second from Mr. Hermance.

Can you roll on that, please, Siobhan.

MS. JABLESNIK: Mr. Eberhart.

MR. EBERHART: Yes.

2                    MS. JABLESNIK:   Mr. Hermance.

3                    MR. HERMANCE:   Yes.

4                    MS. JABLESNIK:   Mr. Masten.

5                    MR. MASTEN:   Yes.

6                    MS. JABLESNIK:   Mr. Politi.

7                    MR. POLITI:   Yes.

8                    MS. JABLESNIK:   Ms. Rein.

9                    MS. REIN:   Yes.

10                   MS. JABLESNIK:   Mr. Scalzo.

11                   CHAIRMAN SCALZO:   Yes.

12                   The motion is carried.   The  
13                   variances are approved.   Good luck.

14                   MR. CELLA:   Thank you.

15

16                   (Time noted:   7:26 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 6th day of August 2026.

\_\_\_\_\_  
MICHELLE CONERO

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

ERIC JOHNSON

12 Flamingo Drive, Newburgh  
Section 90; Block 4; Lot 7  
R-1 Zone

----- X

Date: July 23, 2026  
Time: 7:27 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: ERIC JOHNSON

----- X

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

2 CHAIRMAN SCALZO: Next up we have  
3 Eric Johnson, 12 Flamingo Drive for an  
4 area variance to increase the degree of  
5 nonconformity of the existing front yard  
6 setback to construct a 20 by 20 addition;  
7 and B, an area variance for the rear yard  
8 setback to allow an existing rear deck to  
9 remain. The deck was previously approved  
10 and a CO was issued in 2018 based on a  
11 plot plan that depicted incorrect setback  
12 dimensions. A recently submitted survey  
13 prepared in connection with the proposed  
14 addition identifies the property's  
15 accurate setbacks, revealing that the  
16 existing deck does not comply with the  
17 required rear yard setback and requires  
18 approval.

19 Do we have mailings on this,  
20 Siobhan?

21 MS. JABLESNIK: This applicant sent  
22 81 letters.

23 CHAIRMAN SCALZO: 81.

24 MS. JABLESNIK: Winner, winner,  
25 chicken dinner.

2 CHAIRMAN SCALZO: That's a lot of  
3 letters.

4 Who do we have with us?

5 MR. JOHNSON: Eric Johnson.

6 CHAIRMAN SCALZO: All right,  
7 Mr. Johnson. I said that much worth  
8 of words. Do you have anything that  
9 you'd like to add to this?

10 Actually, I have a question. Let  
11 me let you talk first.

12 MR. JOHNSON: You basically said  
13 everything I'm here for.

14 CHAIRMAN SCALZO: Siobhan really  
15 writes it up well.

16 MS. JABLESNIK: That was pretty  
17 good.

18 CHAIRMAN SCALZO: It captured  
19 everything.

20 MR. JOHNSON: I was wondering what  
21 I'd have to say when I came up.

22 CHAIRMAN SCALZO: Sometimes saying  
23 nothing actually helps.

24 MR. JOHNSON: Noted.

25 CHAIRMAN SCALZO: Not in your case,

2 but -- how did you get yourself in  
3 trouble with the other one? Was that  
4 just a sketch you had put together on the  
5 rear deck?

6 MR. JOHNSON: Yeah. I asked if I  
7 needed a survey. It wasn't required,  
8 so --

9 CHAIRMAN SCALZO: That's fine. I'm  
10 glad you figured it out now. Now you're  
11 going to be on the up and up.

12 I drove by your place today. If  
13 you saw a black truck creeping around a  
14 couple times, that was me.

15 So the addition is actually set  
16 back from the face of the house on the  
17 right-hand side. I'm assuming you did  
18 that to avoid the gas --

19 MR. JOHNSON: Right.

20 CHAIRMAN SCALZO: -- and the  
21 conflicts with that stuff.

22 I've got nothing. I have no comments.  
23 Mr. Eberhart.

24 MR. EBERHART: No. I talked with  
25 this gentleman. Nice guy.

2 MR. JOHNSON: On a Sunday. Nothing  
3 better to do that Sunday.

4 CHAIRMAN SCALZO: Saturdays or  
5 Sundays in football season, forget about  
6 it.

7 Mr. Hermance.

8 MR. HERMANCE: No, I don't have any  
9 questions.

10 CHAIRMAN SCALZO: He can go to see  
11 you on a Sunday. He's a Jets fan.

12 Mr. Politi.

13 MR. POLITI: No. I was by the  
14 site. That was me in the rain that day.

15 MR. JOHNSON: In the rain?

16 MR. POLITI: It was pouring out.

17 CHAIRMAN SCALZO: That's dedication.

18 MS. JABLESNIK: Sunday, the rain.

19 CHAIRMAN SCALZO: Mr. Masten, any  
20 comments or questions?

21 MR. MASTEN: I have nothing at this  
22 time, Darrin.

23 CHAIRMAN SCALZO: Dr. Rein.

24 MS. REIN: Nothing.

25 CHAIRMAN SCALZO: Very good.

2 At this point I'll open it up to  
3 any members of the public that wish to  
4 speak about this application.

5 (No response.)

6 CHAIRMAN SCALZO: Okay. I'll look  
7 to the Board for a motion to close the  
8 public hearing.

9 MR. MASTEN: I'll make a motion.

10 MS. REIN: I'll second.

11 CHAIRMAN SCALZO: We have a motion  
12 to close from Mr. Masten. We have a  
13 second from Dr. Rein. All in favor.

14 MR. EBERHART: Aye.

15 MR. HERMANCE: Aye.

16 CHAIRMAN SCALZO: Aye.

17 MR. POLITI: Aye.

18 MR. MASTEN: Aye.

19 MS. REIN: Aye.

20 CHAIRMAN SCALZO: Those opposed.

21 (No response.)

22 CHAIRMAN SCALZO: This also is a  
23 Type 2 action under SEQRA. You don't  
24 have to tell me that, Counsel. I know  
25 it.

2 So the balancing criteria here, the  
3 five factors we're weighing, the first  
4 one being whether or not the benefit can  
5 be achieved by other means feasible to  
6 the applicant. It does not appear so.

7 MR. HERMANCE: No.

8 CHAIRMAN SCALZO: He couldn't do  
9 it.

10 The second, if there's an undesirable  
11 change in the neighborhood character or a  
12 detriment to nearby properties. It's a  
13 one-story addition on the side of the  
14 house. It kind of fits very nicely with  
15 the neighborhood character.

16 Third, whether the request is  
17 substantial. It does not appear so.

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

21 MR. EBERHART: No.

22 CHAIRMAN SCALZO: No.

23 The fifth, whether the alleged  
24 difficulty is self-created, which yes, we  
25 know it is, which is relevant but not

2 determinative.

3 Therefore, having gone through the  
4 balancing tests, does the Board have a  
5 motion of some sort?

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

8 MR. POLITI: I'll second it.

9 CHAIRMAN SCALZO: We have a motion  
10 for approval from Mr. Eberhart. We have  
11 a second from Mr. Politi.

12 Can you roll on that, please,  
13 Siobhan.

14 MS. JABLESNIK: Mr. Eberhart.

15 MR. EBERHART: Yes.

16 MS. JABLESNIK: Mr. Hermance.

17 MR. HERMANCE: Yes.

18 MS. JABLESNIK: Mr. Masten.

19 MR. MASTEN: Yes.

20 MS. JABLESNIK: Mr. Politi.

21 MR. POLITI: Yes.

22 MS. JABLESNIK: Ms. Rein.

23 MS. REIN: Yes.

24 MS. JABLESNIK: Mr. Scalzo.

25 CHAIRMAN SCALZO: Yes.

2 The motion is carried. The  
3 variances are approved. Good luck.

4 MR. JOHNSON: Thank you.

5 (Time noted: 7:32 p.m.)

6

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

8

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

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

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 6th day of August 2026.

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MICHELLE CONERO

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

LISA RINALDO  
29 Windwood Drive, Newburgh  
Section 19; Block 5; Lot 3  
R-1 Zone

----- X

Date: July 23, 2026  
Time: 7:33 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: LISA RINALDO

----- X

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

2 CHAIRMAN SCALZO: Our next  
3 applicant this evening is Lisa Rinaldo,  
4 29 Windwood Drive, seeking area variances  
5 of the minimum front yard setback and  
6 increasing the degree of nonconformity  
7 of the combined side yards to build a  
8 new 8.5 by 8.5 front deck.

9 Do we have mailings on this,  
10 Siobhan?

11 MS. JABLESNIK: This applicant sent  
12 42 letters.

13 CHAIRMAN SCALZO: 42. Not the  
14 winner, but still good.

15 MS. JABLESNIK: I'm not sure how  
16 hers was only 42.

17 CHAIRMAN SCALZO: He's in the  
18 middle of the subdivision. She's on the  
19 edge.

20 You back up to the Pilot Center.  
21 Right.

22 MS. RINALDO: Correct.

23 CHAIRMAN SCALZO: So that was kind  
24 of a brief overview. Looking through on  
25 my way through your neighborhood --

2 again, if you saw a black truck creeping  
3 around, I wasn't scoping out the bicycles  
4 the kids left by the stream.

5 Anyway, I like how you put in your  
6 application the other homes that happen  
7 to have what it is you've got, or you're  
8 trying -- you already have. That drew  
9 our attention to it quite well, so thank  
10 you for that additional information. I  
11 confirmed that by driving through your  
12 neighborhood. You're not asking for  
13 anything that's not already there, at  
14 least in my opinion.

15 My guess is your new masonry work  
16 there is going to lead right up to -- you  
17 have it blocked off now.

18 MS. RINALDO: I assumed it had been  
19 permitted in the past. It was there when  
20 I purchased the home. Because it wasn't,  
21 that's where we ran into the issue.

22 CHAIRMAN SCALZO: Understood.  
23 Thank you.

24 MS. RINALDO: We want to rectify  
25 that.

2 CHAIRMAN SCALZO: I don't have any  
3 questions at all. Like I say, I was  
4 around that neighborhood a handful of  
5 times.

6 Mr. Eberhart.

7 MR. EBERHART: I was the creepy guy  
8 in the black car Sunday morning.

9 MS. RINALDO: Siobhan got my call.  
10 My panic call. I didn't see anybody.

11 CHAIRMAN SCALZO: Mr. Hermance.

12 MR. HERMANCE: I have no questions.

13 CHAIRMAN SCALZO: Mr. Politi.

14 MR. POLITI: No. I'm good.

15 CHAIRMAN SCALZO: Mr. Masten.

16 MR. MASTEN: No.

17 CHAIRMAN SCALZO: Dr. Rein.

18 MS. REIN: No.

19 CHAIRMAN SCALZO: At this point  
20 I'll open it up to any members of the  
21 public that wish to speak about this  
22 application.

23 (No response.)

24 CHAIRMAN SCALZO: It does not  
25 appear so.

2 I'll look to the Board for a motion  
3 to close the public hearing.

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

6 MR. HERMANCE: I'll second it.

7 CHAIRMAN SCALZO: We have a motion  
8 from Mr. Eberhart. We have a second from  
9 Mr. Hermance. All in favor.

10 MR. EBERHART: Aye.

11 MR. HERMANCE: Aye.

12 CHAIRMAN SCALZO: Aye.

13 MR. POLITI: Aye.

14 MR. MASTEN: Aye.

15 MS. REIN: Aye.

16 CHAIRMAN SCALZO: Those opposed.

17 (No response.)

18 CHAIRMAN SCALZO: Very good.

19 Counsel, I know this is a Type 2  
20 action under SEQRA.

21 MR. DONOVAN: That is correct,  
22 Mr. Chairman.

23 CHAIRMAN SCALZO: All right. We're  
24 going to go through, yet again, the  
25 balancing criteria here, the first one

2 being whether or not the benefit can be  
3 achieved by other means feasible to the  
4 applicant. Not the benefit.

5 Second, if there's an undesirable  
6 change in the neighborhood character or a  
7 detriment to nearby properties. Since  
8 she's going to be improving to exactly  
9 the size of what's currently there, it's  
10 going to be a desirable change, not an  
11 undesirable change.

12 The third, whether the request is  
13 substantial. It is not.

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

17 MS. REIN: No.

18 CHAIRMAN SCALZO: The fifth,  
19 whether the alleged difficulty is self-  
20 created which is relevant but not  
21 determinative. Of course it is. You've  
22 heard us say that before.

23 Having gone through the balancing  
24 tests, does the Board have a motion?

25 MS. REIN: I'll make a motion to

2 approve.

3 MR. POLITI: Second.

4 CHAIRMAN SCALZO: We have a motion  
5 to approve from Dr. Rein and a second --  
6 he's giving it to you, Mr. Politi.

7 Can you roll on that, please,  
8 Siobhan.

9 MS. JABLESNIK: Mr. Eberhart.

10 MR. EBERHART: Yes.

11 MS. JABLESNIK: Mr. Hermance.

12 MR. HERMANCE: Yes.

13 MS. JABLESNIK: Mr. Masten.

14 MR. MASTEN: Yes.

15 MS. JABLESNIK: Mr. Politi.

16 MR. POLITI: Yes.

17 MS. JABLESNIK: Ms. Rein.

18 MS. REIN: Yes.

19 MS. JABLESNIK: Mr. Scalzo.

20 CHAIRMAN SCALZO: Yes.

21 The motion is carried. The  
22 variances are approved.

23

24 (Time noted: 7:38 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 6th day of August 2026.

\_\_\_\_\_  
MICHELLE CONERO

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

STEPHEN NEUGEBAUER  
62 Coach Lane, Newburgh  
Section 57; Block 6; Lot 13  
R-2 Zone  
----- X

Date: July 23, 2026  
Time: 7:38 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: STEPHEN NEUGEBAUER

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

2                    CHAIRMAN SCALZO:    Our last one for  
3                    the evening is Steve Neugebauer, 62 Coach  
4                    Lane, seeking an area variance of the  
5                    side yard setback to connect a house deck  
6                    to the pool with a 15.5 by 6 deck.

7                    Do we have mailings on this,  
8                    Siobhan?

9                    MS. JABLESNIK:    This applicant  
10                    mailed 54 letters.

11                   CHAIRMAN SCALZO:    54 letters.  
12                   That's a whole slew of letters.

13                   All right.    Mr. Neugebauer, how are  
14                   you?

15                   MR. NEUGEBAUER:    Good.    You?

16                   CHAIRMAN SCALZO:    I'm very good.

17                   That one sentence -- we all took a  
18                   peek.    I looked over your fence today.    I  
19                   was stunned how well you can hear 84 from  
20                   there.

21                   MR. MASTEN:    I also looked over the  
22                   fence yesterday.

23                   MR. NEUGEBAUER:    Anybody else?

24                   CHAIRMAN SCALZO:    He was creepy but  
25                   I wasn't.

2 I had a question. As I was looking  
3 through your application, there was one  
4 thing that I just wanted clarification on  
5 with regard to the sketch that was  
6 prepared here.

7 MR. NEUGEBAUER: Right.

8 CHAIRMAN SCALZO: It's showing the  
9 pool offset 8 feet. It looks like it's  
10 to the fence but the property line is  
11 actually a little behind the fence.

12 MR. NEUGEBAUER: That's correct.

13 CHAIRMAN SCALZO: I just wanted to  
14 be clear.

15 MR. NEUGEBAUER: The fence is on my  
16 side.

17 CHAIRMAN SCALZO: So just the  
18 leader showing which one it goes to is  
19 the -- I'm good then. I've got no  
20 questions on this one.

21 Mr. Eberhart.

22 MR. EBERHART: No questions.

23 CHAIRMAN SCALZO: Mr. Hermance.

24 MR. HERMANCE: No.

25 CHAIRMAN SCALZO: Mr. Politi.

2                    MR. POLITI:   No.

3                    CHAIRMAN SCALZO:   Mr. Masten.

4                    MR. MASTEN:   No.

5                    CHAIRMAN SCALZO:   Dr. Rein.

6                    MS. REIN:   No.

7                    CHAIRMAN SCALZO:   At this point  
8                    I'll open it up to any members of the  
9                    public that wish to speak about this  
10                   application.

11                   (No response.)

12                   CHAIRMAN SCALZO:   Apparently no  
13                   one.

14                   MR. NEUGEBAUER:   Nobody cares.

15                   CHAIRMAN SCALZO:   So I'll look to  
16                   the Board for a motion to close the  
17                   public hearing.

18                   MR. POLITI:   I'll make the motion.

19                   MS. REIN:   I'll second it.

20                   CHAIRMAN SCALZO:   We have a motion  
21                   from Mr. Politi.   We have a second from  
22                   Dr. Rein.   All in favor.

23                   MR. EBERHART:   Aye.

24                   MR. HERMANCE:   Aye.

25                   CHAIRMAN SCALZO:   Aye.

2                    MR. POLITI:    Aye.

3                    MR. MASTEN:    Aye.

4                    MS. REIN:    Aye.

5                    CHAIRMAN SCALZO:    Those opposed.

6                    (No response.)

7                    CHAIRMAN SCALZO:    Very good.

8                    Moving on to the variance balancing  
9                    tests.

10                   It is a Type 2 action under SEQRA.

11                   MR. DONOVAN:    Correct, Mr. Chairman.

12                   CHAIRMAN SCALZO:    The first one  
13                   being whether or not the benefit can be  
14                   achieved by other means feasible to the  
15                   applicant.

16                   MR. EBERHART:    No.

17                   MR. HERMANCE:    No.

18                   MR. POLITI:    No.

19                   MR. MASTEN:    No.

20                   MS. REIN:    No.

21                   CHAIRMAN SCALZO:    Second, if  
22                   there's an undesirable change in the  
23                   neighborhood character or a detriment to  
24                   nearby properties.

25                   MS. REIN:    No.

2                    MR. EBERHART:    No.

3                    CHAIRMAN SCALZO:    Third, whether  
4                    the request is substantial.

5                    MR. EBERHART:    No.

6                    MR. HERMANCE:    No.

7                    MR. POLITI:    No.

8                    MR. MASTEN:    No.

9                    MS. REIN:    No.

10                   CHAIRMAN SCALZO:    Fourth, whether  
11                   the request will have an adverse physical  
12                   or environmental effect.

13                   It doesn't appear that way.    It's  
14                   just connecting the deck to the pool.  
15                   It's not very big.

16                   Fifth, whether the alleged  
17                   difficulty is self-created, which we all  
18                   know it is, which is relevant but not  
19                   determinative.

20                   I'll look to the Board for a motion  
21                   of some sort.

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

24                   MS. REIN:    I'll second it.

25                   CHAIRMAN SCALZO:    We have a motion

2            for approval from Mr. Eberhart. We have  
3            a second from Dr. Rein.

4            Can you roll on that, please,  
5            Siobhan.

6            MS. JABLESNIK: Mr. Eberhart.

7            MR. EBERHART: Yes.

8            MS. JABLESNIK: Mr. Hermance.

9            MR. HERMANCE: Yes.

10          MS. JABLESNIK: Mr. Masten.

11          MR. MASTEN: Yes.

12          MS. JABLESNIK: Mr. Politi.

13          MR. POLITI: Yes.

14          MS. JABLESNIK: Ms. Rein.

15          MS. REIN: Yes.

16          MS. JABLESNIK: Mr. Scalzo.

17          CHAIRMAN SCALZO: Yes.

18          The motion is carried. The  
19          variances are approved.

20          MR. NEUGEBAUER: I appreciate it.

21          CHAIRMAN SCALZO: All right, folks.  
22          Believe it or not, that's a record.

23          Folks, I myself, I didn't get a  
24          chance to read the meeting minutes from  
25          last month's meeting. If you guys have,

2            that's fine by me.

3            I'll look to the Board for a motion  
4            to approve the meeting minutes for the  
5            June meeting.

6            MS. REIN: I'll make a motion to  
7            approve.

8            MR. EBERHART: I'll second.

9            CHAIRMAN SCALZO: We have a motion  
10           from Dr. Rein. We have a second from  
11           Mr. Eberhart. All in favor.

12           MR. EBERHART: Aye.

13           MR. HERMANCE: Aye.

14           MR. POLITI: Aye.

15           MR. MASTEN: Aye.

16           MS. REIN: Aye.

17           CHAIRMAN SCALZO: Those opposed.

18           (No response.)

19           CHAIRMAN SCALZO: I abstain.

20           That appears to be our business for  
21           the evening. I'll look for a motion to  
22           adjourn.

23           MR. EBERHART: I'll make the  
24           motion.

25           MR. MASTEN: Second.

2                    CHAIRMAN SCALZO: We have a motion  
3                    to adjourn from Mr. Eberhart. We have a  
4                    second from Mr. Masten. All in favor.

5                    MR. EBERHART: Aye.

6                    MR. HERMANCE: Aye.

7                    CHAIRMAN SCALZO: Aye.

8                    MR. POLITI: Aye.

9                    MR. MASTEN: Aye.

10                   MS. REIN: Aye.

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12                   (Time noted: 7:45 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 6th day of August 2026.

\_\_\_\_\_  
MICHELLE CONERO