

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

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

In the Matter of

JOSE TIPAN NUALA

5 Roy Place, Newburgh  
Section 77; Block 3; Lot 1  
R-3 Zone

----- X

Date: September 25, 2025  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: CARMEN DE LA CRUZ

----- X

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

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

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

22 Roll call, please.

23 MS. JABLESNIK: Latwan Banks.

24 MS. BANKS: Present.

25 MS. JABLESNIK: Darrell Bell.

2                    MR. BELL:    Here.

3                    MS. JABLESNIK:   James Eberhart.

4                    MR. EBERHART:    Present.

5                    MS. JABLESNIK:   Greg Hermance.

6                    MR. HERMANCE:    Here.

7                    MS. JABLESNIK:   John Masten.

8                    MR. MASTEN:      Here.

9                    MS. JABLESNIK:   Ms. Rein.

10                   MS. REIN:        Here.

11                   MS. JABLESNIK:   Darrin Scalzo.

12                   CHAIRMAN SCALZO:   Here.

13                   MS. JABLESNIK:   Also present is our  
14                   attorney, David Donovan; from Code  
15                   Compliance, Joseph Mattina; and our  
16                   Stenographer is Michelle Conero.

17                   CHAIRMAN SCALZO:   All please rise  
18                   for the Pledge.

19                   (Pledge of Allegiance.)

20                   CHAIRMAN SCALZO:   Our first  
21                   applicant this evening is Jose Tipan  
22                   Nuala. I hope I said that right. Area  
23                   variances of increasing the degree of  
24                   nonconformity for both front yards on Roy  
25                   Place and Stanley Place to add a second-

2                story and a two-story side addition to the  
3                existing dwelling.

4                Do we have mailings on this, Siobhan?

5                MS. JABLESNIK: This applicant sent  
6                sixty letters.

7                CHAIRMAN SCALZO: We have sixty  
8                letters.

9                We have someone approaching. If you  
10               could identify yourself, please.

11               MS. DE LA CRUZ: My name is Carmen  
12               De La Cruz, I work for Jorge Architects  
13               and I'm here representing the brothers  
14               Jose and Nicolas Tipan. They are the  
15               owners of 5 Roy Place.

16               CHAIRMAN SCALZO: Very good. If I  
17               have captured it appropriately, which I  
18               probably haven't because you have diagrams  
19               and you want to point at things, I can  
20               tell. Go ahead and put it up on the  
21               easel.

22               MS. DE LA CRUZ: Thank you so much.

23               So our clients are requesting two  
24               area variances for the existing  
25               nonconforming house. It's a corner

2 property and both of the frontages are  
3 existing nonconforming. Our clients would  
4 like to add a second floor addition to add  
5 bedrooms and a bathroom so that their  
6 large family can live there. Right now  
7 the house is very small for the number of  
8 members of the family.

9 MS. REIN: I have a question.

10 CHAIRMAN SCALZO: Donna.

11 MS. REIN: It looks to me, from the  
12 pictures, it's already built.

13 MS. DE LA CRUZ: No, no.

14 MS. REIN: Is that not it?

15 MS. DE LA CRUZ: No, no. That was  
16 -- actually, I believe the previous owners  
17 started some renovations. My clients  
18 bought it and then decided to do the  
19 addition.

20 MS. REIN: The addition is already  
21 on there. It looks like it's just missing  
22 the siding.

23 MS. DE LA CRUZ: There's no addition  
24 right now. The siding was taken away --  
25 taken off, yes.

2                    MS. REIN:  Doesn't it look like  
3                    there's a second floor?

4                    MS. DE LA CRUZ:  That's the attic.

5                    CHAIRMAN SCALZO:  Looking at it from  
6                    -- well, not that it appears to be a cape  
7                    cod, but they're looking for a full second  
8                    floor.

9                    MS. DE LA CRUZ:  It's a ranch with  
10                    an attic space which the height is not  
11                    enough.  It has dormers that raise the  
12                    height, but not enough to have a full  
13                    height.

14                    MS. REIN:  You're going to go up  
15                    above this?

16                    MS. DE LA CRUZ:  A full height.  
17                    Correct.  8 feet plus, the roof.

18                    MS. REIN:  Okay.  I had one other  
19                    question.  Number 20 on page 3 of 3, it  
20                    says has the proposed action or adjoining  
21                    action been the subject of remediation,  
22                    ongoing or completed for hazardous waste.  
23                    It says yes and then there's no explanation.

24                    MS. DE LA CRUZ:  I believe that's  
25                    the automatic reply that comes.

2 MS. REIN: These were done by hand I  
3 think. I could be wrong. But still,  
4 somebody signed it with it saying yes.

5 MS. DE LA CRUZ: Let me see.

6 MS. REIN: I can show it to you.

7 MS. DE LA CRUZ: Please.

8 MS. REIN: Number 20.

9 MS. DE LA CRUZ: Those are automatic.  
10 That comes when we do the assessment  
11 online.

12 MS. REIN: Don't they read it before  
13 they sign it?

14 MS. DE LA CRUZ: The thing is it  
15 might be the property is like -- I don't  
16 remember exactly what the distance is, but  
17 it's not the property itself.

18 MS. REIN: I just wish somebody had  
19 written something here or changed that to  
20 no, because this isn't accurate then.  
21 Correct?

22 CHAIRMAN SCALZO: Donna, you are  
23 correct. The applicant really -- it was  
24 incumbent upon the applicant to, because  
25 it says clearly if yes, describe. Even if

2 it was just a simple statement such as  
3 there was remediation 500 feet away.

4 MS. REIN: It didn't make sense to  
5 me that there wasn't an explanation. If  
6 this doesn't exist and it should be a no,  
7 then that has to be changed.

8 MS. DE LA CRUZ: I understand that.  
9 Okay. That could be changed.

10 MR. HERMANCE: My sheet is checked  
11 no.

12 MS. BANKS: Mine says yes.

13 MR. BELL: Mine says no.

14 CHAIRMAN SCALZO: Who prepared these  
15 packages?

16 MR. BELL: That's why I was kind of  
17 confused.

18 MS. REIN: Number 20?

19 CHAIRMAN SCALZO: Is yours dated  
20 4/16/25?

21 MS. BANKS: Yes.

22 MS. REIN: Which one is the correct  
23 one?

24 CHAIRMAN SCALZO: Details matter.

25 MS. REIN: Yes, they do.



2 MS. JABLESNIK: Let's see what mine  
3 says. That's the one that's going to be  
4 filed.

5 MS. REIN: I read everything.

6 MS. JABLESNIK: Mine says yes.

7 CHAIRMAN SCALZO: In this instance I  
8 think we can still continue. No matter  
9 whether we reach a resolution this evening  
10 or not, I believe that the application can  
11 be amended with either a comment or a no  
12 confirmed. Is that correct?

13 MR. DONOVAN: Yes. There's an  
14 improvement there already. It's not as  
15 though we're dealing with a vacant  
16 property. I concur with the Chairman.  
17 You can proceed with either a proviso that  
18 it be changed or, if it's going to stay  
19 yes, an explanation.

20 CHAIRMAN SCALZO: Thank you, Counsel.

21 We're here because you're increasing  
22 the degree of nonconformity by going up.  
23 You currently don't meet the front yards  
24 on both streets.

25 MS. DE LA CRUZ: Correct.

2 CHAIRMAN SCALZO: The building  
3 itself, the structure is not going to be  
4 expanded any closer to any of the front  
5 yards. Correct?

6 MS. DE LA CRUZ: That is correct.

7 CHAIRMAN SCALZO: That's pretty  
8 simple for me.

9 Ms. Rein, is that --

10 MS. REIN: I'm good.

11 CHAIRMAN SCALZO: How about you,  
12 Mr. Masten?

13 MR. MASTEN: That's fine.

14 CHAIRMAN SCALZO: Mr. Bell?

15 MR. BELL: I'm good.

16 CHAIRMAN SCALZO: Mr. Hermance?

17 MR. HERMANCE: Yes.

18 CHAIRMAN SCALZO: Mr. Eberhart?

19 MR. EBERHART: I'm good.

20 CHAIRMAN SCALZO: Ms. Banks?

21 MS. BANKS: Yes.

22 CHAIRMAN SCALZO: At this time we'll  
23 open it up to any members of the public  
24 that wish to speak about this application.

25 MR. OTLOWSKI: Steve Otlowski, 4 Roy

2 place. There are three houses on that  
3 side of the street. We're on the other  
4 side of the street.

5 CHAIRMAN SCALZO: Sir, I will advise  
6 you that all of this information was also  
7 available on the Town's website.

8 MR. OTLOWSKI: I get that. I get  
9 that.

10 CHAIRMAN SCALZO: Do you have any  
11 concerns or comments?

12 MR. OTLOWSKI: I do have concerns.  
13 I do have concerns.

14 CHAIRMAN SCALZO: Okay.

15 MR. OTLOWSKI: Living on Roy Place  
16 for the last thirty-eight years, number  
17 one, the house -- the existing house is a  
18 cape cod, it's not a ranch. It's a single-  
19 story cape cod with a dormer to the attic.

20 CHAIRMAN SCALZO: Two dormers. I  
21 actually just showed that photo to Ms. Rein.

22 MR. OTLOWSKI: Number two, I  
23 understand from the drawings that there  
24 would be an addition to the Roy Place side  
25 of the house.

2 MS. DE LA CRUZ: That is correct.

3 MR. OTLOWSKI: And also an addition  
4 to the Stanley Place side of the house?

5 MS. DE LA CRUZ: No.

6 CHAIRMAN SCALZO: The architect's  
7 rendering, which is in the bottom right-  
8 hand section of what you were just looking  
9 at, the bottom right-hand section, the  
10 proposed two-story addition is on the back  
11 side of the house. It's not on the  
12 Stanley Place side nor on the Roy Place  
13 side. That is not subject to any of the  
14 variances that the applicant is requesting  
15 this evening.

16 MR. OTLOWSKI: So this section here,  
17 is that going to be --

18 CHAIRMAN SCALZO: Where your finger  
19 is, it's one above that. Move your  
20 finger. That's where the addition is  
21 going to be.

22 MR. OTLOWSKI: That's the addition?

23 CHAIRMAN SCALZO: Yes, sir.

24 MR. OTLOWSKI: Will this increase  
25 the footprint of the house?

2 CHAIRMAN SCALZO: No, sir. That's  
3 what the applicant is claiming. All  
4 they're doing is going straight up.

5 MR. OTLOWSKI: Straight up and going  
6 back?

7 CHAIRMAN SCALZO: That's correct.

8 MR. OTLOWSKI: Okay. I was  
9 concerned because it would be a much  
10 larger house.

11 CHAIRMAN SCALZO: It's going to be a  
12 much larger house.

13 MR. OTLOWSKI: It would be a much  
14 larger house. In the neighborhood of  
15 split levels, ranches -- split levels and  
16 ranches and the original farmhouse on the  
17 property, it would totally change the  
18 character of the neighborhood.

19 CHAIRMAN SCALZO: I'm very familiar  
20 with the neighborhood. I have relatives  
21 that actually live on Roy, the other end.  
22 It doesn't matter who. I'm very familiar  
23 with the neighborhood.

24 MR. OTLOWSKI: Our concern is the  
25 character of the neighborhood.

2 They're not moving out towards the  
3 Stanley side?

4 CHAIRMAN SCALZO: They're not moving  
5 out toward Stanley or Roy.

6 MR. OTLOWSKI: That doesn't concern  
7 me. Our concern, from the letter that we  
8 got, was that if you moved that house out  
9 towards the Stanley side, your view of  
10 traffic coming up Stanley would be  
11 inhibited.

12 CHAIRMAN SCALZO: Rest assured, sir,  
13 that's not what's happening. The reason  
14 why they appeared here is because the  
15 house currently doesn't conform with the  
16 zoning code, therefore anything that they  
17 did to the house, they would be sitting in  
18 the same seat.

19 MR. OTLOWSKI: Okay. That works for  
20 me.

21 My other question is, considering  
22 that there's a sizable slab that was  
23 originally, I assume, supposed to be  
24 another room on the end of the house --

25 CHAIRMAN SCALZO: Sir, we're only

2 here to talk about the variances they're  
3 requesting. We have a full room and we  
4 want to get out of here tonight.

5 MR. OTLOWSKI: So do I. That  
6 answers my questions. As long as it's not  
7 going to push toward Stanley or toward Roy.

8 CHAIRMAN SCALZO: Not at all.

9 MR. OTLOWSKI: I'm done.

10 CHAIRMAN SCALZO: Thank you, sir.  
11 If we had more people come out to give  
12 comments, there would be less tension.

13 MR. OTLOWSKI: I can comment on  
14 anything.

15 CHAIRMAN SCALZO: We do great things  
16 here.

17 MR. OTLOWSKI: Thank you, guys.

18 CHAIRMAN SCALZO: Are there any  
19 other members of the public participating  
20 in this meeting that want to comment on  
21 this application?

22 Please identify yourself.

23 LAURA: Hi. My name is Laura and I  
24 live on Noel Drive, which is the property  
25 -- we would be sharing back properties.

2 So my question is, when you're  
3 talking about the extension, are you  
4 extending out towards the back part of  
5 the property or are we talking about  
6 extending on the side of the property?

7 CHAIRMAN SCALZO: I will almost say  
8 what I said to the gentleman who asked the  
9 question before. They are only looking  
10 for variances for the front yard setbacks.  
11 What's going on behind the house, which  
12 would be contiguous with your lot, is  
13 going to be an addition that doesn't need  
14 any variances. It meets all the criteria  
15 for the code, so that can continue. They're  
16 only here for what is the existing dwelling.

17 LAURA: Thank you.

18 CHAIRMAN SCALZO: Are there any other  
19 members of the public that wish to speak  
20 about this application?

21 (No response.)

22 CHAIRMAN SCALZO: No.

23 I'll go back to the Board. Any  
24 comments or questions?

25 Oh, please step forward. This is



2 the opportunity. I'm glad we have people.

3 MS. PHILLIPS: I'm Carol Phillips  
4 and I live in that same neighborhood.  
5 We're just confirming that this is going  
6 to be a single-family residence and not  
7 apartments?

8 MS. DE LA CRUZ: Single family.

9 CHAIRMAN SCALZO: What I had said to  
10 the gentleman earlier, the complete  
11 application is all on the Town of  
12 Newburgh's website, in addition to the  
13 renderings as well as the architectural.  
14 Actually, I believe it states right in the  
15 application that same thing.

16 MS. PHILLIPS: Thank you so much.

17 CHAIRMAN SCALZO: Any other  
18 questions from the public?

19 We have a great opportunity here to  
20 address it.

21 (No response.)

22 CHAIRMAN SCALZO: Very good.

23 Going back to the Board here. Does  
24 anyone on the Board have any comments or  
25 questions?

2 MS. BANKS: No.

3 MR. EBERHART: No.

4 MR. HERMANCE: No.

5 MR. BELL: No.

6 MR. MASTEN: No.

7 MS. REIN: No.

8 CHAIRMAN SCALZO: I'll look to the  
9 Board for a motion to close the public  
10 hearing.

11 MR. MASTEN: I'll make a motion to  
12 close the public hearing.

13 MR. EBERHART: I'll second it.

14 CHAIRMAN SCALZO: We have a motion  
15 to close from Mr. Masten. We have a  
16 second from Mr. Eberhart. All in favor.

17 MS. BANKS: Aye.

18 MR. EBERHART: Aye.

19 MR. HERMANCE: Aye.

20 CHAIRMAN SCALZO: Aye.

21 MR. BELL: Aye.

22 MR. MASTEN: Aye.

23 MS. REIN: Aye.

24 CHAIRMAN SCALZO: Very good. So in  
25 this instance we are going to go through

2 the area variance criteria.

3 This is a Type 2 action under SEQRA?

4 MR. DONOVAN: That is correct,  
5 Mr. Chairman.

6 CHAIRMAN SCALZO: Thank you, Counsel.

7 We're going to go through the five  
8 factors we're weighing, the first one  
9 being whether or not the benefit can be  
10 achieved by other means feasible to the  
11 applicant.

12 What I had said earlier, folks, is  
13 that even if they were going to put a new  
14 set of stairs on the back of the dwelling,  
15 they would still be here because they  
16 don't meet the front yard setbacks from  
17 both roads. It is only those front yard  
18 setbacks for the existing dwelling that is  
19 leading them here. I would say the answer  
20 is no.

21 Second, if there's an undesirable  
22 change in the neighborhood character or a  
23 detriment to nearby properties. It does  
24 not appear so.

25 The third, whether the request is

2 substantial. Well, I suppose by the  
3 numbers some may consider that substantial.  
4 We're only going up, we're not going out.

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

8 MR. BELL: No.

9 MR. EBERHART: No.

10 CHAIRMAN SCALZO: It does not appear  
11 so.

12 The fifth, whether the alleged  
13 difficulty is self-created which is  
14 relevant but not determinative. This is  
15 not self-created. Going up is self-  
16 created, but the current offsets to the  
17 front yards are not.

18 Having gone through the balancing  
19 tests of the area variance, does the Board  
20 have a motion of some sort?

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

23 MR. BELL: I'll second.

24 CHAIRMAN SCALZO: We have a motion  
25 for approval from Mr. Eberhart. We have a

2 second from Mr. Bell.

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

5 MS. JABLESNIK: Ms. Banks.

6 MS. BANKS: Yes.

7 MS. JABLESNIK: Mr. Bell.

8 MR. BELL: Yes.

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: Ms. Rein.

16 MS. REIN: With the addition --

17 CHAIRMAN SCALZO: With the  
18 modification to the application, question  
19 number 20 on the SEQRA document.

20 MS. REIN: I agree with that.

21 CHAIRMAN SCALZO: Good catch. I  
22 would agree with that as well.

23 MS. JABLESNIK: Mr. Scalzo.

24 CHAIRMAN SCALZO: Aye.

25 The motion is carried. The

2                variances are approved. Good luck.

3                MS. REIN: Don't forget to send us  
4                the amended.

5                CHAIRMAN SCALZO: That's going to be  
6                a condition of the approval.

7                MS. DE LA CRUZ: Yes. Thank you.

8

9                (Time noted: 7:14 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2

3

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

4

5

6

7

8

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

9

10

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

11

12

13

14

15

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.

16

17

18

19

20

21

22

23

24

25

---

MICHELLE CONERO

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: September 25, 2025  
Time: 7:14 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANC  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: NILS FREDRIKSEN

----- X

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



2 CHAIRMAN SCALZO: The second  
3 application this evening is James  
4 Saffioti, 20 Jennifer Rose Way in  
5 Wallkill, Town of Newburgh, seeking  
6 area variances of the minimum front  
7 yard setback and maximum lot surface  
8 coverage to build a 15 foot by 15.75  
9 foot front yard addition.

10 Siobhan, do we have mailings on  
11 this?

12 MS. JABLESNIK: This applicant sent  
13 twenty-five letters.

14 CHAIRMAN SCALZO: Twenty-five letters.  
15 Who do we have with us?

16 MR. FREDRIKSEN: Good evening. My  
17 name is Nils Fredriksen. I'm the architect  
18 representing James and Joanne Saffioti.

19 We have a preexisting nonconforming  
20 lot here as well. The buildable area  
21 that's highlighted in green, it is clearly  
22 very restrictive.

23 We're asking for a front yard  
24 variance and a lot coverage variance.

25 We did explore going out to the rear

2 to lessen the impact on the road. There's  
3 a septic tank within, probably about 15  
4 feet from the house. We would have to  
5 relocate that. We also would have to  
6 relocate additional landscaping, which is  
7 why we're requesting variances for the  
8 addition in the front.

9 The client needs some additional  
10 room. This has a very narrow landing when  
11 you enter. When you open and swing the  
12 door, there's no way to maneuver around.  
13 With the addition we're increasing the  
14 depth of the foyer by 4 feet. We're  
15 adding a covered entry. The addition also  
16 allows for the second floor kitchen to be  
17 relocated to the front of the building and  
18 opens up the living room in the back.

19 I'm happy to answer any questions  
20 that you may have.

21 CHAIRMAN SCALZO: Thank you very  
22 much. I'm going to start at the other end  
23 of the table here.

24 Ms. Banks, do you have any question?

25 MS. BANKS: I don't have any questions.

2 CHAIRMAN SCALZO: Mr. Eberhart?

3 MR. EBERHART: No questions.

4 CHAIRMAN SCALZO: Mr. Hermance?

5 MR. HERMANCE: He answered my  
6 question, what was the addition going to  
7 be used for. It's for a foyer and kitchen  
8 space.

9 MR. FREDRIKSEN: And there's a  
10 bedroom underneath that will be expanded.  
11 We're not increasing the bedroom count.

12 CHAIRMAN SCALZO: Mr. Bell?

13 MR. BELL: No questions.

14 CHAIRMAN SCALZO: Mr. Masten?

15 MR. MASTEN: None.

16 CHAIRMAN SCALZO: Ms. Rein?

17 MS. REIN: I'm good.

18 CHAIRMAN SCALZO: Okay. I don't  
19 have any myself. Obviously it's a 14 plus  
20 or minus foot front yard, but the other  
21 corner of the house was already in  
22 nonconformance as well.

23 I'm going to open it up to any  
24 members here in the public that wish to  
25 comment or ask questions about this

2 application.

3 (No response.)

4 CHAIRMAN SCALZO: Okay. That's  
5 interesting. It's a pretty quiet street.  
6 Not a lot going on there.

7 There are trees and nothing behind  
8 you.

9 MR. FREDRIKSEN: It's a private  
10 road.

11 CHAIRMAN SCALZO: Very good. At  
12 this point, we had no questions or  
13 comments from the public, I'll look to the  
14 Board for a motion to close the public  
15 hearing.

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

18 MS. BANKS: I'll second it.

19 CHAIRMAN SCALZO: We have a motion  
20 to close from Mr. Bell. We have a second  
21 from Ms. Banks. All in favor.

22 MS. BANKS: Aye.

23 MR. EBERHART: Aye.

24 MR. HERMANCE: Aye.

25 CHAIRMAN SCALZO: Aye.

2 MR. BELL: Aye.

3 MR. MASTEN: Aye.

4 MS. REIN: Aye.

5 CHAIRMAN SCALZO: Counsel, this is  
6 a Type 2 action under SEQRA?

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

9 CHAIRMAN SCALZO: Everybody that's  
10 sticking around is going to know all of  
11 what the five factors are about by the end  
12 of tonight.

13 The first one being whether or not  
14 the benefit can be achieved by other means  
15 feasible to the applicant. The applicant  
16 did indicate that they had explored other  
17 options, but they were restricted by the  
18 septic location.

19 MR. BELL: No.

20 CHAIRMAN SCALZO: I suppose not.

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

24 MR. BELL: None.

25 CHAIRMAN SCALZO: No.

2 Third, whether the request is  
3 substantial. It's going to be close to a  
4 50-foot setback. It will be 46 when it's  
5 done even though 60 is required. I'm not  
6 sure that that's substantial.

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

10 MS. BANKS: No.

11 MR. EBERHART: No.

12 MR. HERMAN: No.

13 MR. BELL: No.

14 MR. MASTEN: No.

15 MS. REIN: No.

16 CHAIRMAN SCALZO: It does not appear  
17 so.

18 Fifth, whether the alleged difficulty  
19 is self-created which is relevant but not  
20 determinative. Of course it is.

21 Having gone through the balancing tests  
22 of the area variance, does the Board have a  
23 motion of some sort?

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

2 MR. MASTEN: I'll second it.

3 CHAIRMAN SCALZO: We have a motion  
4 for approval from Mr. Bell. We have a  
5 second from Mr. Masten.

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

8 MS. JABLESNIK: Ms. Banks.

9 MS. BANKS: Yes.

10 MS. JABLESNIK: Mr. Bell.

11 MR. BELL: Yes.

12 MS. JABLESNIK: Mr. Eberhart.

13 MR. EBERHART: Yes.

14 MS. JABLESNIK: Mr. Hermance.

15 MR. HERMANCE: Yes.

16 MS. JABLESNIK: Mr. Masten.

17 MR. MASTEN: Yes.

18 MS. JABLESNIK: Ms. Rein.

19 MS. REIN: Yes.

20 MS. JABLESNIK: Mr. Scalzo.

21 CHAIRMAN SCALZO: Yes.

22 The motion is carried. The  
23 variances are approved. Thank you.

24 MR. FREDRIKSEN: Thank you.

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

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

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 9th day of October 2025.

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



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

DANA SAINTMIRE (GOLDSMITH)  
  
8 Oliver Drive, Newburgh  
Section 63; Block 4; Lot 5  
R-3 Zone

----- X

Date: September 25, 2025  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: DANA SAINTMIRE

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

2 CHAIRMAN SCALZO: Our next applicant  
3 this evening is Dana Saintmire (GoldSmith),  
4 8 Oliver Drive, seeking area variances of  
5 the minimum rear yard setback to replace  
6 the existing rear deck with a 12 by 8.33  
7 deck and extend the existing 8 by 18 side  
8 deck to make a 12 foot by 18 foot side  
9 deck.

10 Do we have mailings on this,  
11 Siobhan?

12 MS. JABLESNIK: This applicant  
13 mailed sixty-three letters.

14 CHAIRMAN SCALZO: Sixty-three. You  
15 might be the winner.

16 MS. SAINTMIRE: What do we get for  
17 that? An approval? I got to know Siobhan  
18 a little bit. She's very helpful.

19 CHAIRMAN SCALZO: A sense of humor  
20 will get you far. If you understand what  
21 it is that I just read and would like to  
22 add any color commentary to it.

23 MS. SAINTMIRE: What we are doing is  
24 we are replacing existing decks that are  
25 in disrepair. They're old wooden decks

2 that we bought -- that came with the  
3 house when we bought it in '22. We  
4 are replacing the decks and we're  
5 looking just to extend the side deck  
6 just a little bit and then the back  
7 deck just a little bit to make it  
8 more livable for us.

9 We are looking to use all new  
10 material and we will -- I think it's  
11 reinforced, the posts that are there,  
12 and then add new posts for the larger  
13 deck. We're using all Trek deck.  
14 We're trying to make our outdoor  
15 living a bit more nice.

16 CHAIRMAN SCALZO: Okay.

17 MS. REIN: Is the side deck coming  
18 out past the house?

19 MS. SAINTMIRE: The side deck is on  
20 the side of the house.

21 MS. REIN: I see it. Are you  
22 extending it?

23 MS. SAINTMIRE: It will go out 4  
24 feet. Instead of it being 8 feet, it will  
25 be 12 feet out.

2 MS. REIN: Okay.

3 MS. SAINTMIRE: I submitted drawings  
4 as well with the extension.

5 MS. REIN: Thank you. Are they  
6 going to connect, the two decks?

7 MS. SAINTMIRE: No. No. Those  
8 decks, that was a survey from when we  
9 bought the house.

10 CHAIRMAN SCALZO: I saw the  
11 additional markings on the sketch that you  
12 were going to push it out.

13 MS. SAINTMIRE: Yes.

14 CHAIRMAN SCALZO: I could tell by  
15 the penmanship or auto CAD whose this is.  
16 It's the same guy that did the last one.

17 Anyway, I really don't have any  
18 questions on this. You have an odd-shaped  
19 lot, so that kind of -- it's basically a  
20 right triangle. I've got nothing.

21 Let's start on this end.

22 MS. REIN: I'm good.

23 MR. MASTEN: I'm good.

24 MR. BELL: I'm good, too.

25 MR. HERMAN: I have no questions.

2 MR. EBERHART: No questions.

3 MS. BANKS: Nothing.

4 CHAIRMAN SCALZO: If there anyone  
5 here from the public that wishes to  
6 comment about this application, please  
7 step forward and give us your comments.

8 (No response.)

9 CHAIRMAN SCALZO: Very good.  
10 In this instance I will look to the Board  
11 for a motion to close the public hearing.

12 MR. EBERHART: I'll make a motion to  
13 close the public hearing.

14 MR. MASTEN: I'll second it.

15 CHAIRMAN SCALZO: We have a motion  
16 to close from Mr. Eberhart. We have a  
17 second from Mr. Masten. All in favor.

18 MS. BANKS: Aye.

19 MR. EBERHART: Aye.

20 MR. HERMANCENCE: Aye.

21 CHAIRMAN SCALZO: Aye.

22 MR. BELL: Aye.

23 MR. MASTEN: Aye.

24 MS. REIN: Aye.

25 CHAIRMAN SCALZO: Those opposed.

2 (No response.)

3 CHAIRMAN SCALZO: This is also a  
4 Type 2 action under SEQRA?

5 MR. DONOVAN: Correct, Mr. Chairman.

6 CHAIRMAN SCALZO: I like the  
7 affirmation.

8 Here we go again with the five  
9 factors, the first one being whether or  
10 not the benefit can be achieved by other  
11 means feasible to the applicant.

12 MR. BELL: No.

13 CHAIRMAN SCALZO: Second, if there's  
14 an undesirable change in the neighborhood  
15 character or a detriment to nearby  
16 properties.

17 It does not appear so.

18 Third, whether the request is  
19 substantial. Again, it does not appear  
20 so. It's a deck open. It's not roofed.

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

24 MS. BANKS: No.

25 MR. EBERHART: No.

2 MR. HERMANCE: No.

3 MR. BELL: No.

4 MR. MASTEN: No.

5 MS. REIN: No.

6 CHAIRMAN SCALZO: It does not appear  
7 so.

8 Fifth, whether the alleged difficulty  
9 is self-created. Sure it is. That's  
10 relative but not determinative.

11 I did the fourth, environmental  
12 effects?

13 MR. BELL: You did.

14 CHAIRMAN SCALZO: Having gone  
15 through the balancing tests of the area  
16 variance, does the Board have a motion of  
17 some sort?

18 MS. REIN: I'll make a motion to  
19 approve.

20 MS. BANKS: I'll second it.

21 CHAIRMAN SCALZO: We have a motion  
22 from Ms. Rein and we have a second from  
23 Ms. Banks, because she beat you to it,  
24 Mr. Masten.

25 Can you roll on that, please,

2 Siobhan.

3 MS. JABLESNIK: Ms. Banks.

4 MS. BANKS: Yes.

5 MS. JABLESNIK: Mr. Bell.

6 MR. BELL: Yes.

7 MS. JABLESNIK: Mr. Eberhart.

8 MR. EBERHART: Yes.

9 MS. JABLESNIK: Mr. Hermance.

10 MR. HERMANCE: Yes.

11 MS. JABLESNIK: Mr. Masten.

12 MR. MASTEN: Yes.

13 MS. JABLESNIK: Ms. Rein.

14 MS. REIN: Yes.

15 MS. JABLESNIK: Mr. Scalzo.

16 CHAIRMAN SCALZO: Yes.

17 The motion is carried. The  
18 variances are approved. Good luck.

19 MS. SAINTMIRE: Thank you.

20 CHAIRMAN SCALZO: I should have said  
21 this to the other two applicants, too.  
22 This is not the end. You need to check  
23 back in with Siobhan. Some applicants  
24 think sometimes things are not complete or  
25 they are complete.



2 MS. SAINTMIRE: I'm working with my  
3 contractor, so they're aware. I'm just  
4 doing it to hopefully save some time.

5 CHAIRMAN SCALZO: You got what you  
6 needed, but there are other things to be  
7 checked up on.

8 MS. SAINTMIRE: Thank you.

9

10 (Time noted: 7:27 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2

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

4

5

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

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

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

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

18

19

20

21

22

23

24

25

---

MICHELLE CONERO

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

WOODHOLLOW CONTRACTING CORP.  
FOR FIRST PRESTIGE PROPERTIES, INC.  
  
5306 Route 9W, Newburgh  
Section 23; Block 2; Lot 1  
B Zone

----- X

Date: September 25, 2025  
Time: 7:27 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JOANNE CONNOLLY

----- X

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

2 CHAIRMAN SCALZO: The next applicant  
3 is Woodhollow Contracting Corp for First  
4 Prestige Properties, Inc., 5306 Route 9W  
5 in Newburgh, which is a Planning Board  
6 referral for a proposed project to install  
7 an EV charging station. The property has  
8 preexisting nonconformities, rear yard,  
9 side yard, front yard, on a state highway  
10 and front yard on McCall Place.

11 Do we have mailings on this?

12 MS. JABLESNIK: We sure do. This  
13 applicant sent thirty-four mailings.

14 CHAIRMAN SCALZO: Thirty-four.

15 Do we have County --

16 MS. JABLESNIK: We do not.

17 CHAIRMAN SCALZO: -- GML-239?

18 MS. JABLESNIK: Not yet.

19 CHAIRMAN SCALZO: Well, we're going  
20 to let you present. By me asking Siobhan  
21 if we have GML-239 back from the County  
22 yet, I don't know if you're aware of what  
23 that means.

24 MS. CONNOLLY: Yes. You need their  
25 comments.

2 CHAIRMAN SCALZO: For those of you  
3 that don't know, if you're within 500 feet  
4 of a county or a state road, the county  
5 has the opportunity to weigh in with their  
6 opinion. Most the time they send us stuff  
7 back that says local determination, but we  
8 cannot act until the county gives us some  
9 type of indication.

10 MS. CONNOLLY: Understood.

11 My name is Joanne Connolly and I'm  
12 with Prestige Petroleum. Unfortunately  
13 Woodhollow Contracting, the gentleman came  
14 down with the flu last minute and could  
15 not come from Long Island. I'm going to  
16 hopefully answer all of your questions to  
17 the best of my ability.

18 CHAIRMAN SCALZO: Very good. Thank  
19 you.

20 As I mentioned, we cannot act on  
21 this this evening. I'm not going to give  
22 you a pass, but knowing that, knowing that  
23 you will have to be back here for the  
24 month of October, you don't have to  
25 present if you don't want to.

2 MS. CONNOLLY: I will present, --

3 CHAIRMAN SCALZO: Okay.

4 MS. CONNOLLY: -- this way if I need  
5 to go back to them and find out any  
6 additional information, I can do that.

7 CHAIRMAN SCALZO: Great approach.

8 So all of us have looked at the  
9 plans. It looks like the charging  
10 stations are actually on the back side of  
11 the building so you can't even see them  
12 from the state highway.

13 MS. CONNOLLY: Right.

14 CHAIRMAN SCALZO: This lot, as the  
15 application says, has preexisting  
16 nonconformities. Really all the applicant  
17 is here to do is ask for the ability to  
18 put in EV charging stations.

19 MS. CONNOLLY: That's correct.

20 CHAIRMAN SCALZO: They're not doing  
21 any other modifications to the building.  
22 Correct?

23 MS. CONNOLLY: That is correct. We  
24 did one in Montgomery and it came out  
25 beautiful. It's really for the community.

1           We're trying to act on New York State.  
2           They're looking for main highways. It  
3           will be on the app. There won't be any  
4           additional signage. Most of the people  
5           that have EV, the electric vehicles, they  
6           go on their app to figure out where it is.  
7           It's a pretty nice thing. People love it.

8           We just opened up in Montgomery and  
9           I was instrumental in finding the contractor,  
10          the chargers. We did a lot of homework  
11          for a couple of years. There are some  
12          rebates from Central Hudson currently, so  
13          we would like to get in on that.

14          CHAIRMAN SCALZO: Everybody needs a  
15          rebate from Central Hudson.

16          MS. CONNOLLY: But little do you  
17          know, we all pay for it.

18          CHAIRMAN SCALZO: Okay. Thank you  
19          so much.

20          I myself don't have any questions.

21          Ms. Banks.

22          MS. BANKS: No.

23          MR. EBERHART: No.

24          MR. HERMANCE: No.

2 MS. CONNOLLY: If you want to take a  
3 look, you can go to the one on 17K if  
4 anybody is interested. That's who did our  
5 work. That's Woodhollow Contracting.  
6 They did a very nice job. They're very,  
7 very neat. The trenching, the lighting,  
8 everything really came out amazing. We're  
9 very proud of it.

10 CHAIRMAN SCALZO: You should brag.  
11 That's good.

12 Mr. Hermance.

13 MR. HERMANCE: No questions.

14 MS. CONNOLLY: I have to come back  
15 next month is what I'll tell them.

16 CHAIRMAN SCALZO: Give me a second  
17 to finish polling the Board.

18 Mr. Bell, any comments or questions?

19 MR. BELL: No.

20 CHAIRMAN SCALZO: Mr. Masten.

21 MR. MASTEN: No.

22 CHAIRMAN SCALZO: Ms. Rein.

23 MS. REIN: I'm good.

24 CHAIRMAN SCALZO: Is there anyone  
25 from the public that's here to speak about



1           this application?

2                   (No response.)

3           CHAIRMAN SCALZO:  It does not appear  
4           so.

5                   In this instance we need to keep the  
6           public hearing open until we get --

7           MS. CONNOLLY:  That's fine.

8           CHAIRMAN SCALZO:  -- the county's  
9           response.

10           MS. CONNOLLY:  We'll return next  
11           month.

12           CHAIRMAN SCALZO:  I'll look to the  
13           Board for a motion to keep the public  
14           hearing open to the October meeting.

15           MR. MASTEN:  I'll make the motion.

16           MR. EBERHART:  I'll second it.

17           CHAIRMAN SCALZO:  We have a motion  
18           from Mr. Masten.  We have a second from  
19           Mr. Eberhart.  All in favor.

20           MS. BANKS:  Aye.

21           MR. EBERHART:  Aye.

22           MR. HERMANCE:  Aye.

23           CHAIRMAN SCALZO:  Aye.

24           MR. BELL:  Aye.

2 MR. MASTEN: Aye.

3 MS. REIN: Aye.

4 MS. CONNOLLY: One other question.

5 Would Woodhollow get an invitation to next  
6 month or it's automatic?

7 CHAIRMAN SCALZO: I'm glad you asked  
8 that. When we keep public hearings open,  
9 we do not re-notice.

10 MR. DONOVAN: No invitation.

11 MS. CONNOLLY: No invitation to the  
12 party. Thank you.

13

14 (Time noted: 7:35 p.m.)

15

16

17

18

19

20

21

22

23

24

25

1 Woodhollow Contracting - First Prestige 51  
2  
3 C E R T I F I C A T I O N  
4  
5  
6 I, MICHELLE CONERO, a Notary Public  
7 for and within the State of New York, do  
8 hereby certify:  
9 That hereinbefore set forth is a true  
10 record of the proceedings.  
11 I further certify that I am not  
12 related to any of the parties to this  
13 proceeding by blood or by marriage and that  
14 I am in no way interested in the outcome of  
15 this matter.  
16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 9th day of October 2025.  
18  
19  
20  
21  
22  
23  
24  
25

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

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

JOSEPH & BRIDGET ZAPPONE  
  
35 & 41 Lattintown Road, Newburgh  
Section 9; Block 3; Lots 12.1 & 12.2  
R-3 Zone

----- X

Date: September 25, 2025  
Time: 7:35 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANC  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: BRIAN BABCOCK

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

2                    CHAIRMAN SCALZO:    Our next applicant  
3                    is Joseph and Bridget Zappone, 35 and 41  
4                    Lattintown Road, seeking an area variance  
5                    for a proposed lot line change, Section 9;  
6                    Block 3; Lot 12.2, requires an area  
7                    variance for a covered deck and cabana  
8                    seven-tenths away from the property line  
9                    where 5 feet is required.

10                   Siobhan, do we have mailings on  
11                   this?

12                   MS. JABLESNIK:    This applicant sent  
13                   thirty-three letters.

14                   CHAIRMAN SCALZO:    Thirty-three  
15                   letters.

16                   MS. JABLESNIK:    They were also  
17                   mailed to the county and I have not heard  
18                   back.

19                   CHAIRMAN SCALZO:    We have not  
20                   received comments back from the county  
21                   yet.    All right.

22                   I know who you are, but everybody  
23                   else doesn't.    If you could introduce  
24                   yourself.

25                   MR. BABCOCK:    My name is Brian

2 Babcock. I'm a land surveyor and I work  
3 for Engineering & Surveying Properties,  
4 PC. I'm here representing the Zappones  
5 this evening. They're here for an area  
6 variance.

7 We were before the Planning Board.  
8 We're going to do a lot line change. They  
9 own both of those lots. We're going to do  
10 a lot line change between the two lots.

11 It was brought to our attention that  
12 the cabana -- the cabana is actually more  
13 than 10 feet off the property. The cabana  
14 itself is good, but the roof extends off  
15 the deck that they have. The deck winds up  
16 only being seven-tenths off the property  
17 line.

18 It's been there for quite some time.  
19 Probably close to twenty years. At the  
20 time this thing was constructed, the  
21 applicant and the adjoiner both believed  
22 that the property line was at the base  
23 of the hill there, so twenty feet off  
24 of where it is now. After our survey  
25 we determined that it's a whole lot

2            closer. We're asking for relief.

3            CHAIRMAN SCALZO: Got you. So the  
4            applicant and their adjoiner thought the  
5            property line was somewhere and came to  
6            you and you said I can't believe you would  
7            have thought that.

8            MR. BABCOCK: They did it some time  
9            ago.

10          CHAIRMAN SCALZO: It happens all the  
11          time, I'll tell you what.

12          The folks sitting here with me hear  
13          me say this all the time. If I was to try  
14          to maintain the corner of that overhang,  
15          how would I do it without stepping on my  
16          neighbor's property? It would be very  
17          challenging.

18          MR. BABCOCK: Yes.

19          CHAIRMAN SCALZO: Is there any offer  
20          from the applicant to, say, have a half of  
21          a cabana that's covered and half that's  
22          not? I'm just asking because what Siobhan  
23          mentioned before is since we didn't get  
24          anything back from the county, you're  
25          going to be back here next month, or

2 someone from your firm. Again, since we  
3 can't act on it tonight, I'm bringing that  
4 up now. It's going to be recorded in the  
5 meeting minutes.

6 MR. BABCOCK: I can certainly speak  
7 with the clients and see if they would  
8 consider maybe --

9 CHAIRMAN SCALZO: Again, that's my  
10 concern. It's a maintenance issue. I  
11 know it probably would be a challenge. I  
12 understand the house is for sale also. I  
13 hope that's not contingent upon this,  
14 especially since the county hasn't gotten  
15 back to us which puts them back a month.

16 MR. BABCOCK: One question for the  
17 Board. If the roof was removed, the deck  
18 portion doesn't make this a structure?  
19 It's the roof portion that makes it a  
20 structure?

21 CHAIRMAN SCALZO: I'm going to defer  
22 to Mr. Mattina on this. Any structure, I  
23 believe, needs to be 5 foot off.

24 MR. MATTINA: If it's considered a  
25 terrace, a deck less than 12 inches from



2                grade is exempt from zoning.

3                MR. BABCOCK:    Say that again.

4                MR. MATTINA:    Any terrace or deck  
5                less than 12 inches from grade is exempt  
6                from the zoning setbacks.

7                CHAIRMAN SCALZO:    If you have a slab  
8                on grade, you're good.

9                MR. BABCOCK:    It's very close to  
10               grade.    It's somewhere around 12 inches.

11               MR. DONOVAN:    Bring a ruler out.

12               CHAIRMAN SCALZO:    Make it 11 1/2.  
13               Bring some fill in.    Don't cut the grass  
14               for a week.    Actually, that doesn't help  
15               these days.

16               MR. BABCOCK:    The roof is pitched.  
17               The way the roof pitch is, you'd probably  
18               have to take back some of the roof, not  
19               just the corners.

20               CHAIRMAN SCALZO:    That I'm going to  
21               leave up to your conversation with your  
22               client.

23               I'm one of seven here.    They may not  
24               feel the way I do.

25               I do know that if I lived next door

2 and my neighbor had to come on my property  
3 to maintain his stuff, I don't know how  
4 I'd feel about that. If he offered me a  
5 drink, I would probably be okay.

6 MR. BABCOCK: We might get an  
7 agreement for an easement.

8 CHAIRMAN SCALZO: Zoning is zoning.  
9 An agreement, I don't know that that  
10 would --

11 MR. DONOVAN: You would still need  
12 to give the same magnitude variance. If  
13 that's the concern, you've heard from the  
14 Board.

15 CHAIRMAN SCALZO: You only heard  
16 from one guy on the Board.

17 MR. DONOVAN: There's a lot of  
18 nodding heads.

19 MR. BABCOCK: The Board's concern  
20 being maintenance, if we did get some sort  
21 of agreement, the Board would take that  
22 into consideration for maintenance, would  
23 it not?

24 CHAIRMAN SCALZO: It certainly might  
25 help.

2                    MR. DONOVAN: Anything that you  
3 bring to the Board, the Board will  
4 consider. It may or may not be helpful.  
5 The variance is still the same variance.

6                    CHAIRMAN SCALZO: The relief still  
7 needs to be exactly what you're asking  
8 for.

9                    Again, accessory structures, once  
10 you put a roof on it, that's where the  
11 problem comes in.

12                   Ms. Rein, do you have any comments  
13 on this?

14                   MS. REIN: I have two simple  
15 questions that just may need to be  
16 amended. On page 1 of 3, question 2, does  
17 the proposed action require a permit,  
18 approval or funding from any other  
19 government agency. That says no, but it  
20 does because it needs it from us.

21                   MR. BABCOCK: Okay.

22                   MS. REIN: That needs to be amended.

23                   MS. JABLESNIK: I think that means  
24 from any other other than us.

25                   MR. DONOVAN: Other than us.

2                    MS. JABLESNIK:    So it's no.

3                    MS. REIN:    The other one is on page  
4                    3 of 3, 20 again, has the site of the  
5                    proposed action or an adjoining property  
6                    been the subject of remediation ongoing or  
7                    completed for hazardous waste. It says  
8                    yes and there's no explanation.

9                    CHAIRMAN SCALZO:    Mine says no.  
10                   This is great.

11                   MR. BABCOCK:    Does it really?

12                   CHAIRMAN SCALZO:    Mine says no.

13                   MS. REIN:    Mine says yes. You can  
14                   take a look if you'd like.

15                   MS. JABLESNIK:    This is not happening  
16                   today.

17                   MR. BABCOCK:    I believe that there's  
18                   something in the neighborhood that was  
19                   listed on the SEQRA form. Do you have the  
20                   SEQRA form?

21                   MR. DONOVAN:    That's what she's  
22                   reading from. Number 20 asks that question.  
23                   My box is checked yes. If yes, describe.

24                   This is a Type 2 action so we don't  
25                   need to make a declaration of significance,

2                however we're going to assume --

3                CHAIRMAN SCALZO:  When you flip to  
4                the last sheet on mine, it says no for  
5                part 1, question 20.

6                MR. DONOVAN:  I think we should  
7                blame it on the DEC.

8                CHAIRMAN SCALZO:  The funny part for  
9                me is are you making copies of multiple --

10               MS. JABLESNIK:  A lot of applicants  
11               make their own and put their packets  
12               together. I'm pretty sure these guys made  
13               up packets for me.

14               MR. DONOVAN:  It's very odd.

15               MS. JABLESNIK:  Right.  If it came  
16               to me, obviously I would have one copy and  
17               you guys would have the same thing.

18               MS. REIN:  I think that the way to  
19               remedy this is have the person who is  
20               signing it actually read it.

21               MR. DONOVAN:  We're going to blame  
22               it on Jay.  You didn't sign it.

23               MS. REIN:  Jay Samuelson.

24               MR. DONOVAN:  Tell Jay he's in big  
25               trouble with us.

2                    CHAIRMAN SCALZO: I've got Brian  
3        Babcock LS here.

4                    MR. DONOVAN: That's filled out  
5        correctly. Jay signed mine.

6                    CHAIRMAN SCALZO: That Jay guy.

7                    MR. BABCOCK: Is one of those for  
8        the Planning Board and one for the ZBA?  
9        I'm the one that did the one for the ZBA.

10                   MS. JABLESNIK: Mine is signed by  
11        Jay. Mine should be the original copy.

12                   MR. DONOVAN: I think it's clear  
13        that yours is correct and Jay's is wrong.

14                   CHAIRMAN SCALZO: Just because Ms.  
15        Rein had asked, on your map your legend is  
16        great, but there's a symbol -- not a  
17        symbol, CRS. What's CRS?

18                   MR. BABCOCK: Cap, rebar, set.

19                   MS. REIN: It's what?

20                   CHAIRMAN SCALZO: Cap, rebar, set.

21                   MR. BABCOCK: We quickly made a plan  
22        solely for the Zoning Board removing the  
23        subdivision off of it. The cap, rebar is  
24        on the subdivision plan. My apologies.

25                   CHAIRMAN SCALZO: That's all right.

2            Just one of those things I happened to  
3            notice.

4            Is there anybody here to speak about  
5            this application?

6            MR. MATTINA: I have two comments.  
7            Number 20 you're talking about, right up  
8            the street there are a lot of apple  
9            orchards and a lot of pesticides were  
10           sprayed. A lot of subdivisions, the soils  
11           had to be turned over. That might be  
12           referring to the pesticides from the apple  
13           orchards, the hazardous waste.

14           CHAIRMAN SCALZO: You make a solid  
15           point. It's an assumption. We don't  
16           know.

17           MR. MATTINA: That's a possibility.

18           MR. BABCOCK: Isn't it listed on the  
19           last page, on the one that I prepared for  
20           you?

21           CHAIRMAN SCALZO: The one that you  
22           prepared, because the one you prepared  
23           said no so there didn't need to be.

24           MR. DONOVAN: On mine it says yes.

25           MR. BABCOCK: Some of those

1                   Joseph & Bridget Zappone  
2                   questions are with the DEC form now.

3                   MS. REIN:   You have to read it to  
4                   fix it.

5                   MR. BABCOCK:   Sure.

6                   CHAIRMAN SCALZO:   As Mr. Babcock  
7                   said, the one he provided is spot on.

8                   MS. REIN:   Which one does Siobhan  
9                   have?

10                  MS. JABLESNIK:   I have the not spot  
11                  on.

12                  CHAIRMAN SCALZO:   Joe, you had two  
13                  questions?

14                  MR. MATTINA:   Yes.   There's no  
15                  building permit for this to begin with.  
16                  Before the next meeting you might want to  
17                  get an application in so I can deny the  
18                  application and get it here before the  
19                  next meeting.

20                  CHAIRMAN SCALZO:   You're saying that  
21                  cabana doesn't have a CO?

22                  MR. MATTINA:   Correct.   I could not  
23                  find it in the file.   If you have one, get  
24                  it to the office.   I could not find one  
25                  today.



2                    CHAIRMAN SCALZO:  They did move from  
3                    one office to another many years ago.  I'm  
4                    not going to say you don't have one.  
5                    Perhaps if they had information as to  
6                    where it could be found, that would be  
7                    helpful.

8                    So the Board has been polled.  We  
9                    looked to the members of the public.  We  
10                   only had questions from a public servant.

11                   Anyone else from the Board or from  
12                   the public.

13                   (No response.)

14                   CHAIRMAN SCALZO:  So in this  
15                   instance I'm going to look to the Board  
16                   for a motion to keep the public hearing  
17                   open until the October meeting.

18                   MR. BELL:  I'll make the --

19                   MR. MASTEN:  Second.

20                   MR. BELL:  -- motion.

21                   CHAIRMAN SCALZO:  Look at the  
22                   efficiency.  Mr. Masten doesn't let you  
23                   finish and he's already agreeing with you.  
24                   We have a motion from Mr. Bell.  We have a  
25                   second from Mr. Masten.  All in favor.

2                    MS. BANKS:    Aye.

3                    MR. EBERHART:    Aye.

4                    MR. HERMANCE:    Aye.

5                    CHAIRMAN SCALZO:    Aye.

6                    MR. BELL:    Aye.

7                    MR. MASTEN:    Aye.

8                    MS. REIN:    Aye.

9                    CHAIRMAN SCALZO:    Mr. Babcock, we'll  
10                    see you next month.

11                    MR. BABCOCK:    County issue?

12                    CHAIRMAN SCALZO:    GML-239.

13                    Michelle is excellent with getting  
14                    the minutes out to us.    If you forget  
15                    anything that you said tonight, you'll be  
16                    able to read it online.

17                    MS. REIN:    What are we going to do  
18                    about that page with -- the two  
19                    conflicting pages?

20                    CHAIRMAN SCALZO:    Mr. Babcock, if  
21                    you could verify for us what it is.

22                    MR. BABCOCK:    Yeah.    I sure will.

23                    MS. REIN:    Bring it next month.

24                    MR. BABCOCK:    I don't know how you  
25                    guys got two different ones.    I'll check

2                it.

3                        CHAIRMAN SCALZO: I so appreciate  
4                that Ms. Rein reads the SEQRA form.  
5                That's one of those things that I kind of  
6                glaze over.

7

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

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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 9th day of October 2025.

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

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

JAMIE & STODDARD HILL  
  
149 Mill Street, Newburgh  
Section 2; Block 1; Lots 61.1 & 91  
RR Zone

----- X

Date: September 25, 2025  
Time: 7:48 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANC  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVES: BRIAN BABCOCK  
STODDARD HILL

----- X

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

2 CHAIRMAN SCALZO: Next we have  
3 Jamie and Stoddard Hill, 149 Mill  
4 Street. There's a lot of reading to  
5 do here. This is also a Planning  
6 Board referral, a request for area  
7 variances. The applicant is seeking  
8 area variances in connection with a  
9 proposed lot line adjustment between  
10 parcels 2-1-61.1 and 2-1-91 to  
11 reconfigure an existing private  
12 driveway. No new structures are  
13 proposed as part of this application.  
14 The requested variances pertain to  
15 existing nonconforming structures on  
16 the property, specifically a two-  
17 story garage located within the front  
18 yard of Pheasant Hollow Lane and  
19 exceeds the 15-foot height limitation.  
20 Additionally, an accessory apartment,  
21 granted a variance in 2024, is also  
22 situated within the front yard which  
23 requires a minimum 60-foot setback.  
24 The Planning Board defers to the  
25 Zoning Board of Appeals regarding the

2 front yard setback requirement for  
3 the existing single-family residence  
4 which previously received a variance.

5 Do we have mailings on this,  
6 Siobhan?

7 MS. JABLESNIK: This applicant  
8 sent twenty-four letters.

9 CHAIRMAN SCALZO: Twenty-four  
10 letters. Very good.

11 So Members of the Board, before we  
12 let Mr. Babcock dig into this one, I  
13 believe I read the best statement of all  
14 at the very end, which is the Planning  
15 Board defers to the ZBA regarding the  
16 front yard setback requirement for the  
17 existing single-family residence which  
18 previously received a variance. I think  
19 all of you, accept for Ms. Banks, were on  
20 the Board when we voted on this. I don't  
21 know how well your memories are, but let's  
22 see.

23 Mr. Babcock, the floor is yours.

24 MR. BABCOCK: So again we're here  
25 tonight because the Planning Board brought

2 some previous nonconformities to our  
3 attention. They referred us to the ZBA to  
4 get those -- try and get relief for those,  
5 one being -- well, at the time that the  
6 Planning -- the ZBA probably approved  
7 this, there wasn't a survey. You probably  
8 didn't realize that. We were just told  
9 that we were too close to Pheasant Hollow.  
10 That's where the other front yard is that  
11 we don't have enough distance from, so  
12 we're asking for relief from that.

13 There's also a garage that's in the  
14 front yard. The Planning Board referred  
15 us to you because of the height of the  
16 garage. When we were in the field, yes,  
17 the garage exceeds what's permitted.

18 CHAIRMAN SCALZO: 50 feet.

19 MR. BABCOCK: Also, we also shot the  
20 peak of the existing structure that you  
21 gave the variance for and that's at 19  
22 feet. That's a little too high, too. We  
23 would like to include that as well, the  
24 height variance on both of the buildings  
25 and a front yard variance on the accessory



2 structure.

3 All of these structures, I believe,  
4 were constructed in 1890 that we're  
5 talking about. They predate zoning.

6 CHAIRMAN SCALZO: Okay. Again, this  
7 isn't our first time looking at this  
8 property. This has everything to do with  
9 the right-of-way. There are no proposed  
10 improvements to any structures going on  
11 here. Correct?

12 MR. BABCOCK: Except for the  
13 apartment, the accessory apartment. It  
14 was converted.

15 CHAIRMAN SCALZO: But it's all  
16 interior to the building?

17 MR. BABCOCK: Correct. No  
18 expansion.

19 CHAIRMAN SCALZO: No expansion of  
20 anything.

21 I don't have questions here.

22 Ms. Rein, what do we know about page  
23 3 of the SEQRA document?

24 MS. REIN: They filled it out right.  
25 I'm just thinking about this

2 accessory apartment.

3 MR. HILL: Excuse me. This is my  
4 house. Can I say a couple things?

5 CHAIRMAN SCALZO: Come on up and  
6 introduce yourself.

7 MR. HILL: I think we have things  
8 that aren't totally clear. There are two  
9 buildings that both are masonry buildings.

10 MR. DONOVAN: Before you start, tell  
11 us your name.

12 MR. HILL: My name is Todd Hill and  
13 this is my house.

14 So I'll just give you guys this. We  
15 asked Mr. Mattina last time about the ADU.  
16 All of that, from my understanding -- the  
17 understanding of the ADU is that all of  
18 that is based on that building actually  
19 being part of my house. The setback that  
20 you guys approved was because my house,  
21 not the garage, is less than 60 feet from  
22 the road even though typically the ADU is  
23 part of the building.

24 Am I correct? Do you remember that?

25 MR. MATTINA: Right. What happened

2 is the accessory building that the  
3 apartment is in needs to be 60 feet from  
4 the property line. With the survey for  
5 the apartment, it didn't have that number.  
6 Even though you're not supposed to scale  
7 out, it's a 60 scale, we scaled it at 60  
8 feet. We didn't know it was 58.3. We  
9 missed it.

10 MR. HILL: It's hard to scale.

11 MR. MATTINA: Right.

12 MR. BABCOCK: It's set up a hill far  
13 enough, the accessory apartment.

14 I believe the variance you got was  
15 for your main --

16 MR. HILL: No. The variance we got  
17 was for the -- it's for our garage that  
18 got turned into an apartment.

19 MS. REIN: A rental?

20 MR. HILL: No. It's a mother-in-law  
21 suite.

22 CHAIRMAN SCALZO: I was going to say  
23 it's family. We all thought you were  
24 pretty sharp for putting it that distance.

25 MR. HILL: I love my mother-in-law.

2 She's okay.

3 CHAIRMAN SCALZO: Good answer.

4 MR. HILL: Forgive me for not  
5 understanding this correctly. Whatever  
6 height that building is is irrelevant,  
7 right, because we've already gotten that  
8 variance? That's really null and void?

9 MR. DONOVAN: I apologize, I didn't  
10 get a chance to read it. What was the  
11 variance issued for for the accessory  
12 apartment?

13 MR. MATTINA: For an accessory  
14 apartment, the original dwelling must meet  
15 all the requirements for a single-family  
16 dwelling. The original building did not  
17 meet the front yard setback. Even though  
18 the apartment was separate, it's the  
19 dwelling that went for the variance.

20 MR. DONOVAN: So the accessory  
21 apartment did not go for the variance  
22 because we didn't think it was needed?

23 MR. MATTINA: Correct.

24 MR. DONOVAN: What I'm going to  
25 suggest to you -- go ahead.

2 MR. BABCOCK: It was far enough back  
3 from Hill.

4 MR. HILL: From Mill Street. I'm  
5 Hill.

6 MR. BABCOCK: Mill. What we  
7 realized when we did the survey is it  
8 wasn't 60 feet off of Pheasant hollow.

9 MR. DONOVAN: Here's my suggestion.  
10 I'm a pretty smart guy. Right?

11 CHAIRMAN SCALZO: You're sitting  
12 next to me.

13 MR. DONOVAN: We have all the  
14 existing structures. Nothing changed but  
15 the road. My suggestion is that we  
16 include the accessory apartment, then you  
17 won't have to worry about it in the  
18 future. You're covered.

19 MR. HILL: I guess the other  
20 question I had -- what was my question? I  
21 forgot it now. Oh, how is this -- this  
22 may be my fault for not reading the  
23 literature. What defines front and side  
24 yard? How is that -- how do we look that  
25 up in your definition?

2 CHAIRMAN SCALZO: You're on a corner  
3 lot so you've got two front yards. There's  
4 no way around it. I never understood why  
5 realtors thought having a corner lot is  
6 a good thing.

7 MR. HILL: I wasn't sure if it was  
8 like the way your door faces. How do you  
9 determine what is the front and what is  
10 the side?

11 CHAIRMAN SCALZO: You have two.  
12 The better question is what's the  
13 rear yard.

14 MR. DONOVAN: Whatever the Building  
15 Department decides.

16 MR. HILL: When I was looking  
17 through the literature, I'm like how do we  
18 define all this stuff.

19 MR. BELL: It's very difficult here.  
20 I would think the front door is the front  
21 and the back door is the back. That's  
22 common sense, elementary. We're in New  
23 York. I don't understand that. I never  
24 understood that. You've got a front door,  
25 you've got a back door.

2 MR. HILL: Or a side door. I hear  
3 you.

4 MR. BELL: The front door is the  
5 front. Go ahead.

6 CHAIRMAN SCALZO: Counsel had some  
7 great points. Do we need the application  
8 modified to make a decision?

9 MR. DONOVAN: I believe that the  
10 modification can be verbal tonight because  
11 it's encompassed -- we're giving a series  
12 of variances anyway. It's not as if  
13 anyone in the public who is interested  
14 would not get notice. I would feel  
15 differently if it came for a front yard  
16 variance and we decided it needed a bulk  
17 variance or something. It's a series of  
18 variances, including a front yard  
19 variance. I'm fine with amending the  
20 application to include accessory  
21 structure.

22 MR. MATTINA: The accessory  
23 structure for the apartment is in this  
24 requiring the variance because there's  
25 58.3 where it needs 60.

2 MR. HILL: For the side.

3 MR. MATTINA: From Pheasant Hollow.  
4 What we missed last year he's picking up  
5 here this year.

6 MR. HILL: I didn't realize that was  
7 the case. I wish I had known that.

8 MR. DONOVAN: You're also asking for  
9 the height?

10 MR. BABCOCK: We discovered that the  
11 height of the accessory structure is also  
12 above 15 feet.

13 MR. MATTINA: That's a different  
14 accessory structure than the apartment.

15 MR. BABCOCK: It's right next to it.  
16 If you looked at the paper without seeing  
17 the property, you could easily confuse it.

18 CHAIRMAN SCALZO: That we will lump  
19 into what this application is for.

20 MR. BABCOCK: I'll make that  
21 modification and ask for that as well.

22 CHAIRMAN SCALZO: This is exciting.  
23 Ms. Banks, questions on this?

24 MS. BANKS: No.

25 CHAIRMAN SCALZO: Mr. Eberhart.



2 MR. EBERHART: No questions.

3 CHAIRMAN SCALZO: Mr. Hermance.

4 MR. HERMANCE: No.

5 CHAIRMAN SCALZO: Mr. Bell.

6 MR. BELL: I'm good.

7 MR. MASTEN: I'm good.

8 CHAIRMAN SCALZO: Ms. Rein.

9 MS. REIN: No.

10 MR. HILL: We got question 20 right.  
11 I like that you see that. I was like, why  
12 didn't you look at it.

13 MS. REIN: Question 20 hasn't been  
14 resolved yet.

15 CHAIRMAN SCALZO: Are there any  
16 members of the public that wish to speak  
17 about this application?

18 (No response.)

19 CHAIRMAN SCALZO: Excellent. Very  
20 good.

21 I'm going to come back to the Board  
22 here for one last opportunity for comments.

23 MR. BELL: No.

24 CHAIRMAN SCALZO: Before we go ahead  
25 and -- you're the applicant so you can

2 still talk.

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

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

7 MR. MASTEN: Second.

8 CHAIRMAN SCALZO: We have a motion  
9 to close from Mr. Bell and we have a  
10 second from Mr. Masten, who actually  
11 waited for him to finish.

12 MR. MASTEN: I waited.

13 CHAIRMAN SCALZO: All in favor.

14 MS. BANKS: Aye.

15 MR. EBERHART: Aye.

16 MR. HERMANCE: Aye.

17 CHAIRMAN SCALZO: Aye.

18 MR. BELL: Aye.

19 MR. MASTEN: Aye.

20 MS. REIN: Aye.

21 CHAIRMAN SCALZO: Those opposed?

22 (No response.)

23 CHAIRMAN SCALZO: Very good. So I'm  
24 going to need Counsel's help here because  
25 he's got a better memory than me. This is

2 still a Type 2 action under SEQRA?

3 MR. DONOVAN: It still is a Type 2  
4 action. Correct.

5 CHAIRMAN SCALZO: We're going to go  
6 ahead and figure out whether or not the  
7 benefit can be achieved by other means  
8 feasible to the applicant. What do we  
9 think?

10 MR. BELL: No.

11 CHAIRMAN SCALZO: Everything is  
12 existing.

13 Second, if there's an undesirable  
14 change in the neighborhood character or a  
15 detriment to nearby properties. It will  
16 remain unchanged. There is none.

17 Third, whether the request is  
18 substantial. By zoning I suppose it may  
19 be considered that, but they're all  
20 existing structures built many, many, many  
21 years ago. Probably older than Mr. Hermance.

22 MR. HERMANCE: Maybe a little.

23 CHAIRMAN SCALZO: How long have you  
24 been looking at that, Greg?

25 MR. HERMANCE: Since I was born.

2               I've lived there my whole life.

3               Fourth, whether the request will  
4       have adverse physical or environmental  
5       effects. Absolutely not.

6               Fifth, whether the alleged  
7       difficulty is self-created which is  
8       relevant but not determinative. The  
9       buildings are preexisting, folks. He  
10      bought them that way.

11              Counsel reminded me once before that  
12      it is incumbent on the purchaser --

13              MR. DONOVAN: That's correct.

14              CHAIRMAN SCALZO: Having gone  
15      through the balancing tests of the area  
16      variance, I'm sure the Board is going to  
17      have a motion of some sort.

18              Counsel, what are we adding to this  
19      that was so thoughtfully added?

20              MR. BABCOCK: The height of the  
21      accessory structure.

22              MR. DONOVAN: Which is?

23              MR. BABCOCK: 19.8 feet tall.

24              CHAIRMAN SCALZO: Does the Board  
25      have a motion of some sort?

2 MR. HERMANCE: I'll make a motion to  
3 approve with the inclusion of the height.

4 CHAIRMAN SCALZO: The height.

5 MR. EBERHART: I'll second.

6 CHAIRMAN SCALZO: We have a motion  
7 from Mr. Hermance. We have a second from  
8 Mr. Eberhart.

9 Can you roll on that, please,  
10 Siobhan.

11 MS. JABLESNIK: Ms. Banks.

12 MS. BANKS: Yes.

13 MS. JABLESNIK: Mr. Bell.

14 MR. BELL: Yes.

15 MS. JABLESNIK: Mr. Eberhart.

16 MR. EBERHART: Yes.

17 MS. JABLESNIK: Mr. Hermance.

18 MR. HERMANCE: Yes.

19 MS. JABLESNIK: Mr. Masten.

20 MR. MASTEN: Yes.

21 MS. JABLESNIK: Ms. Rein.

22 MS. REIN: Yes.

23 MS. JABLESNIK: Mr. Scalzo.

24 CHAIRMAN SCALZO: Yes.

25 The motion is carried. The

2               variances are approved.

3               Mr. Babcock, for this one you're  
4               good. The other one we'll see you next  
5               month.

6               MR. BABCOCK: I just need to get a  
7               revised application to you.

8

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

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

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 9th day of October 2025.

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

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

ROBERT IACOMACCI  
4 Crestwood Court, Newburgh  
Section 87; Block 2; Lot 10  
R-1 Zone

----- X

Date: September 25, 2025  
Time: 8:02 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVES: JOSEPH DeMARCO  
ROBERT IACOMACCI  
MEGAN IACOMACCI

----- X

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



2 CHAIRMAN SCALZO: Now we're going to  
3 move on to what was held open from the  
4 July 24, 2025 meeting. We have Robert  
5 Iacomacci, I hope I said that right, which  
6 is 4 Crestwood Court, area variances for  
7 the minimum side yard, minimum combined  
8 side yards, minimum rear yard, maximum  
9 building lot surface coverage and  
10 increasing the degree of nonconformity of  
11 the front yard to build a 14 foot 5 inch  
12 by 40 feet 7 1/2 inch side yard garage  
13 with a 12 foot and 19 foot 6 inch rear  
14 sunroom.

15 This was here a long time ago.

16 MS. JABLESNIK: He said yes, I feel  
17 that.

18 CHAIRMAN SCALZO: I know we had  
19 talked about what's across the street.  
20 We're putting a lot of stuff on a small  
21 lot.

22 Having recalled what we were here  
23 talking about last time we were here, I  
24 don't know if you got a chance to read the  
25 meeting minutes from the last meeting just

2 so you could refresh yourselves with what  
3 the Board's concerns were.

4 You folks, Board Members, do you  
5 guys recall what we were talking about  
6 last time?

7 MR. BELL: Yes.

8 CHAIRMAN SCALZO: Very good. So we  
9 did defer and give you a chance to speak  
10 with your design professional, or whoever  
11 you needed to speak with, to see if you  
12 had anything else that you wanted to come  
13 and talk to us about.

14 MR. IACOMACCI: I think some of the  
15 concern was whether or not the ladder  
16 could go on the side of the house.

17 CHAIRMAN SCALZO: You heard me  
18 taking about maintenance.

19 MR. IACOMACCI: I did a little  
20 research. The OSHA-approved distance for  
21 a ladder -- the distance of the ladder to  
22 the structure, every 4 feet up is 1 foot  
23 out. The house is going to be around 12  
24 feet at the peak, so that should only be  
25 3 feet from the side of the house, which

2 the distance from the property line  
3 to the house is 6 feet. That kind of  
4 covers that. I'm basically hoping to  
5 have a young, grown family.

6 MS. IACOMACCI: We have letters of  
7 support from neighbors, too.

8 CHAIRMAN SCALZO: I'm sure you're  
9 here with this gentleman. You need to  
10 tell us who you are.

11 MS. IACOMACCI: Megan Iacomacci,  
12 owner, wife, mother.

13 MR. IACOMACCI: I'm hoping to put  
14 this garage on so I can have storage for,  
15 honestly, a growing family, and also in  
16 case of inclement weather, emergencies, we  
17 have a vehicle ready to go at a moment's  
18 notice. We did a little bit of --

19 MR. DeMARCO: Joe from Whalen  
20 Architecture.

21 We did go back to the drawing board  
22 to look at the comment based on the last  
23 meeting for the roof maintenance and how  
24 narrow it was between the lot line and the  
25 proposed addition. We did end up bringing

2 that in a foot from the last meeting, from  
3 the last design, and we also brought in  
4 the overhang. The overhang is much less  
5 now as well.

6 CHAIRMAN SCALZO: Do we have revised  
7 documents indicating that?

8 MS. JABLESNIK: You got it in your  
9 packet.

10 CHAIRMAN SCALZO: You saw me  
11 searching through all this stuff.

12 MS. JABLESNIK: It was separate from  
13 this one. I'll give you mine.

14 CHAIRMAN SCALZO: Thank you. I  
15 didn't mean to bother everybody with my  
16 squeaky chair.

17 MR. IACOMACCI: I did speak to the  
18 neighbor that is on the adjoining property  
19 line. He gave me a letter of support, if  
20 that helps.

21 CHAIRMAN SCALZO: We have those,  
22 too, letters of support?

23 MS. JABLESNIK: I do not.

24 MR. IACOMACCI: I have that.

25 MS. JABLESNIK: Can you give me the

2 copies?

3 MS. IACOMACCI: You can have those,  
4 yes.

5 MR. IACOMACCI: This is the one  
6 adjoining. This is across the street.

7 MR. DeMARCO: The previous dimension  
8 for the garage is, I believe, 14.6 off the  
9 existing house and we brought it down to  
10 13.6. The roof overhang I think we had at  
11 1 foot 6. We brought that down 3 inches.

12 CHAIRMAN SCALZO: When we were  
13 talking about -- the roof overhang, was  
14 really the big deal for the ladder access.

15 Mr. Mattina, roof overhangs don't  
16 count toward the offset to the property  
17 line?

18 MR. MATTINA: Right.

19 CHAIRMAN SCALZO: Like I say, we  
20 discussed this. There was a lot of  
21 chatter, from what I recall from the last  
22 meeting.

23 I habitually look to my left.

24 MS. REIN: I have no questions. My  
25 notes from last time were just about the

2 property line being too close. I have no  
3 questions.

4 MR. IACOMACCI: There are other  
5 houses in the neighborhood with the same  
6 garage addition. The property lines would  
7 be the same, if not closer, than what I'm  
8 proposing.

9 MR. DeMARCO: I have a picture from  
10 Google Maps.

11 MR. DONOVAN: If you could for the  
12 record identify the address of that house  
13 and where it is relative to the applicant's  
14 house.

15 MR. DeMARCO: This is 4 Birchwood  
16 Lane, I believe, and it's the next  
17 cul-de-sac.

18 MR. IACOMACCI: Right across. There  
19 is a lot on the road I live on.

20 MR. DONOVAN: What's the distance as  
21 compared --

22 MR. IACOMACCI: It's the same, if  
23 not less.

24 MS. IACOMACCI: There is another one  
25 right across the street from us.

2 CHAIRMAN SCALZO: I appreciate what  
3 you're trying to do, but she's trying to  
4 record who is saying what.

5 MR. IACOMACCI: There is one right  
6 across the street also that is --

7 CHAIRMAN SCALZO: Right. Why that's  
8 important to us is to know -- not that  
9 you're going to walk across the street to  
10 your neighbor and ask for their survey to  
11 see what their offset distance is, but  
12 everyone is different. The lot lines,  
13 they're not all the same size, or perhaps  
14 they are.

15 MR. IACOMACCI: Their lot is a  
16 little smaller than ours.

17 CHAIRMAN SCALZO: You did give  
18 Siobhan over the letters of support?

19 MR. IACOMACCI: I did.

20 CHAIRMAN SCALZO: I hope they're  
21 right next door.

22 MS. JABLESNIK: Crestwood.

23 MS. IACOMACCI: Right next door and  
24 diagonally across the street. Yes.

25 CHAIRMAN SCALZO: So Ms. Rein, you

2 said you had no comments regarding this.

3 Mr. Masten.

4 MR. MASTEN: I have nothing.

5 CHAIRMAN SCALZO: Mr. Bell.

6 MR. BELL: No.

7 CHAIRMAN SCALZO: Mr. Hermance.

8 MR. HERMANCE: I have nothing  
9 further.

10 CHAIRMAN SCALZO: Mr. Eberhart.

11 MR. EBERHART: I have nothing.

12 CHAIRMAN SCALZO: Ms. Banks.

13 MS. BANKS: No.

14 CHAIRMAN SCALZO: We didn't close  
15 the public hearing on this.

16 MR. DONOVAN: What happened last  
17 time is you went through the five-part  
18 balancing test and then there was a  
19 discussion, I'm not going to repeat it.  
20 The applicant was asked to maybe go back  
21 and see if they could do anything to  
22 remediate the conditions discussed, so you  
23 rescinded the close of the public hearing.  
24 The public hearing is now open. You can  
25 obviously consider the material that's



2           been submitted and solicit any public  
3           comment that there may be.

4           Since this is slightly different  
5           from what you saw before, and Mr. Bell and  
6           Ms. Banks were not here, I would suggest  
7           that you go through the five-part  
8           balancing test again if you're so  
9           inclined.

10           CHAIRMAN SCALZO: Great idea.

11           MR. DONOVAN: First close the public  
12           hearing and then do that.

13           This is a Type 2 action as well.

14           Then you can vote. Remember that  
15           you have 62 days. You don't have to vote.  
16           I don't know if you want to torture these  
17           people any further. The young man is  
18           going to end up in boy scouts as opposed  
19           to cub scouts.

20           CHAIRMAN SCALZO: Are there any  
21           members of the public here that wish to  
22           speak or comment about this application?

23           (No response.)

24           CHAIRMAN SCALZO: Okay. So I'm  
25           going to look to the Board for a motion to

2 close the public hearing.

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

5 MR. BELL: I'll second.

6 CHAIRMAN SCALZO: We have a motion  
7 from Mr. Masten. We have a second from  
8 Mr. Bell. All in favor.

9 MS. BANKS: Aye.

10 MR. EBERHART: Aye.

11 MR. HERMANCE: Aye.

12 CHAIRMAN SCALZO: Aye.

13 MR. BELL: Aye.

14 MR. MASTEN: Aye.

15 MS. REIN: Aye.

16 CHAIRMAN SCALZO: Those opposed?

17 (No response.)

18 CHAIRMAN SCALZO: Very good.

19 So Counsel, wonderful idea. I think  
20 it's going to help us and the Members of  
21 the Board that were not here last month to  
22 go through the five factors which we're  
23 weighing, the first one being whether or  
24 not the benefit can be achieved by other  
25 means feasible to the applicant. If you

2 look at the layout of the lot, you look at  
3 what he's trying to do, you try and  
4 understand what his goal is, I don't know  
5 going out the back would really help  
6 achieve what he's looking to do. That's  
7 just my side of it. Can the benefit be  
8 achieved by other means feasible to the  
9 applicant.

10 MR. BELL: Didn't you say you  
11 dropped from 13 to 12?

12 MR. IACOMACCI: No. From 14.

13 MR. BELL: 14.6 to 13.6.

14 CHAIRMAN SCALZO: Which makes your  
15 side yard what now?

16 MS. REIN: 7.

17 MR. IACOMACCI: I believe around 7  
18 foot.

19 MR. DONOVAN: It was 6.

20 MR. DeMARCO: Now it's 7.

21 CHAIRMAN SCALZO: I'm not going to  
22 call it a concession, but the applicant  
23 certainly is trying.

24 MR. BELL: He's trying.

25 MR. DONOVAN: It's an attempted

2 accommodation.

3 CHAIRMAN SCALZO: Thank you,  
4 Counsel.

5 Second, if there's an undesirable  
6 change in the neighborhood character or a  
7 detriment to nearby properties. The  
8 applicant has given us letters in support  
9 of his proposal from neighbors.

10 Third, whether the request is  
11 substantial. Of course it is by the  
12 numbers. Again, this is not a you get  
13 three out of five and you win, you get two  
14 out of five and you lose.

15 MR. DONOVAN: It's a five-part  
16 balancing test. It's not a scorecard.

17 You guys all remember the Quickchek  
18 application. I got to go to court today  
19 and argue in front of the judge.

20 While you don't have to vote on each  
21 of the five factors, it's an overall  
22 balancing test. At the end of the day you  
23 make a determination whether the benefit  
24 to the applicant outweighs any detriment  
25 to the community.

2 CHAIRMAN SCALZO: Thank you.

3 MR. DONOVAN: I got to say it twice  
4 today.

5 CHAIRMAN SCALZO: Fourth, whether  
6 the request will have adverse physical or  
7 environmental effects. That I don't think  
8 so.

9 The fifth, whether the alleged  
10 difficulty is self-created which is  
11 relevant but not determinative. Of course  
12 it's self-created.

13 Having gone through the balancing  
14 tests and understanding that the applicant  
15 has modified their drawings from the last  
16 time they were here, does the Board have a  
17 motion of some sort?

18 MS. REIN: I'll make a motion to  
19 approve.

20 MR. EBERHART: I'll make a motion.

21 CHAIRMAN SCALZO: Who said it first?

22 MR. EBERHART: She said it first,  
23 but I agree.

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

2 second from Mr. Eberhart.

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

5 MS. JABLESNIK: Ms. Banks.

6 MS. BANKS: Yes.

7 MS. JABLESNIK: Mr. Bell.

8 MR. BELL: Yes.

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: Ms. Rein.

16 MS. REIN: Yes.

17 MS. JABLESNIK: Mr. Scalzo.

18 CHAIRMAN SCALZO: Yes.

19 The motion is carried. The  
20 variances are approved. Good luck.

21 MR. IACOMACCI: Thank you very much.

22

23 (Time noted: 8:12 p.m.)

24

25

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

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 9th day of October 2025.

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

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

LITE BRITE SIGNS

31 North Plank Road, Newburgh  
Section 75; Block 1; Lot 13.1  
B Zone

----- X

Date: September 25, 2025  
Time: 8:12 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVES: JENNIFER MAZAWAY  
DAVID SHIPE  
MARIA ROTUNDO

----- X

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



2                    CHAIRMAN SCALZO: The next applicant,  
3                    which was a holdover from July 24th, is  
4                    Lite Brite Signs, 312 North Plank Road,  
5                    Newburgh, seeking an area variance for  
6                    the installation of two menu boards  
7                    (a pre-menu board and a three-panel  
8                    menu board) and a digital order screen  
9                    with a 10-foot canopy.

10                   We had left this one open from  
11                   the last time. There have been  
12                   developments, additional information.

13                   Why don't I let you tell me.

14                   MR. DONOVAN: Most significantly,  
15                   when this application was before the Board  
16                   back in July, it was for a use variance.  
17                   We had colloquy on what a use variance is  
18                   and it was adjourned for further review,  
19                   if you will.

20                   Code Compliance took another look at  
21                   it and it's now in front of us for an area  
22                   variance, which, as everyone knows, not to  
23                   steal your thunder, but it's a much lesser  
24                   standard. Signs are permitted in the  
25                   district. Menu signs are not called out,

2 but other signs are. You're looking at  
3 this as an area variance, not a use  
4 variance.

5 MS. REIN: We're not looking at  
6 voting on two menu boards?

7 MR. DONOVAN: You are, but the use  
8 of them is allowed. It's an area  
9 variance, not a use.

10 MS. REIN: Okay.

11 CHAIRMAN SCALZO: With the use  
12 variance you need to prove all of the  
13 factors and if you don't, you don't --  
14 three out of four doesn't win. It's got  
15 to be four. That's not what we're talking  
16 about.

17 What I do see is we do have a few  
18 members of the public that have been so  
19 patient for months that wanted to know  
20 some things about this particular  
21 application. Counsel has spoken, I have  
22 spoken. Now it's your turn. Please tell  
23 us who you are.

24 MS. MAZAWAY: Good evening, Chair.  
25 My name is Jennifer Mazawey, I'm an

2 attorney with K&L Gates. I'm here this  
3 evening on behalf of Lite Brite Signs and  
4 also on behalf of the tenant at this  
5 space, Starbucks Corporation.

6 As the Board knows, this is in the B  
7 District. It's the Mid-Valley Mall. This  
8 is a pad site in an otherwise fully  
9 constructed strip center with out parcels,  
10 including a KFC which is immediately  
11 adjacent to the proposed Starbucks.

12 The Starbucks is under construction,  
13 as you may know if you drive by that area.  
14 It was the subject of a Planning Board  
15 application that was approved in December  
16 of 2023. That site plan was before the  
17 Planning Board, and just as a note for the  
18 Board to consider the application this  
19 evening, did include the details for these  
20 menu boards as well as their location on  
21 the site plan. As the Planning Board  
22 considered this application as well, those  
23 items were there on the site plan when  
24 they considered that application.

25 As Counsel mentioned, following our

2 appearance in July before this Board, on  
3 August 6th a new denial was issued from  
4 Code Compliance which indicated that the  
5 proposal would be considered an area  
6 variance.

7 What I do have for you this evening  
8 as additional information, we've made  
9 copies of photographs of actual other  
10 Starbucks that utilize the exact same  
11 boards that we're proposing here to give  
12 the Board just some context so you also  
13 understand exactly what it looks like. I  
14 recognize you had gotten the plans from  
15 the sign company, but this would give you  
16 an actual usage of what it would look  
17 like. I'm hoping that this would help you  
18 as you make your decision this evening. I  
19 do have copies for all the Board Members  
20 if it's okay.

21 CHAIRMAN SCALZO: Please.

22 Siobhan, this one has been hanging  
23 around for so long. GML-239 is a Local  
24 determination?

25 MS. JABLESNIK: Yes.

2 MS. MAZAWAY: As I mentioned, the  
3 photos depict an existing Starbucks  
4 location. It shows the Board the location  
5 as well as the actual look and features of  
6 the menu boards that we're proposing, and  
7 the canopy over the order screen as well.

8 MS. REIN: Do you have pictures of  
9 the other businesses like Starbucks that  
10 are right next to them, like KFC or  
11 McDonald's? They only have the one board.

12 MS. MAZAWAY: I did take a picture  
13 of the KFC which has a menu board. Also  
14 the Burger King has a menu board. The  
15 McDonald's has multiple menu boards all  
16 within the vicinity.

17 MS. REIN: Don't they just change?

18 MR. BELL: No.

19 MR. MASTEN: They updated them.

20 MS. MAZAWAY: Just with regard to  
21 what their use is really for, as you may  
22 know, and if you're a customer of  
23 Starbucks you know, that there are a  
24 number of different menu combinations.

25 Part of the idea of the pre-menu

2 board is to allow efficiency to kind of  
3 highlight for the patrons some of the more  
4 popular items that are on the menu, and it  
5 allows them to hopefully streamline their  
6 ordering process when they get to the  
7 canopy.

8 The order canopy has a screen. That  
9 screen is to protect the patrons from the  
10 elements. That screen also shows visually  
11 the customer's order. If you had a  
12 customer that was potentially hearing  
13 impaired, they would also be able to see  
14 the order they were making in order to  
15 ensure that the order is correct. At that  
16 order screen the patron is also then, at  
17 that point, being able to see the menu  
18 board itself.

19 I do have with me a representative  
20 of Starbucks as well as a representative  
21 from Lite Brite, so if there are any  
22 particular questions that I can't answer  
23 from the Board or public, we have others  
24 here that might be able to do that.

25 CHAIRMAN SCALZO: Okay. These are

2 so helpful to me. In addition, this is  
3 stuff that we've seen before.

4 MS. MAZAWAY: It was at your  
5 fingertips.

6 CHAIRMAN SCALZO: I love the ready  
7 reference that you brought with you.

8 The F, G and H are the three boards  
9 that we're looking at. Obviously with the  
10 layout of the building, your circulation  
11 plan is counterclockwise, so the vehicles  
12 would come into the right side of the  
13 building, drive around it and be parallel  
14 with 32 and then zip back around.

15 We have some very patient members of  
16 the public here that have very valid  
17 concerns with regard to the way these  
18 signs will be facing. My assumption is  
19 they'll be perpendicular to where the  
20 proposed driver's side door of the vehicle  
21 will be?

22 MS. MAZAWAY: That's correct.

23 CHAIRMAN SCALZO: Is there any  
24 proposed screening on the opposite side of  
25 that drive to perhaps take care of any

2 light pollution that these lights may give  
3 off?

4 MS. MAZAWAY: These boards, they  
5 face actually no homes. They face an  
6 interior driveway -- drive aisle within  
7 the Mid-Valley Mall, if I'm not mistaken.  
8 The boards do not face 32. They actually  
9 face internally into the mall.

10 CHAIRMAN SCALZO: Okay. Thank you.

11 As I'm looking at this --

12 MS. MAZAWAY: This depiction is from  
13 an existing Starbucks, but not -- this is  
14 an actual Starbucks that is open and  
15 operating today, not our Starbucks.

16 CHAIRMAN SCALZO: Sometimes I'm  
17 thick.

18 MR. BELL: This just shows the signs.

19 CHAIRMAN SCALZO: I understand that.  
20 Again, sometimes I'm thick.

21 In looking at this one, so your  
22 circulation plan is counterclockwise  
23 around the building. Correct?

24 MS. MAZAWAY: Correct.

25 CHAIRMAN SCALZO: When a vehicle



2 would pull up, these signs are to their  
3 left?

4 MS. MAZAWAY: That's correct.

5 CHAIRMAN SCALZO: If you say the  
6 signs are illuminated towards, let's say  
7 the liquor store, how are they seeing  
8 these signs?

9 MS. MAZAWAY: They're not towards  
10 the liquor store. They're towards -- I  
11 don't know. I apologize. I don't know.  
12 I'm going to say it's to the east, because  
13 sometimes I can read a map. That is the --

14 CHAIRMAN SCALZO: They're facing  
15 over 32?

16 MS. MAZAWAY: No. 32 is to the  
17 north.

18 MR. BELL: As you're coming up 32,  
19 let's say you're coming up 32 towards the  
20 shopping center and you take the left onto  
21 84, it's going to be facing that direction?

22 MS. MAZAWAY: I believe that is  
23 correct.

24 Am I correct?

25 MR. BELL: It's not going to be

2 facing 32?

3 MR. EBERHART: It would be facing  
4 this way. It's not facing 32.

5 CHAIRMAN SCALZO: I put arrows the  
6 way I think those would be facing. Am I  
7 correct?

8 MS. MAZAWAY: I think your arrow at  
9 H, I don't believe it is facing away.

10 CHAIRMAN SCALZO: That would be  
11 perpendicular with a vehicle.

12 MS. MAZAWAY: If you look at how  
13 they're oriented on the site, you can see  
14 that they are angled in towards the driver  
15 as opposed to away from the driver and  
16 across.

17 CHAIRMAN SCALZO: They don't have to  
18 turn their neck so far.

19 MS. MAZAWAY: I do not believe that  
20 the driver will have to turn their neck  
21 very far to see that.

22 CHAIRMAN SCALZO: I'm trying to  
23 cover the bases here because we've had  
24 concerns and we listen.

25 MS. MAZAWAY: I might be able to add

2 something to that, Chair, that would be  
3 helpful, which has to do with the lighting  
4 at the boards. The lighting -- let me  
5 just find my notes. Excuse me. Menu  
6 boards are at least 250 feet from any  
7 residential property line and in most  
8 cases more than 300 feet.

9 In addition, there is a berm that  
10 extends to the north from the edge of the  
11 shopping center down to Route 32.

12 We believe those factors would also  
13 add to our rationale for why there would  
14 not be any concern about light pollution  
15 or light spillage off of the property  
16 line.

17 CHAIRMAN SCALZO: Okay. Those were  
18 some of my concerns. I am but one of  
19 seven.

20 Let me look down to Ms. Banks. Do  
21 you have any questions or comments  
22 regarding this?

23 MS. BANKS: I don't.

24 CHAIRMAN SCALZO: Mr. Eberhart.

25 MR. EBERHART: No, I do not. I

2                tried to see different angles where you  
3                would have the sight issue. I don't see  
4                this to be a problem. That's me.

5                CHAIRMAN SCALZO: That's great.  
6                Mr. Hermance.

7                MR. HERMANCE: Is there any lighting  
8                in the canopy itself?

9                MS. MAZAWAY: I believe there's a  
10               strip of LED lighting. If you look at the  
11               photo, I think you can see it on either  
12               edge of the canopy. That's the lighting.  
13               That's going to be down-facing lighting  
14               and it's LED.

15               CHAIRMAN SCALZO: It's not a panel  
16               that's pushing straight out.

17               Mr. Hermance, did that cover your  
18               question?

19               MR. HERMANCE: Yes.

20               CHAIRMAN SCALZO: Mr. Bell.

21               MR. BELL: I asked already.

22               CHAIRMAN SCALZO: Mr. Masten.

23               MR. MASTEN: I'm good.

24               CHAIRMAN SCALZO: Ms. Rein.

25               MS. REIN: The pictures really

2 helped. I'm good.

3 CHAIRMAN SCALZO: Okay. Members of  
4 the public, this is your opportunity.

5 MS. WOODHULL: I'm still not clear  
6 how it's not facing 32. I didn't see it,  
7 so I don't know --

8 MS. MAZAWAY: I'm happy to share the  
9 photo. Again, this is not our Starbucks  
10 but it is a like Starbucks that's operating.

11 MR. DONOVAN: Do you want to look at  
12 the map?

13 CHAIRMAN SCALZO: You can actually  
14 take mine. Counsel, you can take mine  
15 with the arrows and tell her how my sketch  
16 is wrong.

17 MR. BELL: Before we go forward, can  
18 you both state your name for the  
19 stenographer, please.

20 MS. WOODHULL: Charlene Woodhull, 1  
21 Meadow Street.

22 The back of my house faces Starbucks.  
23 Right now I cannot see Starbucks, but once  
24 the leaves are off my house, I see Starbucks.  
25 I will see all the illumination from all

2            of your signs, especially when I'm  
3            sitting in my dining room.

4            CHAIRMAN SCALZO:  Counsel, when you  
5            say there's a berm, do you mean there's an  
6            elevation change between where the cars  
7            are going to be and Route 32?

8            MS. MAZAWAY:  That's correct.

9            CHAIRMAN SCALZO:  The embankment.  
10           There is no additional berm between, say,  
11           the curbing for going around that elevates  
12           the topography at all?

13           MS. MAZAWAY:  That's correct.

14           MS. WOODHULL:  May I say that my  
15           house is up higher and I do face the Mid-  
16           Valley Mall.  I see the liquor store  
17           lights all the time.

18           I'm very concerned about where these  
19           menu boards are going to be.  If I go up  
20           there and look to see where it is, you can  
21           tell that they're on the curve going  
22           around the building.  They're not on the  
23           side where it would be facing the 84 ramp.  
24           It's more facing the road, sort of.  More  
25           to the northeast.

2 CHAIRMAN SCALZO: Okay. Thank you.

3 Ma'am, state your name, please.

4 MS. McCULLOM: Ellen McCullom, 9  
5 Meadow Street. I'm up the road from the  
6 last person that talked.

7 I'm still not understanding how this  
8 won't be a problem. This is a 10-foot  
9 light. This is a 10-foot panel. That's  
10 what I saw in the document that you sent  
11 from the Town, that it's 10 feet. What  
12 you're showing me is of course a lot  
13 smaller.

14 I've read that the Town has an  
15 illumination standard. I assume you have  
16 looked at that as well.

17 CHAIRMAN SCALZO: I'm going to look  
18 to Mr. Mattina about the illumination.

19 MS. McCULLOM: It's my understanding  
20 -- I'm sorry. The illumination standard  
21 shouldn't be moving.

22 MR. MATTINA: Between the Planning  
23 Board and then plan review, when we get  
24 the plans in it will be addressed.

25 MS. McCULLOM: I'm definitely

2 interested in that because I think Lite  
3 Brite is a lot different from the sign  
4 that we have at KFC. I was told when KFC  
5 was being redone, I wasn't going to see  
6 any lighting. There's a 2-foot lights on  
7 the back which I see from the back of my  
8 house. This is definitely a concern to  
9 me.

10 CHAIRMAN SCALZO: Okay. I so  
11 appreciate that you've been here for every  
12 one of these.

13 MS. McCULLOM: Thank you.

14 CHAIRMAN SCALZO: It doesn't go  
15 unrecognized.

16 MS. McCULLOM: I appreciate that.

17 CHAIRMAN SCALZO: I know why we're  
18 here. We're talking about these signs.  
19 The applicant is here right along with  
20 counsel.

21 Is there an opportunity for some  
22 type of hardy evergreen screening type,  
23 like an arborvitae that deer don't eat?

24 MS. MAZAWAY: Can I have my client  
25 get up?



2 CHAIRMAN SCALZO: Just identify  
3 yourself.

4 MR. SHIPE: My name is David Shipe,  
5 I'm with Starbucks Corporation.

6 CHAIRMAN SCALZO: Glad to have you  
7 here.

8 MR. SHIPE: Good to be here.

9 CHAIRMAN SCALZO: We're going right  
10 to the source.

11 MR. SHIPE: Part of the reason -- I  
12 want to clarify. Starbucks is a tenant in  
13 this. We don't have the ability to make  
14 decisions for the landlord outside of  
15 them. We can make some minor -- on their  
16 property, that may be a little concern. I  
17 thought we were mentioning this bush in  
18 the back of their house, that that would  
19 block it.

20 CHAIRMAN SCALZO: I'm talking about  
21 the curbing where the cars are and on the  
22 berm, as counsel referred to it as, just  
23 the embankment.

24 Do you have a landscaping plan  
25 that's required by the Planning Board?

2 MR. SHIPE: I'm sure there's one.  
3 The landscaping plan is in. It's an  
4 approved plan.

5 CHAIRMAN SCALZO: Okay. With the  
6 variances here, you still have to go back  
7 to the Planning Board. Correct?

8 MR. SHIPE: No. This is just for  
9 the sign.

10 MR. DONOVAN: It's under construction.

11 CHAIRMAN SCALZO: I was at the place  
12 right next to it not too long ago and I  
13 did see the building.

14 MR. DONOVAN: As I understand it,  
15 the signs are shown on the approved site  
16 plan.

17 MS. MAZAWAY: They are. The signs  
18 are on the approved site plan.

19 There is a landscape plan that's  
20 part of the approved site plan as well, if  
21 any of the Board Members would like to  
22 take a look at it. It calls for a mix of  
23 -- unfortunately I'm not a landscape  
24 architect, but it calls for a mix of  
25 grasses, some ground cover, perennials,

2                shrubs and evergreen -- three evergreen  
3                trees.

4                CHAIRMAN SCALZO: Three evergreens.

5                MS. MAZAWAY: Three emerald green  
6                arborvitaes.

7                MR. SHIPE: I assume they're in.

8                CHAIRMAN SCALZO: While we're at a  
9                pause, I see we have one more question or  
10               comment.

11               MS. WOODHULL: The berm that they  
12               are talking about, there were bushes there  
13               and trees there before. Most of it was  
14               knocked down when they did the yard work  
15               or whatever for the site plan. Right now  
16               there's very few trees left. This  
17               landscape thing that she's talking about,  
18               that's all in the parking lot. That is  
19               nothing near the back of the building.

20               MR. BELL: What you're looking at,  
21               you're looking at trees on the 32 side  
22               basically?

23               MS. WOODHULL: Yes.

24               MR. BELL: What you're requesting --

25               CHAIRMAN SCALZO: No, no, no.

2 MR. BELL: She's not requesting.

3 MS. WOODHULL: I didn't even bring  
4 up --

5 CHAIRMAN SCALZO: That was me.

6 MS. WOODHULL: All I'm saying is  
7 once the leaves are off the trees, I have  
8 a perfect view of all these signs. I'm  
9 afraid that the way they are situated in  
10 the drive-thru, I'm going to see them.

11 MR. DONOVAN: Do you have hours of  
12 operation? Are you 24/7?

13 MS. MAZAWAY: No.

14 MR. SHIPE: Not yet.

15 MR. DONOVAN: You know what my next  
16 question is going to be. Turn the menu  
17 board off --

18 MR. SHIPE: They turn off.

19 MS. MAZAWAY: They dim. They're off  
20 and they are dimmer at night.

21 MR. SHIPE: I can't guarantee going  
22 forward they won't request longer hours.  
23 There's no plan to operate beyond 10 p.m.  
24 or so.

25 They're shut off when the store

2 shuts off. There are lights around the  
3 building, but they're dim LED lights that  
4 shine down. It's kind of a gold.

5 MR. DONOVAN: The menu boards  
6 themselves will be dark after 10:00. Is  
7 that your understanding?

8 MR. SHIPE: I think you can make  
9 that a condition. I remember when I did  
10 the deal in Wappingers Falls it had to  
11 shut off at night. I know the technology  
12 exists. As a condition of approval we can  
13 agree to that.

14 CHAIRMAN SCALZO: If they dim. As  
15 the night gets darker, you don't need as  
16 much illumination.

17 MR. SHIPE: I believe that's part of  
18 it.

19 MS. ROTUNDO: I'm Maria Rotundo with  
20 Lite Brite Signs. They automatically have  
21 less lumens at night.

22 CHAIRMAN SCALZO: By day you need to  
23 see them. That's why they're brighter.

24 MS. ROTUNDO: Exactly.

25 MS. REIN: One of the conditions, if

2 approved, would be to shut them off when  
3 the store closes.

4 MR. DONOVAN: I think that's what  
5 we're hearing, if that's acceptable to the  
6 Board.

7 MR. BELL: The evergreens, let me  
8 make sure I'm understanding, even in the  
9 winter they still hold --

10 CHAIRMAN SCALZO: They're called  
11 evergreens. They have an approved  
12 landscaping plan right now that they may  
13 have to -- that might require another  
14 visit that they don't have to do at this  
15 time. Like I say, they're only here for  
16 the signs. We can't impress upon them for  
17 other things.

18 With regard to the signs themselves,  
19 as far as dimming as the night goes on and  
20 then shutting off at night, that's certainly  
21 something that's in our wheelhouse. I  
22 didn't realize the landscaping plan was  
23 already approved and the plantings were  
24 already in place.

25 We're waiting for just one moment

2 here for Ms. Banks to return.

3 Any other questions from you very  
4 patient ladies?

5 MS. McCULLOM: Well, I hear about  
6 the evergreens, but the evergreens take a  
7 long time to grow. Just as you've heard  
8 before, they had them around the mall,  
9 they were all along 32 there and they cut  
10 them down. I don't know how you control  
11 that.

12 CHAIRMAN SCALZO: I don't know that  
13 we actually have the authority to ask for  
14 that in response to the way the  
15 application is presented. I was just  
16 trying to find ways to help with the light  
17 pollution.

18 Mr. Mattina, when it comes to  
19 compliance with regard to an illumination  
20 specification, is that based on candle  
21 power, a certain amount of lumens?

22 MR. MATTINA: Like you said, it's  
23 all built into the system anymore. They  
24 can dial it up, dial it down. That's not  
25 going to be an issue.

2                    CHAIRMAN SCALZO:  Ms. Banks, you  
3                    didn't miss much there.  We're just  
4                    exchanging ideas.  There was nothing set  
5                    by any means.

6                    Any other comments from the Board?

7                    MR. EBERHART:  I'm good.

8                    CHAIRMAN SCALZO:  The public hearing  
9                    is still open.

10                   I almost wish we would have gotten a  
11                   hold of them before it was through the  
12                   Planning Board.

13                   MR. DONOVAN:  I think, and Joe,  
14                   correct me if I'm wrong, this went through  
15                   the Planning Board.  The signs were shown.  
16                   It gets to Code Compliance and menu boards  
17                   are not called out in the sign ordinance.  
18                   Is that basically what happened?

19                   MR. MATTINA:  Correct.

20                   MR. DONOVAN:  They're in the  
21                   location as approved by the Planning  
22                   Board.

23                   MS. McCULLOM:  I was told you can  
24                   come up and look at the plans.  I came up  
25                   and took pictures of all the plans.  I was



2 looking for signage. I wanted to know  
3 what they were going to do.

4 I know what the mall is like. It's  
5 higher than we are. You are a little bit  
6 higher than the others.

7 The fact of the matter is we can see  
8 everything at the mall and the mall has  
9 gotten worse and worse over the years.

10 The Town Board and you all have a  
11 responsibility to protect the public as  
12 far as I'm concerned.

13 MR. DONOVAN: We have an obligation  
14 to follow the law. The use is permitted,  
15 right. The signs are permitted. The  
16 Board is trying to find a way to mitigate  
17 any adverse impact.

18 MS. McCULLOM: True, but the signs,  
19 as I understand -- I mean, I don't see  
20 signs of that size anywhere else. Is that  
21 permitted as well, to put a 10-foot sign  
22 and to have a Lite Brite sign which is  
23 going be very reflective and it's going to  
24 move?

25 CHAIRMAN SCALZO: Lite Brite is a

2 name brand.

3 MS. McCULLOM: I know what it is. I  
4 don't mean to be rude. I find the  
5 argument a little strange to me.

6 You know, you're going to decide the  
7 way you're going to decide, but I'm  
8 probably not going to be a happy Town  
9 resident with the results. That doesn't  
10 mean I go away.

11 CHAIRMAN SCALZO: I understand that.

12 MS. McCULLOM: The public hearing is  
13 still open. You have an illumination  
14 standard that hopefully somebody will live  
15 by because they are going to be very  
16 bright. I can see Starbucks right now.

17 Let me say to you -- you're not  
18 Starbucks, you're Lite Brite. Starbucks  
19 is fine. It looks okay. Once the  
20 lighting hits, it's going to be very  
21 uncomfortable. It's a very tall building.  
22 It's taller than the others. I'm sure I'm  
23 going to be impacted by that.

24 CHAIRMAN SCALZO: The height of the  
25 building --

2 MS. McCULLOM: I was never informed  
3 that they were going to do this. There  
4 was nothing that came from the Town about  
5 building Starbucks. Another thing that  
6 was slid in there which I felt it  
7 shouldn't have been.

8 CHAIRMAN SCALZO: Are you within 500  
9 feet of that?

10 MS. JABLESNIK: They didn't have to  
11 go to zoning. It's a permitted use.

12 CHAIRMAN SCALZO: Even the Planning  
13 Board for a site plan?

14 MR. DONOVAN: They frequently don't  
15 have public hearings.

16 CHAIRMAN SCALZO: Interesting.

17 I'm sure you heard me say that I  
18 wish we would have gotten a hold of them  
19 before it made its way through the  
20 Planning Board. The fact of the matter is  
21 we didn't. What we can do is try and help  
22 with other mitigative efforts imposed upon  
23 the applicant with reducing the amount of  
24 light that it emits as the day goes on.  
25 Once the night lights hit, they can reduce

2 the level of the lights because when it's  
3 dark out, they don't need to have them as  
4 bright as they are during the day for  
5 people to read. We can make sure, as a  
6 condition of the permit, that they shut  
7 them off at 10 p.m. so it's not blinding  
8 in your dining room. Other than that, I'm  
9 not sure what we can do legally. We can't  
10 stop it. It's already been approved.

11 With regard to the 10 feet, it's 10  
12 square feet?

13 MS. ROTUNDO: There's no menu that's  
14 10 foot. I'm not sure what she's referring  
15 to.

16 CHAIRMAN SCALZO: It's the 10-foot  
17 height on the canopy perhaps.

18 MS. MAZAWAY: That's possible, Chair.

19 MS. McCULLOM: It said 10 feet.

20 MS. MAZAWAY: I believe it is the  
21 canopy.

22 MR. MATTINA: It is a 10-foot canopy.

23 MS. MAZAWAY: We have to measure all  
24 the way to the top of the highest structure.  
25 In this case it would be the top of the

2 canopy.

3 The signs themselves will be --  
4 these are signs from other actual  
5 Starbucks. As you can see, the  
6 height of the signage is actually  
7 quite reasonable in scale. That  
8 doesn't mean you would like it, but  
9 it is not 10 foot.

10 MS. McCULLOM: Then someone lied to  
11 me on the document they sent to me. It  
12 said --

13 MS. MAZAWAY: 10 feet is to the top  
14 of the canopy that we're proposing. That  
15 would be accurate.

16 MS. McCULLOM: There's lighting up  
17 there on the canopy?

18 MS. MAZAWAY: Two strips of LED  
19 lighting and they face down. This is to  
20 protect the drivers from the elements when  
21 they order. You can see these are not  
22 significant lights. They're two strips.

23 MS. McCULLOM: They're significant  
24 if you're sitting there looking at them.

25 CHAIRMAN SCALZO: The menu boards --

2 I understand your point completely. With  
3 the down-facing LEDs, that's a different  
4 story. The panels that would be pushing  
5 light towards you, that makes perfect  
6 sense. When it comes to the canopy being  
7 10 feet with downward LEDs, I doubt you're  
8 going to see those over the menu boards.

9 MS. MAZAWAY: This is a depiction of  
10 the canopy.

11 CHAIRMAN SCALZO: They're more accent  
12 lights. Correct?

13 MR. SHIPE: Just like on the building  
14 today.

15 MS. MAZAWAY: This internal piece is  
16 not 10 feet. It's 10 feet to the top of  
17 that canopy.

18 CHAIRMAN SCALZO: These canopy  
19 lights are not floodlights. They're rope  
20 lights, for lack of a better way to put  
21 it.

22 Any other comments from the public?

23 (No response.)

24 CHAIRMAN SCALZO: It's looking like  
25 none.

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

5 MS. BANKS: Am I allowed to ask a  
6 question?

7 CHAIRMAN SCALZO: Absolutely.

8 MS. BANKS: I was in the bathroom,  
9 and I'm learning. It sounded like there  
10 were things that we were trying to figure  
11 out to mitigate in terms of the brightness.

12 Is there anything else, and correct  
13 me if I'm wrong in asking this, that you  
14 guys would be willing to do besides the  
15 brightness? I know you guys were talking  
16 about trees. Is there anything that  
17 Starbucks would be willing to offer just  
18 as a --

19 MS. MAZAWAY: Thank you for the  
20 question. I think what we represented  
21 earlier is we're a tenant on this site and  
22 so we're really not in a position to offer  
23 anything for the landlord to have to  
24 maintain or put in.

25 I will say this, and perhaps I'm a

2 little bit out of school. If there is  
3 landscaping that the landlord is supposed  
4 to have on the site that has been taken  
5 away for some reason or another, it can be  
6 enforced against the landlord to put that  
7 back. If there were things that were  
8 there that would have mitigated and they  
9 are no longer there --

10 MS. BANKS: Is there an option to  
11 ask the landlord if there's something they  
12 might be able to do to help with this?  
13 I'll just leave it at that.

14 MS. MAZAWAY: I will say this. If  
15 it meant holding the hearing open for  
16 additional time, that would be difficult  
17 for us. As you may know, the store is  
18 built, for the most part, but it does not  
19 have the signage for us to open, to kind  
20 of continue that progress, and certainly  
21 not to get the drive-thru open.

22 I would be willing to make an ask of  
23 the landlord, if it's the Board's position  
24 that they would like us to ask the landlord,  
25 but I would not want any particular



2            approval to be conditioned on getting  
3            the landlord to do additional  
4            landscaping.

5            CHAIRMAN SCALZO:    Ms. Banks, there  
6            was an approved landscaping plan from what  
7            I've been told.    The landscaping is not  
8            something that was on my mind when I was  
9            at that facility last week, so I didn't --  
10           it didn't really sink in.    I don't know  
11           that we have the ability to request that.

12           MS. BANKS:    Is there anything  
13           internally that facilities could do in  
14           terms of like the menu boards?

15           MS. MAZAWAY:    We did indicate that  
16           we would -- they have dimmers on them and  
17           that we would, as a condition of approval  
18           from the Board, make sure that they are  
19           shut off completely during times when the  
20           facility is not open.    If the store is not  
21           open, the lighting -- these will not be  
22           lit.

23           MS. REIN:    They're saying from about  
24           10 o'clock on.    From 10 p.m. on there  
25           won't be any lighting.

2 CHAIRMAN SCALZO: Okay. Any other  
3 questions?

4 (No response.)

5 CHAIRMAN SCALZO: I have not closed  
6 the public hearing yet. Us Board Members  
7 can speak after that's closed as well.

8 I'll look to the Board for a motion  
9 to close the public hearing.

10 MR. EBERHART: I'll make a motion to  
11 close the public hearing.

12 MR. BELL: Second.

13 CHAIRMAN SCALZO: We have a motion  
14 to close from Mr. Eberhart. We have a  
15 second from Mr. Bell. All in favor.

16 MS. BANKS: Aye.

17 MR. EBERHART: Aye.

18 MR. HERMANC: Aye.

19 CHAIRMAN SCALZO: Aye.

20 MR. BELL: Aye.

21 MR. MASTEN: Aye.

22 MS. REIN: Aye.

23 CHAIRMAN SCALZO: Those opposed?

24 (No response.)

25 CHAIRMAN SCALZO: Counsel, this is

2 not a Type 2 action under SEQRA, is it?

3 MR. DONOVAN: Correct. This is an  
4 Unlisted action for which you would  
5 require a negative declaration.

6 CHAIRMAN SCALZO: So Counsel,  
7 there's a particular order that we  
8 probably should do this in, isn't there?

9 MR. DONOVAN: There is. You should  
10 address SEQRA first. Well, I'm saying  
11 that -- well, let's go ahead and consider  
12 it Unlisted. There's an argument that you  
13 could make that it's actually a Type 2  
14 action since it's already been approved by  
15 the Planning Board. The sign itself, and  
16 I'm thinking out loud, the visual impact  
17 of the light is encompassed in the  
18 Planning Board's negative declaration that  
19 they would have had to have issued before  
20 they gave site plan approval.

21 MS. REIN: In essence we're not  
22 voting on the -- we're just voting on how  
23 bright they are?

24 MR. DONOVAN: We're in a difficult  
25 situation, I think, and Code Compliance is

2 in a difficult situation. Signs, for  
3 whatever reason, have been -- I've been  
4 here a long time, over twenty years, have  
5 always been an issue. First for a number  
6 of years it was the size of the sign that  
7 was tied to the frontage. You could  
8 theoretically have a building that's  
9 permitted that is a million square feet  
10 with a small amount of frontage so you get  
11 a small sign. There were comprehensive  
12 modifications to the sign ordinance, Joe,  
13 five, seven years ago. It's got to be  
14 like ten pages long. Right?

15 MR. MATTINA: It went from two  
16 paragraphs to fifteen, twenty pages.

17 MR. DONOVAN: They don't call out  
18 certain signs. In this instance the menu  
19 board, right. If it said permitted menu  
20 board, this wouldn't be here because it  
21 would have been approved by the Planning  
22 Board already. It has been approved by  
23 the Planning Board. Since the words menu  
24 board are not used, it ends up here.

25 Code Compliance first looked at it

2 as a use variance, but after we've been  
3 down this road a couple times, signs are  
4 permitted in a B Zone, so we've come as  
5 close to a business identification sign,  
6 you issue an area variance. That's how we  
7 got to where we are. It's not a perfect  
8 round peg in a round hole, but that's  
9 where we are. I think there's a good  
10 argument that it's a Type 2 action  
11 because, as I'm convincing myself, the  
12 environmental impact has already been  
13 studied by the Planning Board. I would  
14 call this a Type 2 action.

15 CHAIRMAN SCALZO: I'll change my  
16 page.

17 MR. DONOVAN: You wouldn't have to  
18 do a negative declaration because it's  
19 already been established by the Planning  
20 Board.

21 CHAIRMAN SCALZO: Counsel, you've  
22 talked me right into it.

23 We're going to go through the area  
24 variance and discuss the five factors, the  
25 first one being whether or not the benefit

2 can be achieved by other means feasible to  
3 the applicant. The benefit can be  
4 achieved by other means feasible.

5 MS. REIN: Not really. It has to  
6 have lighting.

7 MR. BELL: The power is already run  
8 to those locations where they can't be --  
9 okay.

10 CHAIRMAN SCALZO: They're not going  
11 to put a sign out like the old hot dog  
12 stand used that they can pick up at night.

13 Second, if there's an undesirable  
14 change in the neighborhood character or a  
15 detriment to nearby properties. That's  
16 subjective now. When you look at it on  
17 the lot that it's on and in the mall, it's  
18 not. However, when you cross 32 and hit  
19 the residentials, it is.

20 MR. BELL: It could be.

21 CHAIRMAN SCALZO: Third, whether the  
22 request is substantial.

23 MS. REIN: Not really.

24 CHAIRMAN SCALZO: It's a permitted  
25 use there.

2 Fourth, whether the request will  
3 have adverse physical or environmental  
4 effects. Again, that's one of the  
5 subjective items here. I'm not sure.

6 Fifth, whether the alleged  
7 difficulty is self-created which is  
8 relevant but not determinative. Of  
9 course it's self-created.

10 MS. REIN: Because it's a Type 2  
11 now, we don't have to --

12 MR. DONOVAN: You don't have to  
13 issue a negative declaration. There's no  
14 finding under SEQRA.

15 MS. REIN: When Darrin was going  
16 through, they don't all have to be voted  
17 on?

18 CHAIRMAN SCALZO: Counsel, you say  
19 it so well when you call it a scorecard.

20 MR. DONOVAN: It's not a scorecard,  
21 it's a balancing test. You go through the  
22 five factors and determine balancing them.  
23 No one factor is determinative. You don't  
24 have three versus two. Does the benefit  
25 to the applicant outweigh any detriment --

2 MS. REIN: Are we looking at that  
3 this way because it's now a Type 2?

4 MR. DONOVAN: You'd look at it even  
5 if it was Unlisted.

6 CHAIRMAN SCALZO: I would still read  
7 the same five items with the Unlisted.

8 We've been through that. Does the  
9 Board have a motion of some sort, perhaps  
10 with any conditions?

11 MS. REIN: I'll make a motion to  
12 approve with the conditions of the lights  
13 being dim at night and shut off whenever  
14 the facility is closed.

15 CHAIRMAN SCALZO: Counsel, let me  
16 ask a question here. If we were to say,  
17 as part of our decision, that the lights  
18 on those boards needed to be off at 10  
19 p.m., if the applicant chooses to petition  
20 for later hours, would they have to come  
21 back before us?

22 MR. DONOVAN: They would.

23 Right, Joe?

24 MR. MATTINA: Yes.

25 CHAIRMAN SCALZO: Now that is almost



2 a guarantee.

3 MS. REIN: 10 p.m.

4 CHAIRMAN SCALZO: 10 p.m. they go  
5 out.

6 MR. SHIPE: Excuse me. I don't  
7 believe that the hours during any of these  
8 hearings have ever been limited. I  
9 thought that the approval actually gave us  
10 the approval if we wanted to go to 24  
11 hours. It would be difficult -- it's not  
12 franchise run to think about coming back  
13 in if we change the hours by a half hour  
14 that we could be out of compliance.

15 MS. REIN: It may be the difference  
16 between approval and no approval.

17 CHAIRMAN SCALZO: 10 o'clock is not  
18 something I brought up. I believe I  
19 heard --

20 MR. SHIPE: I said those are the  
21 hours of the surrounding stores. It's all  
22 based on the needs of the business. It's  
23 a little concerning to limit them today,  
24 unless it's absolutely -- if it truly is a  
25 condition. To limit the business's

2 ability to make money for seven more  
3 hours, potentially, over this.

4 I thought the condition was if the  
5 store was closed, the lights had to be  
6 out.

7 MR. DONOVAN: Both things were said  
8 tonight. What the Board is trying to do,  
9 obviously, is weigh the benefit to you  
10 versus an issue that's been raised by some  
11 neighbors.

12 I mean, the Board in my view, you  
13 have your own attorney, could say 10  
14 o'clock and then you would have to come  
15 back if you wanted to do something  
16 different.

17 CHAIRMAN SCALZO: Hang on. Wait.  
18 There's more.

19 MR. EBERHART: They would have to  
20 come back every time. If they come back  
21 and say we want to stay open later by an  
22 hour, 11, now they've got to come back in  
23 here and go through this process again. I  
24 think that's too much.

25 CHAIRMAN SCALZO: Mr. Eberhart, you

2 make a solid point.

3 Something that was also brought up  
4 earlier is that you could reach out to the  
5 owner of the actual mall itself and ask if  
6 it's possible, in the written word which  
7 we would get a copy of, if you can plant  
8 say emerald green arborvitaes, two or  
9 three, to screen. I'm not talking about a  
10 huge expense here. I'm not even telling  
11 you you have to do it. All I'm asking is  
12 that you reach out to the landlord to ask  
13 if you can. If they say yes, you're going  
14 to have to.

15 Counsel, is that within our --

16 MR. DONOVAN: Is it within your --  
17 again, an impact has been identified. You  
18 can impose a reasonable condition to  
19 achieve that objective. You can ask them  
20 to ask. I think if you ask them to put in  
21 147 green giants, that would be unreasonable.  
22 Two to three green giants I don't think is  
23 being unreasonable.

24 MS. REIN: We can't ask them to put  
25 it in --

2                    CHAIRMAN SCALZO:  It's not his  
3                    property.  That's where the issue is.  
4                    That's why permission has to be sought  
5                    first.

6                    MS. BANKS:  We would be doing both?  
7                    So I'm clear, we would be asking that  
8                    arborvitaes be planted and we would  
9                    require the lighting to be dimmed at 10  
10                   p.m.?

11                   CHAIRMAN SCALZO:  Requiring the  
12                   lighting to be dimmed as the night moves  
13                   on and then turned off when the business  
14                   closes.

15                   MR. DONOVAN:  I want to focus on  
16                   that dimming because I don't know what  
17                   that means.

18                   Joe, do we have a lumens or foot  
19                   candle ordinance that is different at  
20                   5 p.m. than 9 p.m.?

21                   MR. MATTINA:  It does for the  
22                   electronic boards that the Planning Board  
23                   addresses.  It's in there.  You don't want  
24                   to go down that road.

25                   MR. DONOVAN:  Are you saying it's

2 already conditioned in the Planning  
3 Board's approval?

4 MR. MATTINA: No. This isn't  
5 considered an electronic message board.

6 MR. DONOVAN: At some point in time  
7 I'm going to have to write something and  
8 dimming at night is going to be something  
9 that nobody knows what that means.

10 MR. MATTINA: Correct.

11 MR. DONOVAN: I'd like to be able to  
12 tie -- if that's what the Board wants to  
13 do, I'd like to be able to tie it to some  
14 measure.

15 MR. MATTINA: Our code for  
16 electronic billboards, basically the  
17 ordinance is in there. This isn't that  
18 sign so we can't apply that ordinance.

19 MR. DONOVAN: Would that make sense,  
20 if we said you have to comply with section  
21 so and so of the code? Would that make  
22 sense or don't you know? If you don't  
23 know, don't guess.

24 MR. MATTINA: Not that I don't know.  
25 Now you're just picking and choosing

2 sections of the code.

3 MR. DONOVAN: I'm trying to get a  
4 metric. I don't think it's fair to  
5 anybody. That could mean anything to  
6 anybody.

7 MR. MATTINA: Correct.

8 MR. HERMANC: Is there a standard  
9 that the sign company has of lumens as the  
10 night progresses? Do you actually have a  
11 standard for dimming?

12 MS. ROTUNDO: She has some verbiage  
13 there, but it automatically dims at night.  
14 It's built that way because we don't need  
15 as much light at night.

16 CHAIRMAN SCALZO: It's an energy  
17 savings.

18 MS. ROTUNDO: It's internally  
19 illuminated.

20 MR. DONOVAN: Is there something  
21 that you can provide that could be built  
22 into the decision, that we can attach to  
23 the decision?

24 MS. MAZAWAY: Maybe there's a detail  
25 sheet on the lighting that goes in here.

2                    MS. ROTUNDO:    Yes.

3                    MS. MAZAWAY:    Would that be helpful?

4                    MR. DONOVAN:    If it's okay with the  
5                    Board.    I want to be able to put something  
6                    in the decision that says as it gets  
7                    darker the illumination shall decrease in  
8                    accordance with the schedule provided.

9                    CHAIRMAN SCALZO:    Like a schedule A  
10                    or C or D, or whatever it ends up being.

11                    MR. DONOVAN:    So there's no question  
12                    between Code Compliance, you and the  
13                    butler.

14                    MS. MAZAWAY:    Understood.    I will  
15                    get you something, some kind of detail or  
16                    a schedule that you can then append to a  
17                    decision.

18                    CHAIRMAN SCALZO:    Right.

19                    MS. MAZAWAY:    I will make a request  
20                    of the landlord, if the Board --

21                    CHAIRMAN SCALZO:    That's probably  
22                    where I'm heading.

23                    MS. MAZAWAY:    We will make a request  
24                    to the landlord to plant three additional  
25                    arborvitae.

2 CHAIRMAN SCALZO: I say three. I'm  
3 not sure -- I'm not going to determine  
4 that. I need to see the effort. You  
5 probably want to throw in that narrative  
6 to the landlord, being a good neighbor.

7 MS. MAZAWAY: Understood.

8 CHAIRMAN SCALZO: Just something to  
9 break that up.

10 MS. BANKS: So that I'm clear,  
11 because again I'm learning, would that be  
12 a condition of approval or would that be  
13 something we wrote?

14 CHAIRMAN SCALZO: A condition of the  
15 approval. I don't want to say it's easy.  
16 It's not a lot of push-ups but it's still  
17 push-ups. It's asking. They may come  
18 back and say no and you're done.

19 I need you to ask. We want to do  
20 what we can at least to help your  
21 neighbors. I know you're only a tenant,  
22 but if they are happy, it's better for  
23 everybody.

24 MR. SHIPE: Sure. I understand that.

25 CHAIRMAN SCALZO: Joe, this is your



2 folder?

3 MR. MATTINA: That's our zoning  
4 ordinance for electronic boards.

5 CHAIRMAN SCALZO: I'm not going to  
6 read it now. Electronic message display  
7 required to go dark. Permitted electronic  
8 message display shall be equipped to go  
9 dark in the event of a malfunction. So  
10 it's not like a strobe light.

11 MR. DONOVAN: We have to comply with  
12 this anyway.

13 MR. MATTINA: That's in the electronic  
14 message center section.

15 CHAIRMAN SCALZO: I thought --

16 MR. MATTINA: This isn't an electronic  
17 board so they wouldn't have to comply with  
18 that.

19 CHAIRMAN SCALZO: We were looking  
20 for almost like your cut sheets that tell  
21 us it's going to dim --

22 MS. MAZAWAY: I will provide that.

23 MS. REIN: It's not resolved. We  
24 can get this information about it dimming  
25 and how it's going to dim and the lumens,

2 but are we still saying that we want it to  
3 go dark at 10 o'clock?

4 CHAIRMAN SCALZO: Not dark at 10  
5 o'clock. That's initially what I had  
6 thought because I thought the operating  
7 hours were done at 10, however there would  
8 be a hardship there. Mr. Eberhart made a  
9 solid point as well. If they wanted to  
10 extend an hour, they'd have to come back  
11 for that hour.

12 MS. REIN: If the landlord turns  
13 around and says no, we haven't resolved  
14 anything.

15 MR. DONOVAN: The landlord is only  
16 for the screening. If the landlord says  
17 no, there's nothing you can do about that.

18 If I can, just relative to the  
19 illumination of the sign, you need to be  
20 reasonable. Understand that you can't say  
21 the sign has to turn off at 6 o'clock  
22 because they are operating then. You need  
23 to have some rule or reason. You can't  
24 regulate it so much that they can't  
25 operate their business.

2                    I think Mr. Eberhart is saying no.  
3                    Somebody else may say different.

4                    10 o'clock, I don't know what  
5                    typically -- who drinks coffee at 10  
6                    o'clock at night?

7                    MR. SHIPE:    Some people drive trucks  
8                    late at night.

9                    MS. MAZAWAY:   I may stop on my way  
10                   home.

11                   MR. SHIPE:    I understand, but --  
12                   I'll stop there.

13                   CHAIRMAN SCALZO:   When you say it's  
14                   not resolved, but it is because we, at  
15                   this point, are asking them to reach out  
16                   to the landlord to say this is what we've  
17                   been requested to do.   You ask or you  
18                   don't.   If we ask and we get some  
19                   resolution that way, then it's great.   If  
20                   we don't ask and don't require it, then  
21                   they don't have to do anything.   They  
22                   don't own the land, so this is the best we  
23                   can do, in my opinion.

24                   MS. REIN:    We'll look at the  
25                   schedule of the dimming?

2 CHAIRMAN SCALZO: It's going to  
3 change with daylight savings.

4 MS. MAZAWAY: It will be off when  
5 the store is closed. Just to be clear,  
6 when the store is closed, the condition is  
7 that the lighting will be off in these  
8 signs.

9 CHAIRMAN SCALZO: We're not going to  
10 throw an hour on it. It's going to be  
11 when the store is closed.

12 MR. BELL: When the store is closed,  
13 the lights will be off or dimmed.

14 MS. MAZAWAY: They'll be off when  
15 the store is closed.

16 MS. REIN: If the store goes 24  
17 hours, they'll be on. There may be trees  
18 or there may not be trees.

19 MS. BANKS: I don't really feel like  
20 it resolved anything personally.

21 CHAIRMAN SCALZO: Okay.

22 MS. REIN: I agree, because we don't  
23 -- the trees being there or not being  
24 there is based on the landlord. It's  
25 arbitrary. It has nothing to do with our

2 decision. We can ask.

3 CHAIRMAN SCALZO: I understand that.  
4 Again, from the book ends here, this is  
5 great.

6 The rub is this. I know as a Member  
7 of the Zoning Board of Appeals, I don't  
8 appear at every Planning Board meeting,  
9 but what you're saying could have been  
10 addressed at the Planning Board. I'm not  
11 going there. That's not our purview. I  
12 know you don't think we've resolved  
13 anything, but we've gone as far as we can.

14 MR. BELL: That's it. That's it.

15 MR. MASTEN: We did our part.

16 CHAIRMAN SCALZO: You may not be  
17 happy with what we've got going on --

18 MS. BANKS: Could we consider the  
19 balancing test? I'm new at this.  
20 Considering the balance test, there were  
21 two of those factors that were in disfavor  
22 of like the community.

23 CHAIRMAN SCALZO: Sure.

24 MS. BANKS: So is it like balanced?

25 CHAIRMAN SCALZO: As Counsel said,

2            it's not a scorecard.

3            MR. DONOVAN: You have seven people  
4            here. What you feel balances one way,  
5            someone else may feel it balances a  
6            different way.

7            CHAIRMAN SCALZO: That's the beauty  
8            of a seven-member board. Now we're at  
9            full capacity here. That's why you vote  
10           how you feel.

11           MR. BELL: Four-three.

12           CHAIRMAN SCALZO: Let's not get  
13           ahead of ourselves. I think we've  
14           exchanged some great ideas here. This has  
15           got to be one of my favorite applications  
16           in a long time because of the back and  
17           forth.

18           Myself, I don't know how much more  
19           we can beat this up before we go ahead and  
20           put it to a vote.

21           MR. EBERHART: I'm ready to vote.

22           CHAIRMAN SCALZO: Therefore, does  
23           the Board have a motion of some sort?

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

2                    CHAIRMAN SCALZO: With any  
3                    conditions, Mr. Eberhart?

4                    MR. EBERHART: I don't have  
5                    conditions. Someone else may want to.

6                    CHAIRMAN SCALZO: We have a motion  
7                    for approval from Mr. Eberhart. That's  
8                    where we're starting. Do we have a  
9                    second?

10                   MR. BELL: Second.

11                   CHAIRMAN SCALZO: Do we have a  
12                   second with any conditions?

13                   MR. BELL: No.

14                   CHAIRMAN SCALZO: I would like to  
15                   throw conditions on there, which is we  
16                   confirm the dimming, we confirm that when  
17                   the shop is not in operation and closed,  
18                   that the lights go out. The third, that  
19                   the applicant is required to send a letter  
20                   to the landlord asking to put screening  
21                   trees in to block the direction of light  
22                   towards the residential areas on the north  
23                   side of 32. Those are the conditions I  
24                   would like put in.

25                   MS. BANKS: I have one more question.

2            I am so sorry to do this.

3            CHAIRMAN SCALZO:    That's why we're  
4            here.

5            MS. BANKS:    Something popped in my  
6            head that may not make sense or may.    Is  
7            there a filter that can go over the  
8            digital panels so that people looking at  
9            it can see, kind of like the privacy  
10           screen that you have on your cellphone?  
11           Is that an option, just to filter out the  
12           lighting?

13           MS. MAZAWAY:    I don't know that it  
14           is.

15           MS. BANKS:    That might be within the  
16           facility's or Starbucks' control.

17           MS. MAZAWAY:    I don't know that such  
18           a thing is available.

19           I do want to again point out  
20           something that Maria mentioned earlier.  
21           These are internally illuminated signs as  
22           well.    These signs are not emitting light  
23           in a way that a floodlight would.    These  
24           are --

25           CHAIRMAN SCALZO:    LEDs.



2 MS. ROTUNDO: Yes.

3 MS. MAZAWAY: They are LEDs, correct.  
4 I would, again, be willing to make the --  
5 investigate whether or not a screen such  
6 as the one you're talking about could  
7 go over this sign. As we sit here  
8 today, I don't know whether one exists  
9 or whether we would be able to get one.  
10 I don't want to promise to have it.  
11 I will investigate whether or not that's  
12 a possibility. I would be willing to  
13 do that.

14 MR. BELL: That's a good idea.

15 MS. REIN: It is a good idea. Can  
16 we add that as a condition?

17 CHAIRMAN SCALZO: We can condition  
18 the daylights out of this. When it comes  
19 to -- again, we are relying on the  
20 applicant for that investigation. If they  
21 do come back with there is something  
22 possible, then do we say if it is  
23 possible, you need to do it?

24 MR. DONOVAN: If I can, Mr. Chairman.  
25 Let me be your lawyer for a second.

2 Mr. Eberhart has made a motion  
3 without conditions, seconded by  
4 Mr. Bell. You have suggested  
5 conditions.

6 I've got to ask you, are you  
7 willing to amend --

8 MR. EBERHART: Sure.

9 MR. DONOVAN: -- your motion to  
10 include those conditions?

11 MR. EBERHART: Right. At this point  
12 it seems like we're coming up with another  
13 condition and another condition.

14 CHAIRMAN SCALZO: I only had three.

15 MR. DONOVAN: Now we have four  
16 potentially. We have the privacy screen  
17 if possible.

18 CHAIRMAN SCALZO: That one is not  
19 landing on me, but --

20 Mr. Eberhart made the motion.

21 MR. EBERHART: I'm willing to amend,  
22 yes.

23 MR. DONOVAN: For four or for three?

24 MR. EBERHART: For three.

25 CHAIRMAN SCALZO: The second was to

2 Mr. Bell. Are you willing to second that  
3 with the three or did you want the privacy  
4 screen investigation?

5 Why I am hesitant myself with the  
6 privacy screen investigation is, A, what  
7 are we relying on here to substantiate  
8 whether or not it's available? The  
9 applicant. It's not a known product that  
10 we're aware of.

11 MS. REIN: Sure it is. We use it in  
12 medicine all the time.

13 CHAIRMAN SCALZO: A screen that size?

14 MS. REIN: Yeah.

15 MR. BELL: I have seen how these  
16 signs work. I'm going to go with the  
17 conditions along with Mr. Eberhart.

18 MR. DONOVAN: One, two, three.

19 MR. BELL: I've seen how they work.

20 MR. DONOVAN: That's the motion in  
21 front of the Board.

22 MR. BELL: They don't reflect light  
23 out. I mean, I understand the concern  
24 that the community has, but they don't  
25 reflect light out. They're different

2 sizes.

3 MS. REIN: Darrell, you're saying  
4 that the security screen is not necessary?

5 MR. BELL: Correct. I think it's a  
6 good idea but it's not necessary. If it  
7 was available, but it's not.

8 MR. DONOVAN: The motion before the  
9 Board is to approve the variance as  
10 requested subject to the three conditions.  
11 One, that the applicant will request that  
12 the landlord plant additional screening to  
13 mitigate any offsite spillage of light or  
14 visual light; that they will provide a  
15 detail -- the second condition, provide a  
16 detail for how the dimming is going to  
17 occur; and number three, they'll be shut  
18 off when the business is closed.

19 CHAIRMAN SCALZO: That's the motion  
20 and that's the second.

21 Siobhan, roll on that, please.

22 MS. JABLESNIK: Ms. Banks.

23 MS. BANKS: Yes.

24 MS. JABLESNIK: Mr. Bell.

25 MR. BELL: Yes.

2                   MS. JABLESNIK:   Mr. Eberhart.

3                   MR. EBERHART:   Yes.

4                   MS. JABLESNIK:   Mr. Hermance.

5                   MR. HERMANCE:   Yes.

6                   MS. JABLESNIK:   Mr. Masten.

7                   MR. MASTEN:   Yes.

8                   MS. JABLESNIK:   Ms. Rein.

9                   MS. REIN:   Yes.

10                  MS. JABLESNIK:   Mr. Scalzo.

11                  CHAIRMAN SCALZO:   Yes.

12                  The motion is carried with the  
13                  conditions.

14                  MS. MAZAWAY:   Thank you very much.  
15                  We appreciate your time this evening.

16

17                  (Time noted:   9:05 p.m.)

18

19

20

21

22

23

24

25

2

3

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

4

5

6

7

8

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

9

10

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

11

12

13

14

15

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.

16

17

18

19

20

21

22

23

24

25

---

MICHELLE CONERO

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

RAM HOTELS

Unity Place, Newburgh  
Section 97; Block 2; Lot 37.1

----- X

Date: September 25, 2025  
Time: 9:05 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
LATWAN BANKS  
DARRELL BELL  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

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

2 CHAIRMAN SCALZO: The last one on  
3 the agenda is RAM Hotels, Unity Place.

4 They have a request for a six-month  
5 extension. It was reissued in February of  
6 2024. The site plan was signed in  
7 February '25. They're looking for a six-  
8 month extension.

9 Does anybody want to make a motion  
10 for approval of that extension?

11 MR. MASTEN: I have a question. How  
12 many times have they asked for an extension?

13 MS. JABLESNIK: This is their first  
14 request for an attention.

15 MR. DONOVAN: They got amended  
16 approval.

17 MR. BELL: I thought they did one  
18 before.

19 MR. DONOVAN: They got amended  
20 approval, went back to the Planning Board  
21 to get their building permit. Now they  
22 are running out of time. Siobhan and I  
23 took out our calendars. This is their  
24 first. They got six months. That's the  
25 first time.



2                   MR. BELL: All in favor?

3                   CHAIRMAN SCALZO: Did we even have a  
4 motion?

5                   MR. HERMANCE: I'll make a motion to  
6 approve the six-month extension.

7                   MR. EBERHART: Second.

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

11                  MS. BANKS: Aye.

12                  MR. EBERHART: Aye.

13                  MR. HERMANCE: Aye.

14                  CHAIRMAN SCALZO: Aye.

15                  MR. BELL: Aye.

16                  MR. MASTEN: Aye.

17                  MS. REIN: Aye.

18                  CHAIRMAN SCALZO: Very good.

19                  The last order of business.

20 Michelle was not here for our last  
21 meeting. We had a guest stenographer. We  
22 have meeting minutes.

23 I have a comment. Michelle, my only  
24 comment was that I used the word  
25 contiguous, which means next to or

2 abutting, and she used the word  
3 continuous.

4 MS. CONERO: Do you know which  
5 applicant that was for?

6 MR. DONOVAN: You have to give her  
7 the page and the line number.

8 CHAIRMAN SCALZO: The first one.

9 Can we have a motion to approve the  
10 July meeting minutes with that correction?

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

12 MR. MASTEN: Second.

13 CHAIRMAN SCALZO: We have a motion  
14 from Mr. Eberhart and a second from  
15 Mr. Masten. All in favor.

16 MS. BANKS: Aye.

17 MR. EBERHART: Aye.

18 MR. HERMANCE: Aye.

19 CHAIRMAN SCALZO: Aye.

20 MR. BELL: Aye.

21 MR. MASTEN: Aye.

22 MS. REIN: Aye.

23 CHAIRMAN SCALZO: A motion to  
24 adjourn.

25 MR. MASTEN: I'll make the motion.

2                   MS. BANKS:   Second.

3                   CHAIRMAN SCALZO:   All in favor.

4                   MS. BANKS:   Aye.

5                   MR. BELL:   Aye.

6                   MR. EBERHART:   Aye.

7                   MR. HERMANCE:   Aye.

8                   CHAIRMAN SCALZO:   Aye.

9                   MR. MASTEN:   Aye.

10                  MS. REIN:   Aye.

11

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

13

14

15

16

17

18

19

20

21

22

23

24

25

2

3

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

4

5

6

7

8

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

9

10

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

11

12

13

14

15

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.

16

17

18

19

20

21

22

23

24

25

---

MICHELLE CONERO

1	RAM Hotels	173
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		