| 1 | | |
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| 2 | STATE OF NEW YORK : CO TOWN OF NEWBURGH ZONING I | |
| 3 | | X |
| 4 | In the Matter of | |
| 5 | LEON ORZECHON | NSKI |
| 6 | 106 & 108 Patton Roa | _ |
| 7 | Section 47; Block 1; Lo R-1 Zone | ots 127 & 126 |
| 8 | | X |
| 9 | | |
| 10 | Time: | October 22, 2020 7:00 p.m. |
| 11 | Place: | Town Hall |
| 12 | | 1496 Route 300 Newburgh, NY 12550 |
| 13 | | |
| 14 | | Y, Acting Chairman |
| 15 | DARRELL BELL GREGORY M. HI | |
| 16 | RICHARD LEVII ANTHONY MARII | |
| 17 | JOHN MASTEN | |
| 18 | ALSO PRESENT: DAVID DONOVA SIOBHAN JABL | |
| 19 | SIOBRAN UABLI | TONIK |
| 20 | | |
| 21 | APPLICANT'S REPRESENTATIVE: LI | ION ORZECHOWSKI |
| 22 | | x |
| 23 | MICHELLE L. Co 3 Francis St: | ONERO |
| 24 | Newburgh, New Yor (845)541-41 | k 12550 |
| 25 | (040/041-41 | |

LEON ORZECHOWSKI

2 MR. DONOVAN: Good evening, and welcome to the October 22nd meeting of the Town of 3 Newburgh Zoning Board of Appeals. My name is 4 Dave Donovan, I'm the Attorney for the ZBA. In 5 the absence of our Board Chairman, Darrin Scalzo, 6 7 I will act as master of ceremonies tonight. The procedure before the Board is that 8 9 when your application is called; you'll come up 10 to the front, and you will explain your 11 application to the Board, and give reasons why you believe the application should be granted. 12 13 The procedure of the Board has recently 14 been modified to a hybrid of applicants and 15 representatives who are in person, while it's a 16 Zoom video format for the members of the public, 17 to the extent there's going to be any public 18 comment for tonight's public hearings. 19 For anyone who is on Zoom in the 20 public, you know that you can go to the Town 21 website and you can view all the records, and 22 applications, and maps that are submitted for the 23 applications. The Board will consider each 24 application in the order heard tonight, and the 25

LEON ORZECHOWSKI

| 2 | Board will endeavor to reach a determination. |
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| 3 | Just be aware, by law the Board has 62 days from |
| 4 | the close of the public hearing to render a |
| 5 | decision. |
| 6 | The public will be muted during the |
| 7 | Board period, and then will be unmuted Siobhan |
| 8 | will take care of that to the extent we have |
| 9 | any public comment. |
| 10 | I would ask Siobhan for roll call. |
| 11 | MS. JABLESNIK: Darrell Bell. |
| 12 | MR. BELL: Here. |
| 13 | MS. JABLESNIK: Greg Hermance. |
| 14 | MR. HERMANCE: Here. |
| 15 | MS. JABLESNIK: Richard Levin. |
| 16 | MR. LEVIN: Yes. |
| 17 | MS. JABLESNIK: Anthony Marino. |
| 18 | MR. MARINO: Here. |
| 19 | MS. JABLESNIK: John Masten. |
| 20 | MR. MASTEN: Here. |
| 21 | MS. JABLESNIK: John McKelvey. |
| 22 | MR. McKELVEY: Here. |
| 23 | MS. JABLESNIK: Our Chairman, Darrin |
| 24 | Scalzo, is absent tonight. We also have present |
| 25 | Dave Donovan, our Attorney, and our Stenographer, |
| | |

| 1 | | LEON ORZECHOWSKI 4 |
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| 2 | ! | Michelle Conero. |
| 3 | 1 | MR. DONOVAN: If everyone could please |
| 4 | : | rise for the Pledge. I would ask the new Board |
| 5 | i | Member, Mr. Hermance, to lead us in the Pledge of |
| б | i | Allegiance. |
| 7 | , | (Pledge of Allegiance.) |
| 8 | l | MR. DONOVAN: The first application |
| 9 | 1 | this evening is the application of Leon |
| 10 | 1 | Orzechowski. |
| 11 | | Mr. Orzechowski, you can come forward. |
| 12 | ł | MR. ORZECHOWSKI: Come forward here? |
| 13 | | MS. JABLESNIK: If you got in a little |
| 14 | : | late, if any applicants can kind of stand over |
| 15 | i i | here by me. You can speak to the Board but kind |
| 16 | | of just stand around here. |
| 17 | , | MR. DONOVAN: If I can, just to |
| 18 | ł | introduce Mr. Orzechowski, there's two vacant |
| 19 | 1 | lots that received a variance, I believe, back in |
| 20 | I | 2006. Time flies. We're looking at area |
| 21 | | variances for minimum lot area, minimum lot width |
| 22 | 1 | and combined side yards. You seek to build |
| 23 | | single-family homes on each lot. Correct? |
| 24 | : | MR. ORZECHOWSKI: Yes. |
| 25 | i | MR. DONOVAN: So tell us your story. |
| | | |

LEON ORZECHOWSKI

2 MR. ORZECHOWSKI: Explain my story? MR. DONOVAN: I shouldn't be so open 3 Tell us what you want to do. 4 ended. MS. ORZECHOWSKI: We'd like to sell the 5 two lots so we can downsize. 6 7 MR. ORZECHOWSKI: I had final approval in 2009 for the three-lot subdivision, but the 8 9 housing market went down and there was no buyers. 10 Since 2009 until today, the housing market is 11 starting to come back. I didn't qualify for some 12 of the regulations that the Town had with the 13 perc test and things like that. In the meantime I 14 did get all those requirements that the Town 15 needed, and they qualified. That was good. So 16 now I'm asking for the variance for my three-lot 17 subdivision again, which I had -- I had a final 18 approval in 2009. In 2009, Mr. Orzechowski 19 MR. DONOVAN: 20 -- am I pronouncing your name correctly? 21 MS. ORZECHOWSKI: Yes. Very good. 22 MR. DONOVAN: Goshen is not far from 23 the black dirt. When the lots were created in 24 2009, did they conform to the zoning at that 25 time?

1 LEON ORZECHOWSKI 6 2 MS. ORZECHOWSKI: Yes. MR. DONOVAN: They were rendered 3 nonconforming as a result of a subsequent change 4 in the Town Zoning Ordinance? 5 MS. ORZECHOWSKI: No. They didn't 6 7 change. MR. ORZECHOWSKI: No. Nothing changed, 8 9 Your Honor. 10 MR. DONOVAN: Not even close to Your 11 Honor. 12 MR. ORZECHOWSKI: I'm going to call you 13 that anyway. 14 MS. ORZECHOWSKI: I guess it did. We were in under the wire, so they said we were 15 fine. 16 17 MR. DONOVAN: Turning to the Board Members. I'll start with Mr. Bell. Any 18 19 comments? 20 MR. BELL: No. I don't have any at 21 this time. I'm good. MR. DONOVAN: Mr. Hermance? 22 23 MR. HERMANCE: I was out. I visited 24 all the properties and I took a look at, I believe it's 106 where it shows the swale area on 25

1 LEON ORZECHOWSKI 7 2 the map, S-1. MR. ORZECHOWSKI: Yes. 3 4 MR. HERMANCE: I was just wondering, because it's level with the road, where would 5 that drain off to? Would you know? 6 7 MS. ORZECHOWSKI: The drainage. Where would it drain off to because it's level with the 8 9 road. There's drainage right there. 10 MR. HERMANCE: There's a swale area 11 located to the right of the --12 MR. ORZECHOWSKI: It drains towards Lakeside Road. Very little. Very little. 13 14 MR. HERMANCE: Okay. 15 MR. DONOVAN: Mr. Marino? MR. MARINO: Just a question so I 16 understand exactly what's happening. You have 17 18 three building lots. They were approved back in, I believe it was 2006 or `09. The Board at that 19 time voted unanimously. It's in the minutes. 20 21 You're asking for a variance to build three 22 houses? 23 MS. ORZECHOWSKI: Two. We're in the 24 first --MR. MARINO: On the corner there? 25

| 1 | LEON ORZECHOWSKI 8 |
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| 2 | MS. ORZECHOWSKI: Right. |
| 3 | MR. MARINO: Two houses, two lots. |
| 4 | Thank you. |
| 5 | MR. DONOVAN: Mr. Masten? |
| 6 | MR. MASTEN: I have no questions. |
| 7 | MR. DONOVAN: Mr. McKelvey? |
| 8 | MR. McKELVEY: No questions. |
| 9 | MR. DONOVAN: Mr. Levin? |
| 10 | MR. LEVIN: It's a two-lot subdivision? |
| 11 | MR. DONOVAN: It's actually not a |
| 12 | subdivision. The lots have been created. They |
| 13 | received a variance from this Board, I believe |
| 14 | back in 2006. With the passage of time, the |
| 15 | variances have expired, and that's what brings |
| 16 | you back here. |
| 17 | MS. ORZECHOWSKI: Exactly. |
| 18 | MR. DONOVAN: Siobhan, any members of |
| 19 | the public? |
| 20 | MS. JABLESNIK: It doesn't look like |
| 21 | it. Nobody is speaking. No. |
| 22 | MR. DONOVAN: If there are no more |
| 23 | comments from the Members of the Board, does |
| 24 | anybody have a motion to make? |
| 25 | MR. ORZECHOWSKI: Could I make one more |

LEON ORZECHOWSKI 1 2 statement? MR. DONOVAN: Don't screw it up. 3 MR. ORZECHOWSKI: Fifteen years. 4 5 Fifteen years of paper that I've been going through with the Town and the Zoning Board and 6 everything. Look. My engineer. Five pounds of 7 8 papers. MR. MARINO: I would make a motion to 9 10 close the public hearing. MR. MASTEN: I'll second it. 11 12 MR. McKELVEY: Roll call. MS. JABLESNIK: Mr. Bell? 13 MR. BELL: Yes. 14 15 MS. JABLESNIK: Mr. Hermance? MR. HERMANCE: Yes. 16 MS. JABLESNIK: Mr. Levin? 17 MR. LEVIN: Yes. 18 19 MS. JABLESNIK: Mr. Marino? MR. MARINO: Yes. 20 21 MS. JABLESNIK: Mr. Masten? 22 MR. MASTEN: Yes. 23 MS. JABLESNIK: Mr. McKelvey? MR. McKELVEY: Yes. 24 25 MR. DONOVAN: The public hearing is

1 LEON ORZECHOWSKI

2 closed.

In keeping with the practice we've been 3 having since Zoom, if it's okay with the Board 4 we'll go with the five-part balancing test and 5 б then we can vote on the application. 7 The first question for the Board's consideration is whether an undesirable change 8 9 will be produced in the character of the 10 neighborhood or a detriment to nearby properties 11 will be created if the variances are granted. 12 MR. BELL: No. MR. HERMANCE: No. 13 14 MR. LEVIN: No. 15 MR. McKELVEY: No. 16 MR. MASTEN: No. 17 MR. MARINO: No. 18 MR. DONOVAN: The second is whether the benefit sought by the applicant can be achieved 19 20 by some other method feasible to pursue other 21 than the requested variances. 22 MR. McKELVEY: He already had approval. 23 MR. DONOVAN: The third is whether or 24 not the requested area variances are substantial. 25 MR. BELL: No.

| 1 | LEON ORZECHOWSKI | 11 |
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| 2 | MR. LEVIN: No. | |
| 3 | MR. McKELVEY: No. | |
| 4 | MR. MASTEN: No. | |
| 5 | MR. MARINO: No. | |
| 6 | MR. HERMANCE: No. | |
| 7 | MR. DONOVAN: The fourth is whether | |
| 8 | issuance of a variance will have an adverse | |
| 9 | impact on the physical or environmental | |
| 10 | conditions of the neighborhood. | |
| 11 | MR. BELL: No. | |
| 12 | MR. HERMANCE: No. | |
| 13 | MR. LEVIN: No. | |
| 14 | MR. McKELVEY: No. | |
| 15 | MR. MASTEN: No. | |
| 16 | MR. MARINO: No. | |
| 17 | MR. DONOVAN: The last is whether the | ž |
| 18 | difficulty is self-created, which consideration | 1 |
| 19 | shall be relevant but not determinative. | |
| 20 | I think in this case the variance has | 3 |
| 21 | lapsed. So they are self-created but it doesn' | t |
| 22 | stop the Board from acting. | |
| 23 | Does anybody have a motion? | |
| 24 | MR. MARINO: I would make a motion we | ž |
| 25 | approve the variances. | |

| 1 | LEON ORZECHOWSKI |
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| 2 | MR. MASTEN: I'll second it. |
| 3 | MR. McKELVEY: Roll call. |
| 4 | MS. JABLESNIK: Mr. Bell? |
| 5 | MR. BELL: Yes. |
| 6 | MS. JABLESNIK: Mr. Hermance? |
| 7 | MR. HERMANCE: Yes. |
| 8 | MS. JABLESNIK: Mr. Levin? |
| 9 | MR. LEVIN: Yes. |
| 10 | MS. JABLESNIK: Mr. Marino? |
| 11 | MR. MARINO: Yes. |
| 12 | MS. JABLESNIK: Mr. Masten? |
| 13 | MR. MASTEN: Yes. |
| 14 | MS. JABLESNIK: Mr. McKelvey? |
| 15 | MR. McKELVEY: Yes. |
| 16 | MR. DONOVAN: All right. Don't wait |
| 17 | ten years ago. |
| 18 | MS. ORZECHOWSKI: Thank you so much. |
| 19 | Have a good holiday, everybody. |
| 20 | (Time noted: 7:10 p.m.) |
| 21 | (Time resumed: 7:11 p.m.) |
| 22 | MR. DONOVAN: I forgot to ask the |
| 23 | last time |
| 24 | MS. JABLESNIK: The mailings. The |
| 25 | mailings for the first two applications, 106 |

LEON ORZECHOWSKI 1 2 Patton Road had 15 mailings and 108 had 14 mailings. 3 (Time noted: 7:11 p.m.) 4 5 CERTIFICATION 6 7 8 9 I, MICHELLE CONERO, a Notary Public 10 for and within the State of New York, do hereby 11 certify: That hereinbefore set forth is a 12 13 true record of the proceedings. 14 I further certify that I am not 15 related to any of the parties to this proceeding by 16 blood or by marriage and that I am in no way 17 interested in the outcome of this matter. IN WITNESS WHEREOF, I have hereunto 18 set my hand this 30th day of October 2020. 19 20 21 Michelle Conero 22 MICHELLE CONERO 23 24 25

1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - - X 3 In the Matter of 4 5 CHARLES BISSINGER 43 Windwood Drive, Newburgh 6 Section 95; Block 5; Lot 10 7 R-1 Zone - - - - - - - - - - - - - - - X 8 9 Date: October 22, 2020 Time: 7:10 p.m. 10 Place: Town of Newburgh 11 Town Hall 1496 Route 300 12 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL GREGORY M. HERMANCE 15 RICHARD LEVIN 16 ANTHONY MARINO JOHN MASTEN 17 18 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 19 20 APPLICANT'S REPRESENTATIVE: SHAWN ARNOTT 21 22 MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25

CHARLES BISSINGER

| 2 | MR. DONOVAN: The second application |
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| 3 | this evening is the application of Charles |
| 4 | Bissinger. This relates to property at 43 |
| 5 | Windwood Drive in Newburgh, area variances for |
| б | the front yard, combined side yards, maximum lot |
| 7 | surface coverage, maximum building lot coverage, |
| 8 | increasing the degree of nonconformity to allow |
| 9 | the construction of a 24 x 30 and a 10 x 16.2 $$ |
| 10 | addition with a 12 x 26 foot rear deck. |
| 11 | I forgot to ask the last time |
| 12 | MS. JABLESNIK: The mailings. The |
| 13 | mailings for the first two applications, 106 |
| 14 | Patton Road had 15 mailings and 108 had 14 |
| 15 | mailings. |
| 16 | This application had 29. |
| 17 | MR. DONOVAN: Sorry about that. The |
| 18 | Chairman will chastise me for that. |
| 19 | Do I have a spokesman for the group? |
| 20 | MR. ARNOTT: Yes. My name is Shawn |
| 21 | Arnott, A-R-N-O-T-T, for the applicants, the |
| 22 | Bissinger family. |
| 23 | They're proposing, as you already |
| 24 | stated Mr. Donovan, the proposed two additions |
| 25 | and deck. It will be a three-phased approach. |

CHARLES BISSINGER

2 They're proposing the additions to create a mother/daughter house due to some health 3 complications of Mr. Bissinger, so that there's 4 family in the house, you know, to aid in his 5 health conditions. 6 7 The proposed additions are to the side, that's the 24 x 30, and that will house a master 8 bedroom as well as a kitchen. The one on the 9 10 rear will be an extension of the existing 11 kitchen. Then a proposed deck in between both of 12 them in the rear. 13 The proposed water and electric services will remain. There won't be two for the 14 15 dwelling. So it will remain a single-family 16 dwelling. 17 Other than that, I'll send it back to 18 you. MR. DONOVAN: Turning to the Members of 19 20 the Board. Mr. Levin, any questions? 21 MR. LEVIN: No. 22 MR. DONOVAN: Mr. McKelvey? 23 MR. MCKELVEY: No. 24 MR. DONOVAN: Mr. Masten? 25 MR. MASTEN: No.

1 CHARLES BISSINGER 17 MR. DONOVAN: Mr. Marino? 2 MR. MARINO: Just one question. You 3 have two extra buildings on the property now? 4 MR. ARNOTT: That's correct. 5 MR. MARINO: Are they livable now or 6 7 are they just storage? MR. ARNOTT: No. Just storage sheds. 8 9 MR. MARINO: They're going to remain, 10 the two of them? 11 MR. ARNOTT: One has to be relocated to 12 accommodate the proposed addition out the back. 13 Otherwise they're going to remain on the 14 property. 15 MR. McKELVEY: It's a fairly big lot 16 compared to --MR. ARNOTT: Colden Park. 17 MR. McKELVEY: I live in Colden Park. 18 19 MR. DONOVAN: Mr. Hermance? 20 MR. HERMANCE: I have no questions. 21 MR. DONOVAN: Mr. Bell? 22 MR. BELL: It's my understanding that 23 the shed that's facing the back of the house in 24 the rear, it's starting to deteriorate. Once it 25 does, you're going to go ahead and remove that

1 CHARLES BISSINGER 18 2 one shed? MR. BISSINGER: Correct. 3 MR. BELL: Are you looking for a permit 4 5 to get another? MR. BISSINGER: No. It will be gone. 6 7 Hopefully with the expansion of the house, there will be enough room to put all the junk inside. 8 9 MR. BELL: Got you. I'm good. Thank 10 you. 11 MR. DONOVAN: Siobhan, any members of 12 the public? 13 MS. JABLESNIK: No. 14 MR. DONOVAN: If I could just ask one 15 question. The property that's shown on Mr. 16 Rinaldi's map now, or formerly Tagliaferri, do 17 you know how far their house is from the property 18 line? MR. ARNOTT: Unfortunately not based on 19 20 the survey. I'd say --21 MR. BISSINGER: Gary's house. It's 22 down here. They're about 45 feet to here and 23 he's about another 20 to 30 feet over. We're 60, 24 70 feet away from him. 25 MR. ARNOTT: From the property line,

| 1 | CHARLES BISSINGER 19 |
|----|--|
| 2 | probably 30 to 40 feet. |
| 3 | MR. DONOVAN: Turning back to the |
| 4 | Board. Does anybody else on the Board have any |
| 5 | questions? |
| 6 | MR. BELL: No. |
| 7 | MR. HERMANCE: No. |
| 8 | MR. LEVIN: No. |
| 9 | MR. MCKELVEY: No. |
| 10 | MR. MASTEN: No. |
| 11 | MR. MARINO: No. |
| 12 | MR. DONOVAN: Does anybody on the Board |
| 13 | have any motions? |
| 14 | MR. MASTEN: I'll make a motion to |
| 15 | close the hearing. |
| 16 | MR. BELL: I'll second. |
| 17 | MS. JABLESNIK: Mr. Bell? |
| 18 | MR. BELL: Yes. |
| 19 | MS. JABLESNIK: Mr. Hermance? |
| 20 | MR. HERMANCE: Yes. |
| 21 | MS. JABLESNIK: Mr. Levin? |
| 22 | MR. LEVIN: Yes. |
| 23 | MS. JABLESNIK: Mr. Marino? |
| 24 | MR. MARINO: Yes. |
| 25 | MS. JABLESNIK: Mr. Masten? |

| CHARLES BISSINGER | |
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| MR. I | MASTEN: Yes. |
| MS. C | JABLESNIK: Mr. McKelvey? |
| MR. I | MCKELVEY: Yes. |
| MR. I | DONOVAN: And Siobhan, not being |
| versed, I shoul | ld mention the first application |

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This application is a Type 2 action 8 9 under SEQRA.

was a Type 2 action under SEQRA.

10 We'll go through the five-part balancing test. The first factor is whether an 11 12 undesirable change will be produced to the character of the neighborhood. 13

MR. BELL: I don't believe so. 14 MR. McKELVEY: I don't think so. 15 16 MR. DONOVAN: The second factor is 17 whether the benefit sought by the applicant can be achieved by some other method other than this 18 19 variance.

20 MR. MASTEN: No.

21 MR. MARINO: No.

MR. BELL: No. 22

23 MR. LEVIN: No.

MR. DONOVAN: The third factor is 24 25 whether the requested variance is substantial.

| 1 | CHARLES BISSINGER 21 |
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| 2 | You consider the neighborhood, obviously, in |
| 3 | reaching your conclusion. |
| 4 | MR. BELL: Yup. |
| 5 | MR. McKELVEY: It's one of the bigger |
| 6 | lots. |
| 7 | MR. DONOVAN: The next is whether or |
| 8 | not the proposed variance would have an adverse |
| 9 | impact on the neighborhood. |
| 10 | MR. BELL: No. |
| 11 | MR. HERMANCE: No. |
| 12 | MR. LEVIN: No. |
| 13 | MR. McKELVEY: No. |
| 14 | MR. MASTEN: No. |
| 15 | MR. MARINO: No. |
| 16 | MR. DONOVAN: The last is whether the |
| 17 | variance is self-created, which it is but it's |
| 18 | not a bar to you granting the relief. |
| 19 | Based upon that, does anybody have a |
| 20 | motion? |
| 21 | MR. BELL: I'll make a motion for |
| 22 | approval. |
| 23 | MR. McKELVEY: I'll second. |
| 24 | Roll call. |
| 25 | MS. JABLESNIK: Mr. Bell? |

| 1 | CHARLES BISSINGER |
|----|----------------------------------|
| 2 | MR. BELL: Yes. |
| 3 | MS. JABLESNIK: Mr. Hermance? |
| 4 | MR. HERMANCE: Yes. |
| 5 | MS. JABLESNIK: Mr. Levin? |
| 6 | MR. LEVIN: Yes. |
| 7 | MS. JABLESNIK: Mr. Marino? |
| 8 | MR. MARINO: Yes. |
| 9 | MS. JABLESNIK: Mr. Masten? |
| 10 | MR. MASTEN: Yes. |
| 11 | MS. JABLESNIK: Mr. McKelvey? |
| 12 | MR. McKELVEY: Yes. |
| 13 | MR. ARNOTT: Thank you very much. |
| 14 | MR. DONOVAN: Good luck. |
| 15 | |
| 16 | (Time noted: 7:16 p.m.) |
| 17 | |
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| 19 | |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
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| 1 | CHARLES BISSINGER |
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| 2 | |
| 3 | |
| 4 | CERTIFICATION |
| 5 | |
| б | |
| 7 | I, MICHELLE CONERO, a Notary Public |
| 8 | for and within the State of New York, do hereby |
| 9 | certify: |
| 10 | That hereinbefore set forth is a |
| 11 | true record of the proceedings. |
| 12 | I further certify that I am not |
| 13 | related to any of the parties to this proceeding by |
| 14 | blood or by marriage and that I am in no way |
| 15 | interested in the outcome of this matter. |
| 16 | IN WITNESS WHEREOF, I have hereunto |
| 17 | set my hand this 30th day of October 2020. |
| 18 | |
| 19 | Michelle Conero |
| 20 | MICHELLE CONERO |
| 21 | MICHEILLE CONERO |
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1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - - - X 3 In the Matter of 4 5 FRANK LISI 10 June Road, Newburgh 6 Section 94; Block 1; Lot 29.1 7 R-1 Zone - - - - - - - - - - - - - - - X 8 9 Date: October 22, 2020 Time: 7:16 p.m. 10 Place: Town of Newburgh 11 Town Hall 1496 Route 300 12 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL GREGORY M. HERMANCE 15 RICHARD LEVIN 16 ANTHONY MARINO JOHN MASTEN 17 18 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 19 20 APPLICANT'S REPRESENTATIVE: FRANK LISI 21 22 MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25

| 1 | FRANK LISI 25 |
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| 2 | MR. DONOVAN: The third application |
| 3 | this evening is Frank Lisi. |
| 4 | Did I say that correctly. |
| 5 | MR. LISI: Lisi, yeah. |
| б | MR. DONOVAN: This is property at 10 |
| 7 | June Road, R-1 Zoning District. Mr. Lisi seeks |
| 8 | an area variance of the side yard and increasing |
| 9 | the degree of nonconformity of the front yard to |
| 10 | build a 14 x 14 addition. |
| 11 | Siobhan, the mailings? |
| 12 | MS. JABLESNIK: This applicant sent out |
| 13 | 40 letters. |
| 14 | MR. DONOVAN: The floor is yours, sir. |
| 15 | MR. LISI: I'd like to put up just a |
| 16 | 14 x 14 side yard addition of a bedroom for my |
| 17 | daughter. We'd like to take the existing bedroom |
| 18 | and turn that into a bathroom, closet, hallway. |
| 19 | It's kind of congested with only one bathroom in |
| 20 | the morning. So that's another reason. That's |
| 21 | pretty much it. |
| 22 | MR. DONOVAN: Just let us know your |
| 23 | name for the record again. |
| 24 | MR. LISI: Frank Lisi, owner. |
| 25 | MR. DONOVAN: Thank you very much. |

| 1 | FRANK LISI 26 |
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| 2 | I'll start with Mr. McKelvey this time. |
| 3 | Any questions? |
| 4 | MR. McKELVEY: It's all woods behind |
| 5 | your house? |
| б | MR. LISI: Yeah. To that side, yes. |
| 7 | MR. DONOVAN: Mr. Masten? |
| 8 | MR. MASTEN: I have no questions. |
| 9 | MR. DONOVAN: Mr. Marino? |
| 10 | MR. MARINO: Is that a storage shed in |
| 11 | the front of your house there? Right out to the |
| 12 | front? |
| 13 | MR. LISI: Storage shed in the front? |
| 14 | No. There's a garage to the right. Yes. |
| 15 | MR. MARINO: That's going to remain? |
| 16 | MR. LISI: That's going to stay there. |
| 17 | MR. MARINO: The addition is going on |
| 18 | the back side of the house? |
| 19 | MR. LISI: The addition is going to go |
| 20 | to the opposite side, to the left toward the |
| 21 | woods. |
| 22 | MR. MARINO: Thank you. |
| 23 | MR. DONOVAN: Mr. Hermance? |
| 24 | MR. HERMANCE: When we visited you |
| 25 | indicated you also purchased the property that |

FRANK LISI 1 27 2 strip of property next to you. MR. LISI: Yeah. A 150 x 100 foot lot. 3 We combined it years ago, so it's all one piece 4 5 now, the 150×100 . MR. HERMANCE: You have 75 feet on that 6 7 side? MR. LISI: Yes. 8 9 MR. HERMANCE: No further questions. 10 MR. DONOVAN: Mr. Bell? 11 MR. BELL: I'm good. 12 MR. DONOVAN: Mr. Levin? MR. LEVIN: I didn't think there were 13 14 any problems. They're putting it up in the back of the house. 15 16 MR. DONOVAN: Siobhan, any members of 17 the public? 18 MS. JABLESNIK: No. MR. DONOVAN: If there are no further 19 20 comments from the Board, can we have a motion 21 regarding the public hearing? MR. MASTEN: I'll make a motion to 22 23 close the public hearing. 24 MR. MARINO: Second. 25 MR. McKELVEY: Roll call.

1 FRANK LISI 28 2 MS. JABLESNIK: Mr. Bell? MR. BELL: Yes. 3 MS. JABLESNIK: Mr. Hermance? 4 5 MR. HERMANCE: Yes. MS. JABLESNIK: Mr. Levin? 6 7 MR. LEVIN: Yes. MS. JABLESNIK: Mr. Marino? 8 9 MR. MARINO: Yes. 10 MS. JABLESNIK: Mr. Masten? 11 MR. MASTEN: Yes. 12 MS. JABLESNIK: Mr. McKelvey? 13 MR. McKELVEY: Yes. MR. DONOVAN: Okay. So we closed the 14 15 public hearing. 16 We're going to go through the five-part 17 balancing test. This is a Type 2 action under SEQRA. 18 19 If I am proceeding at a pace that's too 20 quick, please slow me down. I'm getting on a 21 roll here. 22 MR. BELL: You're doing good, Dave. 23 MR. DONOVAN: The first factor, whether 24 an undesirable change in the character of the 25 neighborhood will be produced if the variance is

| 1 | FRANK LISI 29 |
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| 2 | granted. |
| 3 | MR. McKELVEY: No. |
| 4 | MR. HERMANCE: No. |
| 5 | MR. BELL: No. |
| 6 | MR. LEVIN: No. |
| 7 | MR. DONOVAN: The second factor is |
| 8 | whether the benefit can be achieved by some other |
| 9 | method other than a variance. |
| 10 | MR. McKELVEY: No. |
| 11 | MR. HERMANCE: No. |
| 12 | MR. BELL: No. |
| 13 | MR. MASTEN: No. |
| 14 | MR. MARINO: No. |
| 15 | MR. LEVIN: No. |
| 16 | MR. DONOVAN: The third factor is |
| 17 | whether the requested area variance is |
| 18 | substantial. |
| 19 | MR. BELL: No. |
| 20 | MR. LEVIN: No. |
| 21 | MR. HERMANCE: No. |
| 22 | MR. MARINO: No. |
| 23 | MR. MASTEN: No. |
| 24 | MR. McKELVEY: No. |
| 25 | MR. DONOVAN: The fourth is whether |

| 1 | FRANK LISI 30 |
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| 2 | there will be an adverse impact on the physical |
| 3 | or environmental conditions in the neighborhood. |
| 4 | MR. BELL: No. |
| 5 | MR. LEVIN: No. |
| 6 | MR. HERMANCE: No. |
| 7 | MR. MARINO: No. |
| 8 | MR. MASTEN: No. |
| 9 | MR. McKELVEY: No. |
| 10 | MR. DONOVAN: The last factor is |
| 11 | whether or not the difficulty is self-created, |
| 12 | which in this case it is, but that's not |
| 13 | determinative as to whether or not you can grant |
| 14 | the variance. |
| 15 | So with that said, does anybody have |
| 16 | any motions relative to the merits of the |
| 17 | variance? |
| 18 | MR. LEVIN: I'll make a motion to |
| 19 | approve. |
| 20 | MR. BELL: I'll second. |
| 21 | MR. McKELVEY: Roll call. |
| 22 | MS. JABLESNIK: Mr. Bell? |
| 23 | MR. BELL: Yes. |
| 24 | MS. JABLESNIK: Mr. Hermance? |
| 25 | MR. HERMANCE: Yes. |

FRANK LISI 1 31 MS. JABLESNIK: Mr. Levin? 2 3 MR. LEVIN: Yes. MS. JABLESNIK: Mr. Marino? 4 MR. MARINO: Yes. 5 MS. JABLESNIK: Mr. Masten? 6 MR. MASTEN: Yes. 7 MS. JABLESNIK: Mr. McKelvey? 8 9 MR. McKELVEY: Yes. 10 MR. DONOVAN: You are approved. 11 Congratulations. MR. LISI: Can I ask a question? Can I 12 13 take that sign down now? 14 MR. DONOVAN: No. You have to keep it 15 up until you finish construction. I'm only kidding. 16 17 MR. LISI: All right. 18 19 (Time noted: 7:21 p.m.) 20 21 2.2 23 24 25

| 1 | FRANK LISI |
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| 4 | CERTIFICATION |
| 5 | |
| 6 | |
| 7 | I, MICHELLE CONERO, a Notary Public |
| 8 | for and within the State of New York, do hereby |
| 9 | certify: |
| 10 | That hereinbefore set forth is a |
| 11 | true record of the proceedings. |
| 12 | I further certify that I am not |
| 13 | related to any of the parties to this proceeding by |
| 14 | blood or by marriage and that I am in no way |
| 15 | interested in the outcome of this matter. |
| 16 | IN WITNESS WHEREOF, I have hereunto |
| 17 | set my hand this 30th day of October 2020. |
| 18 | |
| 19 | Michelle Conero |
| 20 | MICHELLE CONERO |
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1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - - - X 3 In the Matter of 4 5 SIGN STAR NY, LLC 601 Auto Park Place, Newburgh 6 Section 97; Block 2; Lot 44 7 IB Zone - - - - - - - - - - - - - - - X 8 9 Date: October 22, 2020 Time: 7:21 p.m. 10 Place: Town of Newburgh 11 Town Hall 1496 Route 300 12 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL GREGORY M. HERMANCE 15 RICHARD LEVIN 16 ANTHONY MARINO JOHN MASTEN 17 18 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 19 20 APPLICANT'S REPRESENTATIVE: KATIE WAGNER 21 22 MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25

SIGN STAR NY, LLC 1 34 2 MR. DONOVAN: Our fourth application this evening is Sign Star NY, LLC, an area 3 variance to install signage at the BJ's gas 4 5 station canopy. If you could let us know who you are 6 7 for the record. MS. WAGNER: My name is Katie Wagner, 8 9 I'm here on behalf of Sign Star. 10 They would like to install four signs 11 around the four sides of a canopy down over by BJ's for a new gas station that they're 12 13 installing. 14 The variance for special application is 15 because there is no code currently for a sign 16 such as this. 17 One thing I would like to bring up that 18 just came to our attention today is that in the submission, the illumination of the signs that 19 20 are going to go on the canopy was not part of the 21 drawing set that was provided to you. May I 22 submit that now? 23 MR. DONOVAN: Let me ask you this 24 question: Were they submitted to the Building Department? To Code Compliance? 25

SIGN STAR NY, LLC 1 35 2 MS. WAGNER: Yes, they were. The whole thing was denied because there's no code. 3 MR. DONOVAN: Was there any indication 4 from Code Compliance that the lighting on the 5 signs would be contrary to any code provision? 6 7 MS. WAGNER: No. MR. DONOVAN: Obviously, typically, 8 9 there's a time requirement. I don't have an 10 objection if the Board doesn't have any 11 objection, but there is no relief being sought 12 relative to the illumination. Correct? In other 13 words -- I just want to make clear that the 14 Board, to the extent they issue an approval, is 15 giving you an approval for the signage. If there's an issue with the illumination or not --16 17 MS. WAGNER: Absolutely. MR. DONOVAN: There's been no denial 18 from Code Compliance, so the Board wouldn't have 19 20 jurisdiction. 21 MS. WAGNER: Understood. 22 MR. DONOVAN: If the Board Members wish 23 to have it. I don't think it's germane to your 24 determination. You're free to hand out the paper 25 if you brought copies.

SIGN STAR NY, LLC

2 MS. WAGNER: I just know some boards, the illumination would be an issue and sometimes 3 it's not. I wanted to bring it to your 4 5 attention. MR. DONOVAN: I'm answering you like a 6 7 lawyer because that's what I am. If Code Compliance had denied the application because you 8 9 violated a code provision relative to 10 illumination, then it would be important to the 11 Board. The Board is not being asked to rule on 12 the illumination, it's only being asked to rule 13 on --MS. WAGNER: Correct. The signage. 14 15 MR. DONOVAN: -- the signage on the 16 canopy. 17 MS. WAGNER: Yes. 18 MR. DONOVAN: So then --19 MS. WAGNER: Sounds good. 20 MR. DONOVAN: Unless you want it. 21 There's no need for it. 22 MR. McKELVEY: It's in an area where 23 there's all kinds of auto dealers. 24 MS. WAGNER: I also drove by earlier. 25 There a couple of illuminated signs from Honda
SIGN STAR NY, LLC 1 37 2 and Chrysler right around in that area. They're ground signs, though. 3 MR. DONOVAN: I'll turn to the Board. 4 5 I'll start this time with Mr. Masten. MR. MASTEN: I have no questions. 6 7 MR. DONOVAN: Mr. Marino? MR. MARINO: No questions. 8 9 MR. DONOVAN: Mr. Hermance? 10 MR. HERMANCE: No questions. 11 MR. DONOVAN: Mr. Bell? 12 MR. BELL: No. MR. DONOVAN: Mr. Levin? 13 MR. LEVIN: I'm fine. 14 15 MR. DONOVAN: Mr. McKelvey? 16 MR. McKELVEY: No. 17 MR. DONOVAN: Siobhan, any members of 18 the public? 19 MS. JABLESNIK: Nope. Nothing. MR. DONOVAN: If there are no other 20 21 comments from the Board, do we have a motion 22 relative to the public hearing? 23 MR. MASTEN: I'll make a motion we 24 close the public hearing. MR. MARINO: I'll second that. 25

| 1 | SIGN STAR NY, LLC 38 |
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| 2 | MR. McKELVEY: Roll call, please. |
| 3 | MS. JABLESNIK: Mr. Bell? |
| 4 | MR. BELL: Yes. |
| 5 | MS. JABLESNIK: Mr. Hermance? |
| б | MR. HERMANCE: Yes. |
| 7 | MS. JABLESNIK: Mr. Levin? |
| 8 | MR. LEVIN: Yes. |
| 9 | MS. JABLESNIK: Mr. Marino? |
| 10 | MR. MARINO: Yes. |
| 11 | MS. JABLESNIK: Mr. Masten? |
| 12 | MR. MASTEN: Yes. |
| 13 | MS. JABLESNIK: Mr. McKelvey? |
| 14 | MR. McKELVEY: Yes. |
| 15 | MR. DONOVAN: The application for a |
| 16 | sign variance is an Unlisted action under SEQRA, |
| 17 | so we need a negative declaration. |
| 18 | MR. McKELVEY: I'll make that motion. |
| 19 | MR. DONOVAN: We need a second. |
| 20 | MR. MASTEN: I'll second it. |
| 21 | MR. McKELVEY: Roll call. |
| 22 | MS. JABLESNIK: Mr. Bell? |
| 23 | MR. BELL: Yes. |
| 24 | MS. JABLESNIK: Mr. Hermance? |
| 25 | MR. HERMANCE: Yes. |

1 SIGN STAR NY, LLC 39 2 MS. JABLESNIK: Mr. Levin? MR. LEVIN: Yes. 3 MS. JABLESNIK: Mr. Marino? 4 5 MR. MARINO: Yes. MS. JABLESNIK: Mr. Masten? 6 7 MR. MASTEN: Yes. MS. JABLESNIK: Mr. McKelvey? 8 9 MR. McKELVEY: Yes. 10 MR. DONOVAN: So I'm on a roll but I'm 11 going so fast I'm forgetting. Siobhan, the 12 mailings on this, please? 13 MS. JABLESNIK: This applicant sent out 14 38 letters. MR. DONOVAN: Just when I think I have 15 16 it down. 17 MS. JABLESNIK: You're doing really 18 good. MR. DONOVAN: Applications for sign 19 20 variances actually go through the same five-part 21 balancing test. I don't know if that makes 22 sense, but that's what the law is. 23 The first factor is whether an 24 undesirable change will be produced in the 25 character of the neighborhood or a detriment

SIGN STAR NY, LLC 1 40 2 caused if the variance is approved. MR. BELL: No. 3 MR. HERMANCE: No. 4 5 MR. LEVIN: No. MR. McKELVEY: No. 6 7 MR. MASTEN: No. MR. MARINO: No. 8 MR. DONOVAN: The second is whether the 9 10 benefit sought can be achieved by any other 11 method. 12 The third is whether the variance is substantial. 13 14 MR. LEVIN: I don't believe so. 15 MR. McKELVEY: It's a big building. MR. DONOVAN: The fourth is whether 16 there would be an adverse impact on the physical 17 or environmental conditions of the neighborhood. 18 19 MR. BELL: No. 20 MR. HERMANCE: No. 21 MR. LEVIN: No. 22 MR. McKELVEY: No. 23 MR. MASTEN: No. 24 MR. MARINO: No. MR. DONOVAN: The last is whether the 25

| 1 | SIGN STAR NY, LLC 41 |
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| 2 | difficulty is self-created, which it is but |
| 3 | that's not a bar to granting relief. |
| 4 | With that said, does anybody have any |
| 5 | motions relative to the variance in the |
| 6 | application? |
| 7 | MR. LEVIN: I'll make a motion to |
| 8 | approve. |
| 9 | MR. BELL: I'll second. |
| 10 | MR. McKELVEY: Roll call. |
| 11 | MS. JABLESNIK: Mr. Bell? |
| 12 | MR. BELL: Yes. |
| 13 | MS. JABLESNIK: Mr. Hermance? |
| 14 | MR. HERMANCE: Yes. |
| 15 | MS. JABLESNIK: Mr. Levin? |
| 16 | MR. LEVIN: Yes. |
| 17 | MS. JABLESNIK: Mr. Marino? |
| 18 | MR. MARINO: Yes. |
| 19 | MS. JABLESNIK: Mr. Masten? |
| 20 | MR. MASTEN: Yes. |
| 21 | MS. JABLESNIK: Mr. McKelvey? |
| 22 | MR. McKELVEY: Yes. |
| 23 | MS. WAGNER: Thank you. |
| 24 | |
| 25 | (Time noted: 7:26 p.m.) |

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| 4 | CERTIFICATION |
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| 6 | |
| 7 | I, MICHELLE CONERO, a Notary Public |
| 8 | for and within the State of New York, do hereby |
| 9 | certify: |
| 10 | That hereinbefore set forth is a |
| 11 | true record of the proceedings. |
| 12 | I further certify that I am not |
| 13 | related to any of the parties to this proceeding by |
| 14 | blood or by marriage and that I am in no way |
| 15 | interested in the outcome of this matter. |
| 16 | IN WITNESS WHEREOF, I have hereunto |
| 17 | set my hand this 30th day of October 2020. |
| 18 | |
| 19 | Michelle Conero |
| 20 | MICHELLE CONERO |
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1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - - X 3 In the Matter of 4 ALYSSA RIGLIONI 5 127 Rock Cut Road, Newburgh 6 Section 48; Block 3; Lot 24 7 R-1 Zone - - - - - - - - - - - - - - - X 8 9 Date: October 22, 2020 Time: 7:26 p.m. 10 Place: Town of Newburgh 11 Town Hall 1496 Route 300 12 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL GREGORY M. HERMANCE 15 RICHARD LEVIN 16 ANTHONY MARINO JOHN MASTEN 17 18 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 19 20 APPLICANT'S REPRESENTATIVE: ALYSSA RIGLIONI 21 22 MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25

1 ALYSSA RIGLIONI 2 MR. DONOVAN: The next application this evening is Alyssa Riglioni. 3 Did I say that correctly, ma'am? 4 MS. RIGLIONI: Yes. 5 MR. DONOVAN: This is a request for a 6 variance for relief of the minimum setback 7 requirements for a prior built accessory 8 9 structure. 10 Tell us who you are and what you want. 11 MS. RIGLIONI: My name is Alyssa 12 Riglioni. I'm just seeking a variance for an 13 accessory building that we built to attach to an 14 already existing garage. We found out that the 15 structure was too close to the property line. I 16 was just hoping to get a variance to allow that so I could get approval for the building permit. 17 18 MR. DONOVAN: Mr. Marino, any 19 questions? Tony? 20 MR. MARINO: The structure is not up 21 yet? 22 MS. RIGLIONI: It is. 23 MR. MARINO: You're realizing now you 24 should have gotten a permit for it? 25 MS. RIGLIONI: Correct.

1 ALYSSA RIGLIONI 45 MR. MARINO: Which side of the house is 2 it on? 3 MS. RIGLIONI: If you're looking at my 4 house from the road, it's on the left side. 5 MR. MARINO: Okay. 6 7 MR. DONOVAN: Mr. Hermance? MR. HERMANCE: I just did notice that 8 9 the fence -- I visited the property -- the fence 10 line is actually beyond the property line. 11 MS. RIGLIONI: Correct. 12 MR. HERMANCE: So you're aware of that? 13 MS. RIGLIONI: I'm on the property. I 14 didn't comply with the setbacks. 15 MR. HERMANCE: Was the garage a 16 permitted structure? 17 MS. RIGLIONI: That was grandfathered That was built in the `50s. 18 in. That was 19 grandfathered in when we had bought the property. 20 That's why we didn't give it a thought when we 21 put just the little shed up there. 22 MR. DONOVAN: Mr. Bell? 23 MR. BELL: You did a real good job. 24 MS. RIGLIONI: Thank you. 25 MR. BELL: Like he was saying, I was

ALYSSA RIGLIONI

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2 looking at the fence line when I went there today and seeing how close the shed was in line. 3 On the other side, how much space 4 5 between the property line? MS. RIGLIONI: I believe it's just 6 7 about a foot at the one corner. MR. BELL: At the one corner there? 8 9 MS. RIGLIONI: Yeah. 10 MR. BELL: I did go inside, with your 11 permission, just to look and see. It was very 12 nice. 13 MS. RIGLIONI: It was just to store 14 things that would otherwise be stored outside, 15 under a tarp possibly. Just to keep everything 16 looking nice. MR. DONOVAN: Mr. Levin? 17 18 MR. LEVIN: I'm okay. MR. DONOVAN: Mr. Masten? 19 20 Mr. McKelvey? I'm so sorry. 21 MR. McKELVEY: You're so far back you 22 can't see it from the road. 23 MR. BELL: No, you can't. 24 MR. DONOVAN: Anything, John? 25 MR. McKELVEY: I have nothing.

1 ALYSSA RIGLIONI 47 2 MR. MASTEN: I have nothing. MR. DONOVAN: Siobhan, any members of 3 the public? 4 5 MS. JABLESNIK: No. It looks like we're 6 good. 7 MR. DONOVAN: Did I remember to do the mailings? 8 9 MS. JABLESNIK: No. She sent out 24 10 letters. 11 MR. DONOVAN: Thank you. 12 If there are no further questions from the Board, no members of the public, do we have a 13 14 motion relative to the public hearing? MR. BELL: I'll make a motion relative 15 16 for approval. 17 MR. DONOVAN: Did you mean close the 18 public hearing? MR. BELL: To close the public hearing 19 20 first. I'm very sorry. I apologize. 21 MR. DONOVAN: Do I have a second? MR. MARINO: I'll second that. 22 23 MR. McKELVEY: Roll call. 24 MS. JABLESNIK: Mr. Bell? MR. BELL: Yes. 25

| 1 | ALYSSA RIGLIONI 48 |
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| 2 | MS. JABLESNIK: Mr. Hermance? |
| 3 | MR. HERMANCE: Yes. |
| 4 | MS. JABLESNIK: Mr. Levin? |
| 5 | MR. LEVIN: Yes. |
| 6 | MS. JABLESNIK: Mr. Marino? |
| 7 | MR. MARINO: Yes. |
| 8 | MS. JABLESNIK: Mr. Masten? |
| 9 | MR. MASTEN: Yes. |
| 10 | MS. JABLESNIK: Mr. McKelvey? |
| 11 | MR. McKELVEY: Yes. |
| 12 | MR. DONOVAN: This is a Type 2 action |
| 13 | under SEQRA. |
| 14 | We'll just go through the balancing |
| 15 | test now. The first factor is whether an |
| 16 | undesirable change would be produced to the |
| 17 | character of the neighborhood. |
| 18 | MR. BELL: No. |
| 19 | MR. MASTEN: No. |
| 20 | MR. MARINO: No. |
| 21 | MR. LEVIN: No. |
| 22 | MR. McKELVEY: No. |
| 23 | MR. HERMANCE: No. |
| 24 | MR. DONOVAN: The second is whether the |
| 25 | applicant can pursue another method other than |

| 1 | ALYSSA RIGLIONI | 49 |
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| 2 | the variance. | |
| 3 | MR. BELL: No. | |
| 4 | MR. MASTEN: No. | |
| 5 | MR. MARINO: No. | |
| 6 | MR. McKELVEY: No. | |
| 7 | MR. LEVIN: No. | |
| 8 | MR. HERMANCE: No. | |
| 9 | MR. DONOVAN: The third is whether | |
| 10 | or not the area variance request is | |
| 11 | substantial. | |
| 12 | MR. BELL: No. | |
| 13 | MR. MASTEN: No. | |
| 14 | MR. MARINO: No. | |
| 15 | MR. McKELVEY: No. | |
| 16 | MR. LEVIN: No. | |
| 17 | MR. HERMANCE: No. | |
| 18 | MR. DONOVAN: The fourth factor is | |
| 19 | whether or not the proposed variance would have | ÷ |
| 20 | an adverse impact on the physical or | |
| 21 | environmental conditions of the neighborhood. | |
| 22 | MR. BELL: No. | |
| 23 | MR. MASTEN: No. | |
| 24 | MR. MARINO: No. | |
| 25 | MR. McKELVEY: No. | |

| 1 | ALYSSA RIGLIONI | 50 |
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| 2 | MR. LEVIN: No. | |
| 3 | MR. HERMANCE: No. | |
| 4 | MR. DONOVAN: The last is whether or | |
| 5 | not the variance was self-created, which it is | |
| б | but that's not a bar from granting relief. | |
| 7 | Does anybody wish to make a motion? | |
| 8 | MR. BELL: I'll make a motion to | |
| 9 | approve. | |
| 10 | MR. MARINO: I'll second. | |
| 11 | MR. McKELVEY: Roll call. | |
| 12 | MS. JABLESNIK: Mr. Bell? | |
| 13 | MR. BELL: Yes. | |
| 14 | MS. JABLESNIK: Mr. Hermance? | |
| 15 | MR. HERMANCE: Yes. | |
| 16 | MS. JABLESNIK: Mr. Levin? | |
| 17 | MR. LEVIN: Yes. | |
| 18 | MS. JABLESNIK: Mr. Marino? | |
| 19 | MR. MARINO: Yes. | |
| 20 | MS. JABLESNIK: Mr. Masten? | |
| 21 | MR. MASTEN: Yes. | |
| 22 | MS. JABLESNIK: Mr. McKelvey? | |
| 23 | MR. McKELVEY: Yes. | |
| 24 | MS. RIGLIONI: I do have one questio | n. |
| 25 | Now I need to get the permit, right, or am I | |

1 ALYSSA RIGLIONI

2 finished?

MS. JABLESNIK: Your application will go back to the Building Department. If you're missing anything else, if there was anything else on your plan review that you still have to get to the Building Department, they'll probably set up a site inspection and then give you your permit. MS. RIGLIONI: Thank you so much. Have a great night. (Time noted: 7:30 p.m.)

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| 4 | CERTIFICATION |
| 5 | |
| 6 | I, MICHELLE CONERO, a Notary Public |
| 7 | for and within the State of New York, do hereby |
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| 13 | blood or by marriage and that I am in no way |
| 14 | interested in the outcome of this matter. |
| 15 | IN WITNESS WHEREOF, I have hereunto |
| 16 | set my hand this 30th day of October 2020. |
| 17 | |
| 18 | Michelle Conero |
| 19 | MICHELLE CONERO |
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| 2 | | EW YORK : COU | JNTY OF ORANGE OARD OF APPEALS |
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| 4 | In the Matter of | | |
| 5 | | JAN KADNAR | |
| б | | Pressler Road, | |
| 7 | Sectio | n 6; Block 1; 1 AR Zone | Lot 10.5 |
| 8 | | | x |
| 9 | | | |
| 10 | | Time: | October 22, 2020 7:30 p.m. |
| 11 | | Place: | Town Hall |
| 12 | | | 1496 Route 300 Newburgh, NY 12550 |
| 13 | | | |
| 14 | BOARD MEMBERS: | | , Acting Chairman |
| 15 | | DARRELL BELL GREGORY M. HEI | RMANCE |
| 16 | | RICHARD LEVIN ANTHONY MARINO | 0 |
| 17 | | JOHN MASTEN | |
| 18 | ALSO PRESENT: | DAVID DONOVAN | |
| 19 | | SIOBHAN JABLES | SNIK |
| 20 | | | |
| 21 | APPLICANT'S REPRE | SENTATIVE: DAP | RREN DOCE |
| 22 | | | |
| 23 | | MICHELLE L. CO | |
| 24 | Newk | 3 Francis Stro ourgh, New York | 12550 |
| 25 | | (845)541-416 | 5 |

| 1 | JAN KADNAR 54 |
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| 2 | MR. DONOVAN: The next application is |
| 3 | Jan Kadnar. |
| 4 | MR. DOCE: I'm Darren Doce. I did the |
| 5 | engineering for Mr. Kadnar. |
| 6 | The main parcel was a parcel that was |
| 7 | subdivided, a lot from a subdivision done in |
| 8 | 2009. At that time the building on that lot |
| 9 | received a variance for the front yard setback. |
| 10 | Mr. Kadnar's subdividing that building |
| 11 | from the 42-acre parcel to create a separate |
| 12 | 2-acre lot that the building is going to be |
| 13 | located on. |
| 14 | The Planning Board referred us back |
| 15 | here to get the previous variance reaffirmed or |
| 16 | reissued. |
| 17 | We believe it's not going to be a |
| 18 | detriment to the neighborhood. I mean it's an |
| 19 | existing building and it has existed predating |
| 20 | zoning. Once Mr. Kadnar renovates the building, |
| 21 | it will actually like enhance the area. |
| 22 | MR. DONOVAN: Just for clarification, |
| 23 | so this is not the same lot that got the variance |
| 24 | back in 2009? |
| 25 | MR. DOCE: It is the building that got |

JAN KADNAR

1

the variance back in 2009. It was on a 42-acre 2 parcel. Now we're going to re-subdivide that 42-3 acre parcel, creating a 2-acre lot that the 4 building is going to be located on. 5 MR. DONOVAN: The reason I ask is 6 the 2009 variance, in addition to having the 7 front yard setback at 10 feet, had an 8 additional setback of 21.7 feet and a 9 10 variance for --11 MR. DOCE: That's the cottage on a 12 separate lot. 13 MR. DONOVAN: So we don't need to worry about that. Just for clarification. 14 MR. DOCE: That was on lot 4. 15 This is on lot 5. 16 17 MR. DONOVAN: Thank you. Mr. Hermance, any questions? 18 19 MR. HERMANCE: There's two dwellings 20 listed on there. I noticed one was a garage. So 21 technically there's one dwelling? MR. DOCE: Yeah. It's the stone --22 23 MR. HERMANCE: There's no plan for --24 it's only approved for a one-family house? 25 MR. DOCE: Right.

| 1 | JAN KADNAR 56 |
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| 2 | MR. HERMANCE: Maybe that should be |
| 3 | worded differently on the plans instead of the |
| 4 | dwelling. |
| 5 | MR. DOCE: Okay. Right. The stone |
| б | structure is going to be renovated. |
| 7 | MR. HERMANCE: Is the garage going to |
| 8 | be renovated also? |
| 9 | MR. DOCE: Most likely removed. |
| 10 | MR. HERMANCE: Removed. Okay. That's |
| 11 | all I had. |
| 12 | MR. DONOVAN: Mr. Bell? |
| 13 | MR. BELL: I don't have any questions. |
| 14 | I'm good. |
| 15 | MR. DONOVAN: Mr. Levin? |
| 16 | MR. LEVIN: No. |
| 17 | MR. DONOVAN: Mr. McKelvey? |
| 18 | MR. McKELVEY: Nothing. |
| 19 | The mailing. |
| 20 | MS. JABLESNIK: 29 letters. |
| 21 | MR. DONOVAN: Mr. Masten? |
| 22 | MR. MASTEN: I have nothing. |
| 23 | MR. DONOVAN: Mr. Marino? |
| 24 | MR. MARINO: I'm good. |
| 25 | MR. DONOVAN: Any members of the |

| 1 | JAN KADNAR 5 | 7 |
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| 2 | public, Siobhan? | |
| 3 | MS. JABLESNIK: It doesn't look like | |
| 4 | it, no. | |
| 5 | MR. DONOVAN: If there are no other | |
| б | questions from the Board, is there a motion | |
| 7 | relative to the public hearing? | |
| 8 | MR. McKELVEY: I'll make a motion to | |
| 9 | close. | |
| 10 | MR. MASTEN: I'll second it. | |
| 11 | MS. JABLESNIK: Mr. Bell? | |
| 12 | MR. BELL: Yes. | |
| 13 | MS. JABLESNIK: Mr. Hermance? | |
| 14 | MR. HERMANCE: Yes. | |
| 15 | MS. JABLESNIK: Mr. Levin? | |
| 16 | MR. LEVIN: Yes. | |
| 17 | MS. JABLESNIK: Mr. Marino? | |
| 18 | MR. MARINO: Yes. | |
| 19 | MS. JABLESNIK: Mr. Masten? | |
| 20 | MR. MASTEN: Yes. | |
| 21 | MS. JABLESNIK: Mr. McKelvey? | |
| 22 | MR. McKELVEY: Yes. | |
| 23 | MR. DONOVAN: The public hearing is | |
| 24 | closed. | |
| 25 | This is a Type 2 action under SEQRA. | |

| 1 | JAN KADNAR 58 |
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| 2 | We'll go through the balancing test. |
| 3 | The first factor is whether an undesirable |
| 4 | change will be produced in the character of |
| 5 | the neighborhood if the variance is granted. |
| 6 | MR. BELL: No. |
| 7 | MR. HERMANCE: No. |
| 8 | MR. McKELVEY: No. |
| 9 | MR. MASTEN: No. |
| 10 | MR. MARINO: No. |
| 11 | MR. LEVIN: No. |
| 12 | MR. DONOVAN: The second is can the |
| 13 | benefit be sought by some other method other than |
| 14 | the variance. |
| 15 | MR. BELL: No. |
| 16 | MR. HERMANCE: No. |
| 17 | MR. McKELVEY: No. |
| 18 | MR. MASTEN: No. |
| 19 | MR. MARINO: No. |
| 20 | MR. LEVIN: No. |
| 21 | MR. DONOVAN: The house is there. |
| 22 | MR. BELL: The house is already |
| 23 | standing. |
| 24 | MR. DONOVAN: The third is whether the |
| 25 | variance is substantial. |

| 1 | JAN KADNAR |
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| 2 | MR. McKELVEY: No. |
| 3 | MR. MASTEN: No. |
| 4 | MR. DONOVAN: The fourth, whether or |
| 5 | not the variance will have an adverse effect on |
| 6 | the physical or environmental conditions of the |
| 7 | neighborhood. |
| 8 | MR. BELL: No. |
| 9 | MR. HERMANCE: No. |
| 10 | MR. McKELVEY: No. |
| 11 | MR. MASTEN: No. |
| 12 | MR. MARINO: No. |
| 13 | MR. LEVIN: No. |
| 14 | MR. DONOVAN: The last is whether or |
| 15 | not the variance was self-created, which it is |
| 16 | but that's not a determinative factor. |
| 17 | Based upon that, any motions from |
| 18 | the Board relative to the merits of the |
| 19 | application? |
| 20 | MR. MARINO: I'll make a motion we |
| 21 | approve the application. |
| 22 | MR. LEVIN: I'll second that. |
| 23 | MS. JABLESNIK: Mr. Bell? |
| 24 | MR. BELL: Yes. |
| 25 | MS. JABLESNIK: Mr. Hermance? |

| 1 | JAN KADNAR | |
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| 2 | | MR. HERMANCE: Yes. |
| 3 | | MS. JABLESNIK: Mr. Levin? |
| 4 | | MR. LEVIN: Yes. |
| 5 | | MS. JABLESNIK: Mr. Marino? |
| 6 | | MR. MARINO: Yes. |
| 7 | | MS. JABLESNIK: Mr. Masten? |
| 8 | | MR. MASTEN: Yes. |
| 9 | | MS. JABLESNIK: Mr. McKelvey? |
| 10 | | MR. McKELVEY: Yes. |
| 11 | | MR. DOCE: Thank you. |
| 12 | | |
| 13 | | (Time noted: 7:36 p.m.) |
| 14 | | |
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| 1 | JAN KADNAR |
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| 3 | |
| 4 | CERTIFICATION |
| 5 | |
| 6 | I, MICHELLE CONERO, a Notary Public |
| 7 | for and within the State of New York, do hereby |
| 8 | certify: |
| 9 | That hereinbefore set forth is a |
| 10 | true record of the proceedings. |
| 11 | I further certify that I am not |
| 12 | related to any of the parties to this proceeding by |
| 13 | blood or by marriage and that I am in no way |
| 14 | interested in the outcome of this matter. |
| 15 | IN WITNESS WHEREOF, I have hereunto |
| 16 | set my hand this 30th day of October 2020. |
| 17 | |
| 18 | Michelle Conero |
| 19 | MICHELLE CONERO |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
| 25 | |

1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - X 3 In the Matter of 4 5 3 KIDDS NEWBURGH, LLC 2 Plainview Lane, Newburgh 6 Section 75; Block 1; Lot 21.12 7 R-3 Zone - - - - - - - - - - - - - - - X 8 9 Date: October 22, 2020 Time: 7:36 p.m. 10 Place: Town of Newburgh 11 Town Hall 1496 Route 300 12 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL GREGORY M. HERMANCE 15 RICHARD LEVIN 16 ANTHONY MARINO JOHN MASTEN 17 18 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 19 20 APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN 21 22 MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25

3 KIDDS NEWBURGH, LLC 1 63 2 MR. DONOVAN: The next application this evening is 3 Kidds Newburgh, LLC, seeking area 3 variances for height, area and maximum allowed 4 free-standing signs, to install two free-standing 5 б signs on the property. 7 If you could tell us who you are for the record, please. 8 9 MR. SCHUTZMAN: Good evening. My name 10 is Stanley Schutzman, I'm a local attorney. I'm 11 here to represent 3 Kidds Newburgh, LLC. With me is Mr. Umberto Balducci from JMC, site plan 12 13 consultants, also on behalf of the applicant. 14 MR. McKELVEY: Mailings? 15 MS. JABLESNIK: 82 letters. 16 MR. SCHUTZMAN: So what we have here is 17 that the client had gone through site plan 18 approval, got approval in 2017. The two stone 19 monument signs were part of the approval, and all 20 the specs were filed as part of that. The client 21 filed for a building permit, has fully built out 22 the project, including the two masonry stone 23 monuments at the entrance. In the process of 24 just filing for the sign that goes in the oval that's depicted in the empty space that you have 25

3 KIDDS NEWBURGH, LLC 1 64 2 in your submission, we were denied on the basis that they say only one sign is permitted. 3 There are two lanes into the site. 4 The maximum area is the 20 square feet on the sign. 5 When we mathematically calculated the oval, we 6 7 came out under, but the Building Department came out at 24 square feet. So we're here for 24 8 9 square feet. 10 Also, that the height of the sign rises 11 to 5 feet and what's permissible is 4 feet. 12 So we're here for those three requested 13 variances. 14 MR. DONOVAN: Where did I start last time? Did I start with you? 15 16 MR. HERMANCE: Yes. 17 MR. DONOVAN: Mr. Bell, any questions? 18 MR. BELL: So the sign, we're saying that it's supposed to be 4 feet and it's 5. 19 20 Correct? 21 MR. SCHUTZMAN: Yes. The top of the 22 masonry is at that. 23 MR. BELL: You're saying there's two entrances. You have one sign? 24 25 MR. SCHUTZMAN: There's two lanes in.

3 KIDDS NEWBURGH, LLC 1 65 2 The reason that there are two signs was because from each direction of the road. The way you 3 read it, it would be a matter of -- we feel as a 4 matter of traffic safety, ease of access. 5 MR. BELL: Okay. I'm good. 6 7 MR. DONOVAN: Mr. Levin? MR. LEVIN: I know it goes by the 8 9 amount of road frontage. It seems to me you've 10 got a lot of road frontage. I don't know why this 11 came up. 12 MR. DONOVAN: They actually changed the 13 code a couple years ago. It was by road 14 frontage. Now there's a different methodology. MR. LEVIN: Okay. 15 16 MR. DONOVAN: Anything else? MR. LEVIN: No. 17 18 MR. DONOVAN: Mr. McKelvey? 19 MR. McKELVEY: I think the sign is very 20 nice. It's going to look good. I think your 21 problem is you're on that big hill -- coming up 22 the hill. 23 MR. DONOVAN: Mr. Masten? MR. MASTEN: No. 24 25 MR. DONOVAN: Mr. Marino?

3 KIDDS NEWBURGH, LLC 1 66 2 MR. MARINO: The signs you have up now, will they remain? 3 MR. SCHUTZMAN: There's just a banner 4 there. That will come down. 5 MR. MARINO: Will these signs have 6 7 lighting on them? MR. SCHUTZMAN: There will be indirect 8 9 lighting in compliance with code. We're not here 10 on a variance for illumination. 11 MR. DONOVAN: Mr. Hermance? MR. HERMANCE: I have no questions. 12 13 MR. DONOVAN: Siobhan, any members of 14 the public? MS. JABLESNIK: No. 15 MR. DONOVAN: If there are no further 16 questions from the Board, does anybody have a 17 motion relative to the public hearing? 18 19 MR. MASTEN: I'll make a motion to 20 close the public hearing. MR. MARINO: I'll second that. 21 22 MS. JABLESNIK: Mr. Bell? 23 MR. BELL: Yes. 24 MS. JABLESNIK: Mr. Hermance? MR. HERMANCE: Yes. 25

| 1 | 3 KIDDS NEWBURGH, LLC |
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| 2 | MS. JABLESNIK: Mr. Levin? |
| 3 | MR. LEVIN: Yes. |
| 4 | MS. JABLESNIK: Mr. Marino? |
| 5 | MR. MARINO: Yes. |
| б | MS. JABLESNIK: Mr. Masten? |
| 7 | MR. MASTEN: Yes. |
| 8 | MS. JABLESNIK: Mr. McKelvey? |
| 9 | MR. McKELVEY: Yes. |
| 10 | MR. DONOVAN: This is an Unlisted |
| 11 | action under SEQRA for the sign variance. I'd |
| 12 | ask for a negative declaration. |
| 13 | MR. MASTEN: I'll make that motion. |
| 14 | MR. DONOVAN: We need a second. |
| 15 | MR. BELL: I'll second. |
| 16 | MS. JABLESNIK: Roll call for that. |
| 17 | Mr. Bell? |
| 18 | MR. BELL: Yes. |
| 19 | MS. JABLESNIK: Mr. Hermance? |
| 20 | MR. HERMANCE: Yes. |
| 21 | MS. JABLESNIK: Mr. Levin? |
| 22 | MR. LEVIN: Yes. |
| 23 | MS. JABLESNIK: Mr. Marino? |
| 24 | MR. MARINO: Yes. |
| 25 | MS. JABLESNIK: Mr. Masten? |

| 1 | 3 KIDDS NEWBURGH, LLC 68 |
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| 2 | MR. MASTEN: Yes. |
| 3 | MS. JABLESNIK: Mr. McKelvey? |
| 4 | MR. MCKELVEY: Yes. |
| 5 | MR. DONOVAN: So with the request for |
| 6 | the sign variance, that also goes through the |
| 7 | five-part balancing test. We'll do that now. |
| 8 | The first is whether an undesirable |
| 9 | change will be produced in the character of the |
| 10 | neighborhood if the variances are granted. |
| 11 | MR. BELL: No. |
| 12 | MR. HERMANCE: No. |
| 13 | MR. McKELVEY: No. |
| 14 | MR. MASTEN: No. |
| 15 | MR. MARINO: No. |
| 16 | MR. LEVIN: No. |
| 17 | MR. BELL: It looks good. |
| 18 | MR. DONOVAN: The second is whether the |
| 19 | benefit sought by the applicant can be achieved |
| 20 | by some method feasible for the applicant to |
| 21 | pursue other than the requested variances. |
| 22 | MR. BELL: No. |
| 23 | MR. HERMANCE: No. |
| 24 | MR. McKELVEY: No. |
| 25 | MR. MASTEN: No. |

| 1 | 3 KIDDS NEWBURGH, LLC 69 |
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| 2 | MR. MARINO: No. |
| 3 | MR. LEVIN: No. |
| 4 | MR. DONOVAN: The third factor is |
| 5 | whether the requested variances are substantial. |
| 6 | MR. BELL: No. |
| 7 | MR. HERMANCE: No. |
| 8 | MR. McKELVEY: No. |
| 9 | MR. MASTEN: No. |
| 10 | MR. MARINO: No. |
| 11 | MR. LEVIN: No. |
| 12 | MR. DONOVAN: The fourth is whether |
| 13 | issuance of the variances would have an adverse |
| 14 | physical or environmental effect. |
| 15 | MR. BELL: No. |
| 16 | MR. HERMANCE: No. |
| 17 | MR. McKELVEY: No. |
| 18 | MR. MASTEN: No. |
| 19 | MR. MARINO: No. |
| 20 | MR. LEVIN: No. |
| 21 | MR. DONOVAN: The last is whether or |
| 22 | not the difficulty was self created, which it |
| 23 | was, but that's not a bar to granting relief. |
| 24 | That said, does anybody have a motion |
| 25 | relative to the merits of the application? |

| 1 | 3 KIDDS NEWBURGH, LLC 70 |
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| 2 | MR. MARINO: I'll make a motion we |
| 3 | approve the application. |
| 4 | MR. BELL: I'll second. |
| 5 | MR. McKELVEY: Roll call. |
| 6 | MS. JABLESNIK: Mr. Bell? |
| 7 | MR. BELL: Yes. |
| 8 | MS. JABLESNIK: Mr. Hermance? |
| 9 | MR. HERMANCE: Yes. |
| 10 | MS. JABLESNIK: Mr. Levin? |
| 11 | MR. LEVIN: Yes. |
| 12 | MS. JABLESNIK: Mr. Marino? |
| 13 | MR. MARINO: Yes. |
| 14 | MS. JABLESNIK: Mr. Masten? |
| 15 | MR. MASTEN: Yes. |
| 16 | MS. JABLESNIK: Mr. McKelvey? |
| 17 | MR. McKELVEY: Yes. |
| 18 | MR. SCHUTZMAN: Thank you all for your |
| 19 | time. |
| 20 | |
| 21 | (Time noted: 7:42 p.m.) |
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| 1 | 3 KIDDS NEWBURGH, LLC |
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| 4 | CERTIFICATION |
| 5 | |
| 6 | |
| 7 | I, MICHELLE CONERO, a Notary Public |
| 8 | for and within the State of New York, do hereby |
| 9 | certify: |
| 10 | That hereinbefore set forth is a |
| 11 | true record of the proceedings. |
| 12 | I further certify that I am not |
| 13 | related to any of the parties to this proceeding by |
| 14 | blood or by marriage and that I am in no way |
| 15 | interested in the outcome of this matter. |
| 16 | IN WITNESS WHEREOF, I have hereunto |
| 17 | set my hand this 30th day of October 2020. |
| 18 | |
| 19 | Michelle Conero |
| 20 | MICHELLE CONERO |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
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1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - - X 3 In the Matter of 4 5 JOHN O'BRIEN 21 Greenshire Way, Walden 6 Section 11; Block 1; Lot 92.42 7 R-1 Zone - - - - - - - - - - - - - - - - X 8 9 Date: October 22, 2020 Time: 7:42 p.m. 10 Place: Town of Newburgh 11 Town Hall 1496 Route 300 12 Newburgh, NY 12550 13 14 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL GREGORY M. HERMANCE 15 RICHARD LEVIN 16 ANTHONY MARINO JOHN MASTEN 17 18 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 19 20 APPLICANT'S REPRESENTATIVE: JAY SAMUELSON 21 22 MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25
| 1 | JOHN O'BRIEN 73 |
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| 2 | MR. DONOVAN: After Orzechowski and |
| 3 | Riglioni, I'm happy to have Mr. O'Brien, as any |
| 4 | good Irish person would. That's our next |
| 5 | application this evening, |
| 6 | Is Mr. O'Brien here? |
| 7 | MR. O'BRIEN: Right here, sir. |
| 8 | MR. SAMUELSON: Can I speak through |
| 9 | Zoom, please? |
| 10 | MS. JABLESNIK: When we open the public |
| 11 | hearing you can speak. Just wait for that. |
| 12 | MR. DONOVAN: Is that your |
| 13 | representative? |
| 14 | MR. O'BRIEN: Yes, sir. |
| 15 | MS. JABLESNIK: Never mind. Sorry. |
| 16 | MR. DONOVAN: If I can, just before |
| 17 | that gentleman speaks, this is property located |
| 18 | at 21 Greenshire Way. This is a referral from |
| 19 | the Planning Board. This is a request for an |
| 20 | area variance for the front for an existing |
| 21 | nonconforming residence. |
| 22 | Siobhan, before Mr. McKelvey reminds |
| 23 | me |
| 24 | MS. JABLESNIK: 19 letters. |
| 25 | MR. DONOVAN: Thank you very much. |

1 JOHN O'BRIEN 74 Sir on Zoom, if you could identify 2 yourself and proceed. 3 MR. SAMUELSON: Good evening. My name 4 is Jay Samuelson of Engineering Properties. I 5 6 apologize --7 MR. DONOVAN: You look much better on 8 zoom, Jay. 9 MR. SAMUELSON: -- but my partner, Ross 10 Winglovitz, to intending to attend this evening 11 in person but an emergency popped up. I did jump 12 on Zoom to hopefully represent Mr. O'Brien in 13 this fashion. I hope that's okay with the Board. 14 MR. DONOVAN: Go ahead, Jay. 15 MR. SAMUELSON: Mr. O'Brien is pursuing 16 a two-lot subdivision through the Planning Board. 17 His current residence was built on Greenshire 18 Way. At that point in time it was a cul-de-sac with a flag lot to the rear that had a 60-foot 19 20 right-of-way. Since that time, since he built 21 his house, there's been additional development 22 down that right-of-way, and the Town has since 23 taken over that right-of-way as a Town road. Now 24 his existing residence does not meet the front 25 yard setback of 50 feet. It is only 43.2.

| 1 | JOHN O'BRIEN 75 |
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| 2 | We're here to request a variance for |
| 3 | that front yard of his existing dwelling. |
| 4 | MR. DONOVAN: Thanks, Jay. Anything |
| 5 | else? |
| 6 | MR. SAMUELSON: That's all I have. |
| 7 | MR. DONOVAN: I'll turn to the Members |
| 8 | of the Board. Mr. Levin, any comments? |
| 9 | MR. LEVIN: No. |
| 10 | MR. DONOVAN: Mr. McKelvey? |
| 11 | MR. McKELVEY: No. |
| 12 | MR. DONOVAN: Mr. Masten? |
| 13 | MR. MASTEN: No. When I was there I |
| 14 | didn't see any sign by the road or down by the |
| 15 | house. |
| 16 | MR. DONOVAN: Okay. |
| 17 | MR. MARINO: You're right, there wasn't |
| 18 | a sign. |
| 19 | MR. HERMANCE: I think it was laying on |
| 20 | the ground. If it was the same thing, I think it |
| 21 | came down off the stakes. It was laying on the |
| 22 | ground when I visited. |
| 23 | MR. DONOVAN: Any questions on the |
| 24 | merits of the application? |
| 25 | MR. BELL: No. |

| 1 | JOHN O'BRIEN 76 |
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| 2 | MR. DONOVAN: Mr. Hermance? |
| 3 | MR. HERMANCE: No. |
| 4 | MR. DONOVAN: Mr. Bell? |
| 5 | MR. BELL: No. |
| 6 | MR. DONOVAN: Siobhan, any members of |
| 7 | the public? |
| 8 | MS. JABLESNIK: No. It doesn't look |
| 9 | like it. |
| 10 | MR. DONOVAN: So Mr. O'Brien or Jay, |
| 11 | the Board has indicated that the required |
| 12 | notification was not present. I'm going to look |
| 13 | and see what the code says about that. If you |
| 14 | have anything to say about that? |
| 15 | MR. SAMUELSON: I do not. I believe |
| 16 | Mr. O'Brien is on the Zoom as well. I believe he |
| 17 | can speak to that. |
| 18 | MR. O'BRIEN: The notification I saw, |
| 19 | it was there. |
| 20 | MR. DONOVAN: You submitted |
| 21 | MR. O'BRIEN: Also my neighbors also |
| 22 | spoke to me about it. |
| 23 | MR. DONOVAN: So reading from code, |
| 24 | Section 185-55, Subdivision A, it says, "The |
| 25 | posted notice must be maintained and updated with |

| JOHN | O'BRIEN | |
|------|---------|--|
| | | |

| 2 | the public hearing date. If there's any change, |
|----|---|
| 3 | it needs to be updated as well. The applicant |
| 4 | shall not be deemed to have violated the |
| 5 | requirements to maintain the notice if the notice |
| б | is removed or destroyed by an unrelated party or |
| 7 | natural force and replaced within a reasonable |
| 8 | period of time." Actually, the notice must be |
| 9 | removed within ten days after the close of the |
| 10 | public hearing. |
| 11 | So John and Tony, when were you guys |
| 12 | there? Recently? |
| 13 | MR. McKELVEY: I was there Sunday. |
| 14 | MR. DONOVAN: Was the notice up? |
| 15 | MR. MASTEN: I was there on the 19th. |
| 16 | MR. McKELVEY: Was there a sign? |
| 17 | MR. MASTEN: Not up by the road or down |
| 18 | by the house. I didn't see a sign. |
| 19 | MR. DONOVAN: Well, so |
| 20 | MR. McKELVEY: Did you have a sign |
| 21 | originally? |
| 22 | MR. O'BRIEN: Yes, sir. |
| 23 | MR. McKELVEY: Did the weather take it |
| 24 | down? |
| 25 | MR. O'BRIEN: That's the only thing I |
| | |

JOHN O'BRIEN

| 2 | can think of. That's past my house. I don't |
|----|---|
| 3 | really go that way. Again, I just talked to my |
| 4 | neighbor two days ago and she was mentioning to |
| 5 | me also about it. I just don't know if that sign |
| б | was not there or was knocked down. I don't know. |
| 7 | I don't know when, if it happened. |
| 8 | MR. DONOVAN: The only thing I would |
| 9 | offer for the Board is the purpose behind this is |
| 10 | so folks know and neighbors know where the |
| 11 | property is and potentially what's going to |
| 12 | happen there. In this situation nothing is going |
| 13 | to happen because the house is already there. |
| 14 | The house is not going to move. The house is |
| 15 | going to stay in this location. So it would be |
| 16 | my view to you, should you wish to adopt that, |
| 17 | that you didn't necessarily need to stand on the |
| 18 | letter of the requirement in this specific |
| 19 | instance, that you would be free to act if the |
| 20 | Board is inclined to do so. |
| 21 | MR. McKELVEY: I think the neighbors |
| 22 | all got mailings. |
| 23 | MR. DONOVAN: We do have mailings. |
| 24 | Correct, Siobhan? |
| 25 | MS. JABLESNIK: Yes. |

| 1 | JOHN O'BRIEN 79 |
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| 2 | MR. DONOVAN: Did I ask that question? |
| 3 | MS. JABLESNIK: Yes, you did. Right |
| 4 | away. |
| 5 | MR. DONOVAN: Are there any members of |
| б | the public? |
| 7 | MS. JABLESNIK: No. |
| 8 | MR. DONOVAN: So you have two options. |
| 9 | One, you can continue the public hearing and |
| 10 | require that the notice be replaced in the |
| 11 | ground. Or I would say to you that you have the |
| 12 | ability to move forward, should you so desire, on |
| 13 | this application because you have a house that's |
| 14 | there. It's not going to be moved. There's not |
| 15 | going to be an addition to it. People know |
| 16 | what's there. I would say under these |
| 17 | circumstances, if the Board wanted to close the |
| 18 | public hearing and move forward, you would be |
| 19 | able to do that. That's up to you. |
| 20 | MR. McKELVEY: I would like to move |
| 21 | forward. |
| 22 | MR. DONOVAN: Is there a motion to |
| 23 | close the public hearing? |
| 24 | MR. BELL: I'll make a motion to close |
| 25 | the public hearing. |
| | |

| 1 | JOHN O'BRIEN 80 |
|----|---|
| 2 | MR. LEVIN: I'll make a motion to close |
| 3 | the public hearing. |
| 4 | MR. DONOVAN: That was a second. Mr. |
| 5 | Bell made the motion, Mr. Levin seconded. |
| б | MS. JABLESNIK: Mr. Bell? |
| 7 | MR. BELL: Yes. |
| 8 | MS. JABLESNIK: Mr. Hermance? |
| 9 | MR. HERMANCE: Yes. |
| 10 | MS. JABLESNIK: Mr. Levin? |
| 11 | MR. LEVIN: Yes. |
| 12 | MS. JABLESNIK: Mr. Marino? |
| 13 | MR. MARINO: Yes. |
| 14 | MS. JABLESNIK: Mr. Masten? |
| 15 | MR. MASTEN: Yes. |
| 16 | MS. JABLESNIK: Mr. McKelvey? |
| 17 | MR. McKELVEY: Yes. |
| 18 | MR. DONOVAN: I should note that this |
| 19 | is a Type 2 action under SEQRA. |
| 20 | We'll go through the five-part |
| 21 | balancing test. The first factor is whether or |
| 22 | not an undesirable change would be produced to |
| 23 | the character of the neighborhood if the variance |
| 24 | is granted. |
| 25 | MR. BELL: No. |

| 1 | JOHN O'BRIEN 81 |
|----|---|
| 2 | MR. HERMANCE: No. |
| 3 | MR. McKELVEY: No. |
| 4 | MR. MASTEN: No. |
| 5 | MR. MARINO: No. |
| 6 | MR. LEVIN: No. |
| 7 | MR. DONOVAN: The second is whether the |
| 8 | benefit sought could be achieved by some other |
| 9 | method feasible for the applicant to pursue. |
| 10 | MR. BELL: No. |
| 11 | MR. HERMANCE: No. |
| 12 | MR. MCKELVEY: No. |
| 13 | MR. MASTEN: No. |
| 14 | MR. MARINO: No. |
| 15 | MR. LEVIN: No. |
| 16 | MR. DONOVAN: The third is whether or |
| 17 | not the variance is substantial. |
| 18 | MR. BELL: No. |
| 19 | MR. HERMANCE: No. |
| 20 | MR. McKELVEY: No. |
| 21 | MR. MASTEN: No. |
| 22 | MR. MARINO: No. |
| 23 | MR. LEVIN: No. |
| 24 | MR. DONOVAN: The fourth is whether or |
| 25 | not the variance would have an adverse physical |

| 1 | JOHN O'BRIEN 82 |
|----|---|
| 2 | or environmental impact. |
| 3 | MR. BELL: No. |
| 4 | MR. HERMANCE: No. |
| 5 | MR. McKELVEY: No. |
| 6 | MR. MASTEN: No. |
| 7 | MR. MARINO: No. |
| 8 | MR. LEVIN: No. |
| 9 | MR. DONOVAN: The last is whether or |
| 10 | not the alleged difficulty is self-created, which |
| 11 | it is, but that's not a bar to granting relief. |
| 12 | With that said, does anybody have a |
| 13 | motion as to the merits of the application? |
| 14 | MR. BELL: I'll make a motion for |
| 15 | approval. |
| 16 | MR. HERMANCE: I'll second. |
| 17 | MS. JABLESNIK: Mr. Bell? |
| 18 | MR. BELL: Yes. |
| 19 | MS. JABLESNIK: Mr. Hermance? |
| 20 | MR. HERMANCE: Yes. |
| 21 | MS. JABLESNIK: Mr. Levin? |
| 22 | MR. LEVIN: Yes. |
| 23 | MS. JABLESNIK: Mr. Marino? |
| 24 | MR. MARINO: Yes. |
| 25 | MS. JABLESNIK: Mr. Masten? |

1 JOHN O'BRIEN 2 MR. MASTEN: Yes. 3 MS. JABLESNIK: Mr. McKelvey? MR. McKELVEY: Yes. 4 MR. DONOVAN: You're good to go. 5 MR. SAMUELSON: 6 Thank you. 7 MR. O'BRIEN: Thank you all. Be safe. (Time noted: 7:50 p.m.) 8 9 10 CERTIFICATION 11 12 I, MICHELLE CONERO, a Notary Public for and within the State of New York, do hereby 13 14 certify: That hereinbefore set forth is a 15 16 true record of the proceedings. 17 I further certify that I am not 18 related to any of the parties to this proceeding by blood or by marriage and that I am in no way 19 interested in the outcome of this matter. 20 21 IN WITNESS WHEREOF, I have hereunto 22 set my hand this 30th day of October 2020. 23 24 Michelle Conero 25 MICHELLE CONERO

| 1 | 1 |
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| 2 | STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS |
| 3 | |
| 4 | |
| 5 | MEADOW HILL REFORMED CHURCH |
| б | 211 Fletcher Drive North, Newburgh |
| 7 | Section 86; Block 1; Lot 72 R-1 Zone |
| 8 | X |
| 9 | Date: October 22, 2020 |
| 10 | Time: 7:50 p.m. |
| 11 | Place: Town of Newburgh Town Hall |
| 12 | 1496 Route 300 Newburgh, NY 12550 |
| 13 | |
| 14 | BOARD MEMBERS: JOHN McKELVEY, Acting Chairman |
| 15 | DARRELL BELL GREGORY M. HERMANCE |
| 16 | RICHARD LEVIN ANTHONY MARINO |
| 17 | JOHN MASTEN |
| 18 | ALSO PRESENT: DAVID DONOVAN, ESQ. |
| 19 | SIOBHAN JABLESNIK |
| 20 | |
| 21 | APPLICANT'S REPRESENTATIVE: ANTHONY BROWN |
| 22 | |
| 23 | MICHELLE L. CONERO |
| 24 | 3 Francis Street Newburgh, New York 12550 |
| 25 | (845)541-4163 |

| 1 | MEADOW HILL REFORMED CHURCH 85 |
|----|---|
| 2 | MR. DONOVAN: The last application this |
| 3 | evening is Meadow Hill Reformed Church located at |
| 4 | 211 Fletcher Drive. They're seeking area |
| 5 | variances for maximum allowed square footage of |
| 6 | signage and maximum allowed height for the sign |
| 7 | located on Meadow Hill Road only. |
| 8 | Siobhan, before I forget, mailings? |
| 9 | MS. JABLESNIK: You don't want to ask |
| 10 | how many he mailed out. 215. |
| 11 | MR. DONOVAN: Sir, if you'd just tell |
| 12 | us who you are and what you want. |
| 13 | MR. BROWN: My pleasure. Thank you for |
| 14 | having us. My name is Tony Brown, or Anthony |
| 15 | Brown formally. I'm a facilities person from |
| 16 | Meadow Hill Reformed Church. |
| 17 | Long story. The church, as many of you |
| 18 | know, is the old Dutch Reformed Church from the |
| 19 | City of Newburgh, moved up to Meadow Hill back in |
| 20 | 1968. We celebrated our 50th birthday this past |
| 21 | year at that location. |
| 22 | At that time we placed a little sign on |
| 23 | Meadow Hill Road which stood 3 foot by maybe 4 |
| 24 | foot wide, and it was lighted. We now desire to |
| 25 | move into a more modern era with a little bit |

MEADOW HILL REFORMED CHURCH

2 larger lighted sign, static marguis type. Not a moving message board or anything like that. 3 We're very cognizant of the light pollution in 4 that area, but we also feel that the location of 5 the sign in the exact spot of the existing sign б 7 will add a little bit of safety to that area of Meadow Hill Road. That's very poorly lit. Our 8 9 lot is pretty large. There's not really any 10 light poles along there.

11 The new sign would stand a little 12 taller than me, 6'6" high from the ground to the 13 top and 8' wide. It would have about 5,500 14 lumens on each side for total lumens of about 15 11,500.

16 We're cognizant of light pollution but 17 we feel there is a safety factor in that. It 18 would be on a digital timer, as required by the zoning laws in the Town of Newburgh. It would 19 20 come on about -- we could adjust it, but when it 21 gets dark. We're money conscious so we want to 22 save money when we can. When it gets dark, say 23 6:00. It would go off not later than 10:00 in 24 the evening. That could be adjusted throughout the year depending upon the need for a lighted 25

MEADOW HILL REFORMED CHURCH

1

2 sign in the summer months.

It will carry Christian inspirational messages but it also could be used by the Town if they needed. We're a voting place, a polling place. We could put a sign up vote here, register here, whatever, that's required for that time of year.

9 The other thing that I would mention 10 is, in looking at the light pollution aspect, 11 which we very carefully considered, there's 12 nothing to the south that would infringe upon 13 anybody's house in terms of that light coming off 14 that sign. To the north there's one house just across the street from us. The way the sign is 15 16 positioned, it's not shining directly into their 17 house. It's lateral to their house, more or 18 less.

Brighton Woods -- Brighton Commons --Greens there, the big apartment complex, there's so much foliage it prevents any light from really getting into. Our neighbor to the south -- or to the west and a little bit south, there's big trees between us and him, and so we don't see that as a problem.

MEADOW HILL REFORMED CHURCH 1 88 2 So we're seeking to move forward with 3 this new proposal. We hope you can support it. 4 MR. McKELVEY: Is the lighting going to 5 stay on the property? It's not going to shine 6 off the property? 7 MR. BROWN: I didn't hear you. MR. McKELVEY: The lighting is not 8 9 going to shine off the property? 10 MR. BROWN: Not going to shine? 11 MR. McKELVEY: Off the property. 12 MR. BROWN: No. It would shine to the 13 east, into the parsonage house more or less, and 14 to the west towards the house that's -- we've got 15 a big hedge row and trees. You can't see that 16 house. MR. DONOVAN: Mr. Masten? 17 18 MR. MASTEN: No. No questions. MR. DONOVAN: Mr. Marino? 19 20 MR. MARINO: No questions. 21 MR. DONOVAN: Mr. Hermance? 22 MR. HERMANCE: Is the sign going exactly in the same spot as the old one? 23 MR. BROWN: Correct. 24 25 MR. HERMANCE: You measured it out?

MEADOW HILL REFORMED CHURCH 1 89 It's a little shorter than 41 feet. It's like 35 2 feet. 3 MR. BROWN: That's from --4 MR. HERMANCE: From the edge of the 5 6 road to the sign. 7 MR. BROWN: Well that's from the middle of the road. From the middle of the road to the 8 sign is 41 feet, if I recall. 9 10 MR. HERMANCE: Okay. 11 MR. DONOVAN: Mr. Bell? 12 MR. BELL: Your sign, is it a -- I forget what they call it. Digital? 13 14 MR. BROWN: No, it's not digital. It's 15 just a lighted, standard, static marguis. One 16 message. 17 MR. BELL: Marquis style. Understood. MR. BROWN: Moulton Memorial has the 18 19 rolling one. You have to stop and really be able 20 to read it. 21 MR. BELL: That's what I was asking. 22 MR. BROWN: That's not the purpose of 23 that. 24 MR. McKELVEY: Anything you want to do, 25 you can change it? You can change it manually?

1 MEADOW HILL REFORMED CHURCH 90 2 MR. BROWN: Yes. The current letters are about this tall. These letters would be about 3 6 inches tall. 4 MR. DONOVAN: Mr. Levin? 5 6 MR. LEVIN: No questions. 7 MR. DONOVAN: Members of the public, Siobhan? 8 9 MS. JABLESNIK: Are there any members 10 of the public? 11 MR. WENZEL: I have one question. Can 12 you hear me? MR. DONOVAN: If you could just tell us 13 who you are for the record. 14 15 MR. WENZEL: My name is Gary Wenzel. 16 I'm part of Brighton Green. I just wanted to know how that sign would interact with Fletcher 17 18 and whether there could be any obstruction? You 19 know, you've got the turn there coming out of 20 Brighton Green, shining light on Fletcher. Right 21 now the existing sign is pretty small and it 22 doesn't cause any visual issue. 23 MR. DONOVAN: Go ahead, sir. 24 MR. BROWN: Okay. As you turn right 25 onto Meadow Hill Road, not Fletcher Road, you

MEADOW HILL REFORMED CHURCH

would see the sign. 5,500 lumens is not all that 2 bright. It's brighter than what you're used to. 3 I made that right turn in and out of Brighton 4 Green a few times to take meals to people there. 5 We don't see it as -- according to the folks that б 7 are building the sign, they've never had an experience where that was such a bright light 8 9 that it would blind you coming around the corner 10 there. 11 MR. WENZEL: I'm not really worried 12 about the light itself. Will the sign obstruct any of the view or will it be set back? 13 MR. BROWN: It's set back off the road. 14 15 From the middle of the road -- it's about 41 feet 16 from the middle of the road. Right in the same 17 place as the existing sign. 18 MR. WENZEL: Okay. Okay. 19 MR. BROWN: I hope I answered your 20 question. 21 MR. WENZEL: Yes. Thank you. 22 MR. BROWN: You bet. 23 MR. DONOVAN: Anything else, sir? MR. WENZEL: No. 24 25 MR. DONOVAN: Anyone else, Siobhan?

| 1 | MEADOW HILL REFORMED CHURCH 92 |
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| 2 | MS. JABLESNIK: No. That's it. |
| 3 | MR. DONOVAN: The Board Members don't |
| 4 | have any other questions? |
| 5 | (No response.) |
| б | MR. DONOVAN: A motion relative to the |
| 7 | public hearing? |
| 8 | MR. MASTEN: I'll make a motion we |
| 9 | close the public hearing. |
| 10 | MR. BELL: Second. |
| 11 | MR. McKELVEY: Roll call. |
| 12 | MS. JABLESNIK: Mr. Bell? |
| 13 | MR. BELL: Yes. |
| 14 | MS. JABLESNIK: Mr. Hermance? |
| 15 | MR. HERMANCE: Yes. |
| 16 | MS. JABLESNIK: Mr. Levin? |
| 17 | MR. LEVIN: Yes. |
| 18 | MS. JABLESNIK: Mr. Marino? |
| 19 | MR. MARINO: Yes. |
| 20 | MS. JABLESNIK: Mr. Masten? |
| 21 | MR. MASTEN: Yes. |
| 22 | MS. JABLESNIK: Mr. McKelvey? |
| 23 | MR. McKELVEY: Yes. |
| 24 | MR. DONOVAN: The sign variance is an |
| 25 | Unlisted action under SEQRA. We need a negative |

| 1 | MEADOW HILL REFORMED CHURCH | 93 |
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| 2 | declaration. | |
| 3 | MR. BELL: I'll make a motion for a | |
| 4 | negative declaration. | |
| 5 | MR. DONOVAN: Motion by Mr. Bell. | |
| б | MR. McKELVEY: I'll second. | |
| 7 | MR. DONOVAN: Mr. McKelvey. | |
| 8 | MS. JABLESNIK: Mr. Bell? | |
| 9 | MR. BELL: Yes. | |
| 10 | MS. JABLESNIK: Mr. Hermance? | |
| 11 | MR. HERMANCE: Yes. | |
| 12 | MS. JABLESNIK: Mr. Levin? | |
| 13 | MR. LEVIN: Yes. | |
| 14 | MS. JABLESNIK: Mr. Marino? | |
| 15 | MR. MARINO: Yes. | |
| 16 | MS. JABLESNIK: Mr. Masten? | |
| 17 | MR. MASTEN: Yes. | |
| 18 | MS. JABLESNIK: Mr. McKelvey? | |
| 19 | MR. McKELVEY: Yes. | |
| 20 | MR. DONOVAN: Now we'll go through the | 9 |
| 21 | five-part balancing test. The first factor, | |
| 22 | whether an undesirable change would be produced | |
| 23 | in the character of the neighborhood if the | |
| 24 | variance was granted. | |
| 25 | MR. BELL: No. | |

| 1 | MEADOW HILL REFORMED CHURCH 94 |
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| 2 | MR. HERMANCE: No. |
| 3 | MR. MASTEN: No. |
| 4 | MR. MARINO: No. |
| 5 | MR. McKELVEY: No. |
| 6 | MR. LEVIN: No. |
| 7 | MR. DONOVAN: The second is whether the |
| 8 | benefit sought could be achieved by some other |
| 9 | method other than the variance. |
| 10 | MR. BELL: No. |
| 11 | MR. HERMANCE: No. |
| 12 | MR. MASTEN: No. |
| 13 | MR. MARINO: No. |
| 14 | MR. McKELVEY: No. |
| 15 | MR. LEVIN: No. |
| 16 | MR. DONOVAN: The third is whether the |
| 17 | variances are substantial. |
| 18 | MR. BELL: No. |
| 19 | MR. HERMANCE: No. |
| 20 | MR. MASTEN: No. |
| 21 | MR. MARINO: No. |
| 22 | MR. McKELVEY: No. |
| 23 | MR. LEVIN: No. |
| 24 | MR. DONOVAN: The fourth is whether |
| 25 | issuance of the variances would have an adverse |
| | |

| 1 | MEADOW HILL REFORMED CHURCH 95 |
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| 2 | physical or environmental effect on the |
| 3 | neighborhood. |
| 4 | MR. BELL: No. |
| 5 | MR. HERMANCE: No. |
| 6 | MR. MASTEN: No. |
| 7 | MR. MARINO: No. |
| 8 | MR. MCKELVEY: No. |
| 9 | MR. LEVIN: No. |
| 10 | DONOVAN: And the last is whether or |
| 11 | not the variance is self created. Which they |
| 12 | are, but that's not a determinative factor. |
| 13 | Given that, does anybody have a motion |
| 14 | relative to the merits of the application? |
| 15 | MR. BELL: I'll make a motion to |
| 16 | approve it. |
| 17 | MR. LEVIN: I'll second it. |
| 18 | MS. JABLESNIK: Mr. Bell? |
| 19 | MR. BELL: Yes. |
| 20 | MS. JABLESNIK: Mr. Hermance? |
| 21 | MR. HERMANCE: Yes. |
| 22 | MS. JABLESNIK: Mr. Levin? |
| 23 | MR. LEVIN: Yes. |
| 24 | MS. JABLESNIK: Mr. Marino? |
| 25 | MR. MARINO: Yes. |

1 MEADOW HILL REFORMED CHURCH 2 MS. JABLESNIK: Mr. Masten? 3 MR. MASTEN: Yes. MS. JABLESNIK: Mr. McKelvey? 4 5 MR. McKELVEY: Yes. MR. BROWN: Thank you. 6 7 (Time noted: 8:02 p.m.) 8 9 CERTIFICATION 10 11 I, MICHELLE CONERO, a Notary Public 12 for and within the State of New York, do hereby 13 certify: That hereinbefore set forth is a 14 15 true record of the proceedings. 16 I further certify that I am not 17 related to any of the parties to this proceeding by blood or by marriage and that I am in no way 18 interested in the outcome of this matter. 19 IN WITNESS WHEREOF, I have hereunto 20 21 set my hand this 30th day of October 2020. 22 23 Michelle Conero 24 MICHELLE CONERO 25

1 2 STATE OF NEW YORK : COUNTY OF ORANGE TOWN OF NEWBURGH ZONING BOARD OF APPEALS - - - - - - - - - - - - - - X 3 In the Matter of 4 5 ARTHUR FOWLER 6 6 Snider Avenue, Walden Section 32; Block 5; Lots 18 7 R-1 Zone 8 9 - - - - - - - - - - X 10 Date: October 22, 2020 11 Time: 8:02 p.m. Place: Town of Newburgh 12 Town Hall 1496 Route 300 Newburgh, NY 12550 13 14 15 BOARD MEMBERS: JOHN McKELVEY, Acting Chairman DARRELL BELL 16 GREGORY M. HERMANCE RICHARD LEVIN 17 ANTHONY MARINO JOHN MASTEN 18 19 ALSO PRESENT: DAVID DONOVAN, ESQ. SIOBHAN JABLESNIK 20 21 22 - - - - - - - - - - - - X MICHELLE L. CONERO 23 3 Francis Street 24 Newburgh, New York 12550 (845)541-4163 25

ARTHUR FOWLER

1

MR. DONOVAN: One last item. We have a 2 request from Darren Doce for an extension of the 3 Arthur Fowler variance that I quess is due to 4 expire November 28th. 5 If the Board is so inclined, it can 6 grant one six-month extension. 7 MR. LEVIN: I have no objection to it. 8 9 MR. BELL: I don't see a problem. 10 MR. DONOVAN: Does anybody want to make 11 a motion for the --12 MR. MARINO: Just a question for my own 13 information. If somebody needs an extension, 14 they can make it for any amount? MR. DONOVAN: The code has six months. 15 16 The variance is good for six months and you get a 17 six-month extension. That's why, if you 18 remember, the Darrigo Solar Farm came back, 19 because it expired. 20 MR. McKELVEY: You can only get one 21 extension. 22 MR. MARINO: One six-month extension? 23 MR. DONOVAN: So it basically gives you 24 a year. 25 MR. MARINO: Okay.

| 1 | ARTHUR FOWLER 9 |
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| 2 | MR. DONOVAN: Does anybody want to |
| 3 | MR. LEVIN: I'll make a motion. |
| 4 | MR. MASTEN: Second. |
| 5 | MR. DONOVAN: Motion by Mr. Levin. |
| 6 | Second by Mr. Masten. |
| 7 | MR. MCKELVEY: Roll call. |
| 8 | MS. JABLESNIK: Mr. Bell? |
| 9 | MR. BELL: Yes. |
| 10 | MS. JABLESNIK: Mr. Hermance? |
| 11 | MR. HERMANCE: Yes. |
| 12 | MS. JABLESNIK: Mr. Levin? |
| 13 | MR. LEVIN: Yes. |
| 14 | MS. JABLESNIK: Mr. Marino? |
| 15 | MR. MARINO: Yes. |
| 16 | MS. JABLESNIK: Mr. Masten? |
| 17 | MR. MASTEN: Yes. |
| 18 | MS. JABLESNIK: Mr. McKelvey? |
| 19 | MR. McKELVEY: Yes. |
| 20 | MS. JABLESNIK: This starts from |
| 21 | November; right? |
| 22 | MR. DONOVAN: That is correct. Yes. |
| 23 | MR. BELL: As far as November 28th, it |
| 24 | starts on the 29th? |
| 25 | MR. DONOVAN: That's correct. The six |

| 1 | ARTHUR FOWLER 100 |
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| 2 | months would start then. |
| 3 | MR. McKELVEY: I think the only thing |
| 4 | we have left is a motion for the minutes. |
| 5 | MR. DONOVAN: Does anybody want to make |
| б | a motion for the minutes for the September |
| 7 | meeting? |
| 8 | MR. LEVIN: I'll make a motion to |
| 9 | approve the minutes. |
| 10 | MR. BELL: I'll second. |
| 11 | MR. DONOVAN: All in favor? |
| 12 | MR. BELL: Aye. |
| 13 | MR. HERMANCE: Aye. |
| 14 | MR. LEVIN: Aye. |
| 15 | MR. MARINO: Aye. |
| 16 | MR. MASTEN: Aye. |
| 17 | MR. McKELVEY: Aye. |
| 18 | MR. DONOVAN: Do we have a motion to |
| 19 | adjourn? |
| 20 | MR. MASTEN: I'll make a motion to |
| 21 | adjourn. |
| 22 | MR. BELL: I'll second. |
| 23 | MR. DONOVAN: All in favor? |
| 24 | MR. BELL: Aye. |
| 25 | MR. HERMANCE: Aye. |

1 ARTHUR FOWLER 2 MR. LEVIN: Aye. 3 MR. MARINO: Aye. MR. MASTEN: Aye. 4 5 MR. McKELVEY: Aye. (Time noted: 8:08 p.m.) 6 7 CERTIFICATION 8 9 10 11 I, MICHELLE CONERO, a Notary Public 12 for and within the State of New York, do hereby 13 certify: That hereinbefore set forth is a 14 15 true record of the proceedings. 16 I further certify that I am not related to any of the parties to this proceeding by 17 blood or by marriage and that I am in no way 18 19 interested in the outcome of this matter. IN WITNESS WHEREOF, I have hereunto 20 21 set my hand this 30th day of October 2020. 22 23 Michelle Conero 24 MICHELLE CONERO 25