

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

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

----- X

Date: December 23, 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
GREGORY M. HERMANCE
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

----- 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
4 Appeals to order. The order of business
5 this evening are the public hearings
6 which have been scheduled and published.

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

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

24 Roll call. Latwan Banks.

25 MS. BANKS: Present.

2 CHAIRMAN SCALZO: Darrell Bell is
3 absent.

4 James Eberhart is absent.

5 Greg Hermance.

6 MR. HERMANCE: Present.

7 CHAIRMAN SCALZO: John Masten.

8 MR. MASTEN: Here.

9 CHAIRMAN SCALZO: Donna Rein is
10 absent.

11 I am here.

12 We also have Dave Donovan, the
13 Zoning Board Attorney. We also have from
14 Code Compliance Joe Mattina, and our
15 Stenographer, Michelle Conero.

16 Would you please rise for the
17 Pledge.

18 (Pledge of Allegiance.)

19 CHAIRMAN SCALZO: We have an agenda
20 that was posted in the back, but I am
21 going to actually jump ahead a little
22 bit, only because -- well, actually two
23 announcements. First and foremost, we
24 are a seven-member Board. As you can
25 see, there are three members missing this

2 evening. As a four-member Board, any
3 application would now need a unanimous
4 vote. All four of the members sitting
5 here would need to vote affirmative for
6 any variances to be granted this evening.
7 I will give every applicant the
8 opportunity to defer the Board's vote
9 until the next meeting in January. That
10 would be entirely up to them. I don't
11 want to press anybody if they don't want
12 to be pressed. If they would like to
13 roll the dice this evening, that's fine
14 too.

15 The other thing that I wanted to
16 say is, we have one application this
17 evening that had to go to County for the
18 GML 239 which is 171 South Plank Road,
19 Segundo David Lema. We did not hear back
20 from the County this evening, so we will
21 not be able to close the public hearing
22 or vote on that application this evening.
23 If there's anyone here this evening or
24 sitting waiting now for the Lema
25 application at 171 South Plank Road in

2 Newburgh, we cannot act on that
3 application. We can certainly hear it,
4 but if anybody wanted to defer, we would
5 just see them in January. The County
6 will have timed out by then.

7 Is there anybody here to represent
8 that application?

9 MR. CELLA: Yes.

10 CHAIRMAN SCALZO: That's you, John?

11 MR. CELLA: Yes. If you want to
12 give us any input or if you want us to
13 give a quick presentation.

14 CHAIRMAN SCALZO: I'll let you do
15 that.

16 We're jumping to the end of the
17 agenda. Not quite the end, Mr. Moreau.
18 Almost.

19 MR. CELLA: Good evening. We're
20 here for a bunch of variances. They're
21 all area variances.

22 We're proposing a small addition on
23 an existing single-family residence.
24 It's going to be converted into a
25 showroom for a small local contractor.

2 He mainly does roofing, siding, exterior
3 work. The building will serve as a
4 showroom for clients to come in and meet
5 with them and also see some of the
6 products. That's about it.

7 CHAIRMAN SCALZO: Okay. Like I
8 say, we're going to have the opportunity
9 to hear this next month again.

10 I was remiss. Siobhan did provide
11 me with all of the information regarding
12 the mailings. For Lema, 44 mailings went
13 out, just to make that a matter of public
14 record.

15 The public hearing is open. The
16 public hearing will remain open after I
17 ask the Board for a motion to keep the
18 public hearing open.

19 MR. MASTEN: I'll make a motion to
20 keep the public hearing open.

21 MS. BANKS: I'll second it.

22 CHAIRMAN SCALZO: We have a motion
23 from Mr. Masten. We have a second from
24 Ms. Banks. All in favor.

25 MS. BANKS: Aye.

2 MR. HERMANCE: Aye.

3 CHAIRMAN SCALZO: Aye.

4 MR. MASTEN: Aye.

5 CHAIRMAN SCALZO: Those opposed?

6 (No response.)

7 CHAIRMAN SCALZO: We'll review this
8 again. We're going to give you an
9 opportunity to present next month. We'll
10 see you in January.

11 MR. CELLA: Thank you.

12 (Time noted: 7:04 p.m.)

13 (Time resumed: 8:27 p.m.)

14 CHAIRMAN SCALZO: Mr. Cella, while
15 we're still on the record, I want to go
16 back. I spoke too quickly on that first
17 application this evening on South Plank
18 Road. There is also another variance
19 that you probably should think about
20 which has to do with the --

21 MR. DONOVAN: There's an encroachment
22 that Code Compliance pulled out, too.
23 It's not over the lake, obviously. It
24 may be -- I don't know whether it's a
25 moveable. It's some sort of storage

2 facility, if I recall correctly.

3 MR. CELLA: Existing storage
4 containers which we're going to rotate so
5 they fit properly on our property. It
6 won't encroach.

7 CHAIRMAN SCALZO: Be prepared to
8 speak about that when you're here next
9 month.

10 MR. DONOVAN: Just to be clear, I
11 don't have to research that issue.

12 CHAIRMAN SCALZO: Just the lake.
13 Thank you very much. You're all set.

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 2nd day of January 2026.

Michelle Conero

MICHELLE CONERO

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

LYNDA AND MARK DAIGLE
349 Lakeside Road, Newburgh
Section 33; Block 1; Lot 24
R-1 Zone

----- X

Date: December 23, 2025
Time: 7:05 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANC
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: MARK DAIGLE
LYNDA DAIGLE

----- X

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

2 CHAIRMAN SCALZO: Back to our
3 regularly scheduled agenda. Number one
4 on the application list this evening is
5 Linda and Mark Daigle, 349 Lakeside
6 Road for area variances of a 10 by 20
7 accessory building in the front yard
8 and less than 5 feet from the property
9 line and, B, area variances of the
10 rear yard, side yard, combined side
11 yards, lot surface coverage and
12 building surface coverage to keep a
13 rear deck.

14 This one had 28 letters go out.
15 All the mailings, publications and
16 postings are in order.

17 Who do we have here for this
18 application? Please step forward and
19 let us know who you are.

20 MR. DAIGLE: Sure. My name is Mark
21 Daigle. I live at 349 Lakeside Road.
22 This is my wife Lynda.

23 We purchased our house in 1994.
24 The house was built in 1935, it was
25 refurbished in '51, and when we purchased

2 it in '94 we took off the roof and put on
3 a second story with improvements and all
4 of that.

5 At that time in '94 there were two
6 metal sheds, 10 by 10 feet, on the front
7 side of the property. To my knowledge, I
8 was unaware of the setbacks. They both
9 rusted out. They were little sheet metal
10 sheds, 10 by 10. When they rusted out we
11 lost some family photographs, a number of
12 mementos and whatnot.

13 There's very little storage on the
14 property. We do not have an attic and we
15 don't have a basement. It was essential
16 that we have some place to store all of
17 our items, so we went to Mr. Shed in New
18 Windsor and had a 10 by 20 shed built so
19 it wouldn't increase the footprint if we
20 put it in exactly the same spot as the
21 two metal sheds. We left the concretes
22 -- the two concrete slabs that were
23 there. We left those and just put the
24 new building on top of it.

25 It is on the front side of the

2 property, but it's pretty hard to see it
3 from the street because we have a
4 neighbor who lives on Lakeside Road above
5 us and we're down below. Our building is
6 pretty much on the lake itself. That's
7 one variance that we're looking for.

8 If you look at the survey or the
9 plot, you'll notice that the building lot
10 is only 35 feet wide and 140 feet long.
11 It's .11 acres. The house is about 28
12 feet wide. There are going to be
13 numerous points on either side where the
14 setbacks -- the house was built before
15 those setbacks were in effect.

16 CHAIRMAN SCALZO: The house predates
17 zoning. As a Board we are very familiar
18 with Orange Lake and the area around it,
19 that a lot of it was bungalows that were
20 not winterized. Now that they've been
21 winterized, they're year-round residences.
22 Everything is pretty tight in there.

23 We've been to the site. We've seen
24 it.

25 With regard to your shed, I

2 understand exactly what you did, why you
3 did it. It looks much better, I'm sure,
4 than the old rusty tin sheds that you
5 used to have.

6 Where I'm struggling, and I
7 actually called Counsel today to ask the
8 question, you're looking for a variance
9 of minus 2 feet, which means it's an
10 encroachment. Although it is on the
11 lake, it's beyond the property line.
12 That's for the deck.

13 MR. DAIGLE: I don't understand.
14 The shed?

15 CHAIRMAN SCALZO: No. The deck.
16 The rear yard setback for the deck. The
17 rear deck exceeds the property line,
18 built without permits or approvals.
19 That's the note that came from the
20 Building Department.

21 I actually reached out to Counsel
22 today. Even though it's not a private
23 entity, I suppose the stake leads to the
24 high water mark of Orange Lake. Is that
25 what I'm to understand?

2 MR. DAIGLE: It does cantilever
3 over the lake, no question, about a foot
4 and 8 inches if I'm correct.

5 My next door neighbor has one as
6 well. That doesn't make it any better, I
7 freely admit.

8 For one, I built the deck and never
9 even considered the fact that I was over
10 the property line on either side. I was
11 sure I was okay there.

12 CHAIRMAN SCALZO: Right. Obviously
13 the survey indicates that your house is
14 not parallel with the property line.

15 MR. DAIGLE: Exactly.

16 CHAIRMAN SCALZO: A lot of the
17 issues that the variances are being
18 requested for, you'd be in here for
19 anything because you have preexisting
20 nonconforming conditions. Really it's
21 the shed and the deck that brought you
22 here, in my opinion, and the preexisting
23 nonconforming conditions.

24 Historically the Board has voted to
25 not make the applicant tear the house

2 down, you know, to make it fit.

3 Counsel.

4 MR. DONOVAN: So the issue with the
5 encroachment is, I don't find where this
6 Board has the authority to permit you to
7 have a structure -- permit anybody, not
8 just you. You're in front of me -- to
9 have a structure on someone else's
10 property. We can grant you a variance to
11 have zero lot line if you needed 100
12 feet, but we can't give permission for
13 you to be on someone else's property.

14 Orange Lake is in here fairly
15 frequently. I don't know, and I don't
16 mean to put Joe Mattina on the spot, if
17 there are a number of decks or structures
18 that extend out into the lake.

19 I did some research on it as well.
20 I don't see where this Board has the
21 authority to allow you to be on someone
22 else's property. You or anyone.

23 MS. DAIGLE: Meaning the lake?

24 MR. DONOVAN: Meaning the lake
25 because it's owned by somebody else. I

2 don't have a title search, but it's not
3 owned by you.

4 Ma'am, if you could, Michelle has
5 to put you in the minutes, tell us who
6 you are.

7 MS. DAIGLE: My name is Lynda
8 Daigle.

9 I'm thinking back to when we did
10 it, we didn't intend to go, and we were
11 told by Cero DiLorenzo, who was the
12 building inspector, you can cantilever
13 12 inches over, or whatever.

14 MR. DONOVAN: Any idea, Joe?

15 MR. MATTINA: That was way before
16 me.

17 MS. DAIGLE: That was back in '94,
18 '95.

19 CHAIRMAN SCALZO: The deck was
20 built in '94?

21 MR. DAIGLE: The deck was built in
22 2002, --

23 MS. DAIGLE: Sorry.

24 MR. DAIGLE: -- I believe.

25 MR. DONOVAN: I'm sorry to interrupt

2 you. You're here because there is no
3 permit for the deck?

4 MR. MATTINA: Correct.

5 MS. DAIGLE: We were also told,
6 because we got the permit for the
7 upstairs second floor, and then when we
8 came to do that, no, you don't need a
9 permit and the rules are you can
10 cantilever 12 inches over.

11 MR. DAIGLE: I believe we were told
12 that you're allowed to cantilever one-
13 third of the total distance, but I didn't
14 go -- I didn't want to go to the maximum.
15 I think I went out two feet, which would
16 be -- one foot eight inches over the
17 property line. Structurally we were
18 okay. We were also told we didn't need a
19 permit because -- if I remember correctly,
20 it was because we were building on a
21 concrete patio, a slab, and we were
22 under 30 inches.

23 The deck is around -- I think
24 it's 21 or 22 inches high. We store
25 our dock underneath it. It's a

2 three-piece dock. We put it on
3 casters and winch it underneath.

4 CHAIRMAN SCALZO: Okay. And I
5 love --

6 MR. DAIGLE: Your point is well
7 taken.

8 CHAIRMAN SCALZO: -- hearing the
9 history behind things. Hang on one
10 second. Let me ask the Board if they
11 have any comments or questions, then I'm
12 going to open it up to the public. Sit
13 tight. You don't have to sit down. You
14 can stay there.

15 Mr. Masten, do you have any questions?

16 MR. MASTEN: I have no questions.

17 CHAIRMAN SCALZO: Mr. Hermance.

18 MR. HERMANCE: Structurally you're
19 allowed to overhang, but Counsel's point
20 was your are over -- you're cantilevered
21 over somebody else's property.

22 MS. DAIGLE: In other words, that
23 shouldn't have been allowed?

24 MR. HERMANCE: I think the advice
25 you were getting is you're allowed to

2 cantilever up to that part for structural
3 reasons, not the property line reasons.

4 MS. DAIGLE: So the state owns the
5 lake. Is that it?

6 MR. DONOVAN: Ma'am, I don't know
7 who owns the lake. I assume it's not
8 you, though.

9 CHAIRMAN SCALZO: I spy someone
10 from the Orange Lake Homeowners
11 Association that's in here. I don't want
12 to put him on the spot.

13 Do you have any idea, Mr. Langer?

14 MR. LANGER: It's an orphan.
15 Whoever owns that lake is never going to
16 complain.

17 CHAIRMAN SCALZO: Mr. Hermance.

18 MR. HERMANCE: That's what I had.

19 CHAIRMAN SCALZO: Ms. Banks.

20 MS. BANKS: My concern is just the
21 encroachment.

22 CHAIRMAN SCALZO: At this time I'm
23 going to open this up to any members of
24 the public that wish to speak about this
25 application.

2 I've already outed you there,
3 Mr. Langer.

4 MR. LANGER: Greg Langer, 281
5 Lakeside Road. I'm here from the
6 Orange Lake Homeowners Association.

7 Every year at our annual meeting
8 we tell people the importance of going
9 to the ZBA or going through the proper
10 channels to get things done.

11 I congratulate Mark and Lynda
12 for actually taking us up on it. One
13 of the people who listened and said
14 yes, here is our problem and how do
15 we resolve it. We've worked with
16 them and we've sent them here. They're
17 really close to Lakeview House. Like
18 right next door.

19 I was wondering if this building
20 was bothering anybody, so I polled
21 the boys at the bar and nobody had a
22 complaint. They all thought it was a
23 great thing.

24 CHAIRMAN SCALZO: Was that when you
25 first arrived at the bar or when you were

2 leaving the bar?

3 MR. LANGER: We've looked over
4 everything they've done and it's been
5 good. We just like that they went
6 through the process.

7 The lake really is an orphan. You
8 will spend the rest of your life trying
9 to figure out who owns that lake because
10 several people have. Nobody claims it,
11 so --

12 CHAIRMAN SCALZO: Okay. I appreciate
13 your input. Thank you so much.

14 Does anyone else from the public
15 wish to speak about this application?

16 (No response.)

17 CHAIRMAN SCALZO: It does not
18 appear so.

19 All right. I'm going to go back to
20 the Board here. Actually, I'm going to
21 go right to Counsel here. We've heard no
22 testimony from anyone from the public
23 regarding the shed. Certainly it's
24 aesthetically more pleasing than what had
25 been there before, and it's still within

2 the property lines. Hey, a tenth is not
3 a great offset. If you could have pulled
4 it forward, that would have been great.
5 My issue is when something is that close
6 to the property line, how do you maintain
7 it. How do you maintain the back side
8 without stepping on your neighbor's
9 property.

10 MR. DAIGLE: We do pressure wash
11 it. We ask their permission.

12 MS. DAIGLE: Our neighbor's
13 permission.

14 CHAIRMAN SCALZO: Because you get
15 along with them now. Who knows who's
16 going to live next door to you in ten
17 years.

18 MS. DAIGLE: That's true.

19 CHAIRMAN SCALZO: That being said,
20 I don't have any other questions.

21 Counsel, can we split this in two
22 for variance purposes?

23 MR. DONOVAN: Yes.

24 CHAIRMAN SCALZO: I'm going to look
25 to the Board. Any questions with regard

2 to the shed?

3 MS. BANKS: No questions.

4 MR. HERMANCE: On the shed I had
5 nothing.

6 CHAIRMAN SCALZO: I need some
7 guidance here, Counsel.

8 MR. DONOVAN: If you can, can you
9 educate me and the Board a little bit
10 more on when you say cantilever, I'm a
11 lawyer, I'm not a construction guy, I'm
12 not a PE like the Chairman, is there an
13 understructure or are there any piers,
14 anything that is into the lake off your
15 property?

16 MS. DAIGLE: No.

17 MR. DAIGLE: There is nothing in
18 the water.

19 MR. DONOVAN: The deck just
20 projects out over the water so in effect
21 it violates the air space?

22 MS. DAIGLE: Yes.

23 MR. DAIGLE: The air space. There
24 were some photos of it.

25 MR. DONOVAN: I don't know what the

2 inclination of the Board is. This is
3 clearly a unique situation. I don't
4 recall us being confronted with a
5 situation where the air space was being
6 violated and not the ground space.

7 If the Board was inclined, and you
8 say this is a unique situation given that
9 it's unclear who owns the lake, and we
10 have testimony from an individual with
11 knowledge saying he doesn't know who owns
12 the lake, so it's unlikely in the extreme
13 that there will be any objection.

14 CHAIRMAN SCALZO: Okay.

15 MR. DONOVAN: Under those particular
16 circumstances, again if you're inclined
17 to do this, coupled with the fact that
18 the deck has been there for twenty years,
19 twenty-five years --

20 MR. DAIGLE: Approximately twenty-four.

21 MR. DONOVAN: -- without any
22 objection from the lake owner or any
23 other owner. If you wanted to condition
24 -- indicate that this is a unique
25 circumstance and grant the variance as a

2 result of that, I would think that you
3 would be able to do that.

4 CHAIRMAN SCALZO: Okay. My
5 concern, Counsel, as with anything such
6 as this is are we setting a precedent.
7 Mr. Moreau is here this evening and he
8 kept his deck within the confines of his
9 property line.

10 MR. DONOVAN: The answer you will
11 not be surprised for me to say is of
12 course you are. You are setting a
13 precedent relative to Orange Lake.

14 MS. BANKS: Is there any way to
15 split it like we talked about before,
16 maybe approving the variance and just
17 doing due diligence and checking on the
18 ownership of the lake, maybe other
19 examples along the lake, similar
20 situations along the lake?

21 MR. DONOVAN: I mean, you could. I
22 don't know. I think that would be on the
23 applicant to show that to us. I don't
24 think we -- you would incur costs if
25 you're going to employ someone to do

2 that. Typically the applicant makes
3 their proof to us, not the reverse.

4 CHAIRMAN SCALZO: Right. And while
5 Mr. Langer did indicate that the lake is
6 an orphan and the lake has no position on
7 this, it's an interesting --

8 MR. DONOVAN: It is. It is.

9 CHAIRMAN SCALZO: Mr. Fedder, please
10 announce yourself for the stenographer.

11 MR. FEDDER: Bill Fedder, Rockwood
12 Drive.

13 Potential future implications
14 during sale of the property and title
15 search, would the variance exonerate them
16 from any issues at sale or would a
17 mortgage company hold that against them?

18 MR. DONOVAN: A buyer and a buyer's
19 attorney may. I don't know about a
20 mortgage company. They don't seem to
21 care about too much anymore.

22 MR. FEDDER: Just food for thought.

23 CHAIRMAN SCALZO: All right. As I
24 stated at the very beginning of the
25 meeting also, we are a seven-member

2 Board. There are only four members this
3 evening that will be voting.

4 The public hearing is still open.

5 I'm going to look to the applicants
6 in this case. Would you like to defer
7 this to next month's meeting so we have a
8 full complement of board members to hear
9 this and vote or would you like for us to
10 proceed this evening?

11 MR. DAIGLE: I'd like to proceed
12 this evening.

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

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

18 MR. HERMANCE: I'll second it.

19 CHAIRMAN SCALZO: We have a motion
20 to close from Mr. Masten. We have a
21 second from Mr. Hermance. All in favor.

22 MS. BANKS: Aye.

23 MR. HERMANCE: Aye.

24 CHAIRMAN SCALZO: Aye.

25 MR. MASTEN: Aye.

2 CHAIRMAN SCALZO: Those opposed?

3 (No response.)

4 CHAIRMAN SCALZO: Very good.

5 Counsel, is there any, I don't want
6 to say case law. Is there any additional
7 research that you could --

8 MR. DONOVAN: Could I. Sure. I
9 did some today, but obviously it's
10 December 23rd. If I looked at the
11 application when I got it. I did
12 research yesterday. Could I spend more
13 time? If the Board would like that, of
14 course I could.

15 CHAIRMAN SCALZO: Only for the
16 encroachment over the lake portion. If
17 we were to treat this as two separate
18 variances with regard to the shed, I can
19 certainly go through the balancing tests
20 for the shed. Not that that would close
21 that out, but --

22 MR. DONOVAN: You could and defer
23 the other one. You certainly could.

24 CHAIRMAN SCALZO: I'm going to look
25 to the Board. I got a nod out of this

2 guy.

3 Okay. Very good. That how I want
4 to approach this.

5 This is a Type 2 action under
6 SEQRA. We're going to go through the
7 area variance criteria and discuss our
8 five factors, the first one being, and
9 this is regarding the shed, whether or
10 not the benefit can be achieved by other
11 means feasible to the applicant. You
12 might be able to pull the shed in.
13 However, they are sitting on the existing
14 footprint of the previous sheds.

15 Any comment on that, Mr. Masten?

16 MR. MASTEN: I have none.

17 CHAIRMAN SCALZO: Mr. Hermance?

18 MR. HERMANCE: No.

19 CHAIRMAN SCALZO: Ms. Banks.

20 MS. BANKS: No.

21 CHAIRMAN SCALZO: Second, if
22 there's an undesirable change in the
23 neighborhood character or a detriment to
24 nearby properties. I would say it's
25 actually a benefit to the neighborhood as

2 the new shed looks better than the old
3 two.

4 The third, whether the request is
5 substantial. Well, just about every
6 request we get on Orange Lake seems to be
7 substantial because of the lot configurations.

8 The fourth, whether the request will
9 have adverse physical or environmental
10 effects. It does not appear so.

11 The fifth, whether the alleged
12 difficulty is self-created which is
13 relevant but not determinative. Well, of
14 course it's self-created. Again, relevant
15 but not determinative.

16 Therefore, having gone through the
17 balancing tests, does the Board have a
18 motion of some sort with regard to the
19 applicant's portion of the -- the
20 application portion regarding the shed?

21 MS. BANKS: I move to approve.

22 CHAIRMAN SCALZO: We have a motion
23 for approval from Ms. Banks.

24 MR. MASTEN: I'll second it.

25 CHAIRMAN SCALZO: We have a second

2 from Mr. Masten.

3 Rolling on that, Ms. Banks.

4 MS. BANKS: Yes.

5 CHAIRMAN SCALZO: Mr. Hermance.

6 MR. HERMANCE: Yes.

7 CHAIRMAN SCALZO: Mr. Masten.

8 MR. MASTEN: Yes.

9 CHAIRMAN SCALZO: I am also
10 affirmative.

11 The shed is now taken care of.

12 Now with regard to the overhang,
13 the cantilever over the water, my
14 preference is to defer that vote and let
15 Counsel do a little additional research
16 for us.

17 MR. DONOVAN: I always like him to
18 give me homework.

19 CHAIRMAN SCALZO: You're welcome.

20 I need a motion for that.

21 MS. BANKS: I motion.

22 MR. HERMANCE: Second.

23 CHAIRMAN SCALZO: We have a motion
24 from Ms. Banks to hold with regard to the
25 deck over the water to the January meeting.

2 We have a second from Mr. Hermance.
3 All in favor.

4 MS. BANKS: Aye.

5 MR. HERMANCE: Aye.

6 CHAIRMAN SCALZO: Aye.

7 MR. MASTEN: Aye.

8 CHAIRMAN SCALZO: Those opposed?

9 (No response.)

10 CHAIRMAN SCALZO: You're going to
11 see us next month, folks. We got one out
12 of two out of it. We're going to do a
13 little due diligence on our side. It
14 would be helpful to you if you would also
15 do a parallel research right along with
16 us.

17 MS. DAIGLE: I was going to say
18 that. We know other people that have the
19 same situation, so we could provide you
20 that.

21 CHAIRMAN SCALZO: That would be
22 wonderful. Please if you're -- I
23 appreciate that you're going to do that.
24 Please get it in to Siobhan as early as
25 you can because that would give us time

2 to review it before the next meeting.
3 Showing up with it here, it's difficult
4 for us to do that. If you could get it
5 to Siobhan at least ten days in advance
6 of the January meeting, that would be
7 helpful to us.

8 The public hearing is still open.
9 We're not going to re-notice. We'll see
10 you folks next month.

11 MR. DAIGLE: Thank you.

12 MS. DAIGLE: Thank you.

13

14 (Time noted: 7:28 p.m.)

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 2nd day of January 2026.



MICHELLE CONERO

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

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

----- X

Date: December 23, 2025
Time: 7:28 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANCE
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: AUGUSTIN RIVERA

----- X

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

2 CHAIRMAN SCALZO: Our second
3 applicant this evening is Augustin
4 Rivera, 130 Canterbury Drive in
5 Newburgh, seeking an area variance
6 for the front yard to install a 10 by
7 20 accessory building along the
8 driveway.

9 For this one we have 15 letters
10 out. All the mailings, publications
11 and postings are in order.

12 We did get GML 239 back from the
13 County. I believe it said local
14 determination. What that means is we
15 can vote.

16 Who do we have with us?

17 MR. RIVERA: Just me.

18 CHAIRMAN SCALZO: You are?

19 MR. RIVERA: Augustin Rivera.

20 CHAIRMAN SCALZO: That's what I was
21 hoping to hear. Mr. Rivera, if I have
22 captured everything that you want to do
23 in that one sentence, that's fine. If
24 you want to add some commentary or so --

25 MR. RIVERA: It's just I need to

2 put a shed by my driveway. They told me
3 it can't be past --

4 CHAIRMAN SCALZO: Can't be past the
5 front of the house. We've had plenty of
6 applications like that.

7 I went past your place last night.
8 Boy, that's a really bright light on that
9 one shed that's already there.

10 Let me ask you a question. Is it
11 possible -- the shed is parallel with the
12 house now and you want to put the other
13 one in front of it. Would it be possible
14 to put the other one actually at the back
15 of the driveway?

16 MR. RIVERA: No, because I wouldn't
17 have the space. The thing is, behind the
18 shed is like rocks and stuff like that.
19 Basically boulders. I just need it by
20 the driveway because -- I need the space
21 because, you know, my garage is full. I
22 just need space in order to store my
23 lawnmower and yard tools that I've got,
24 and boxes. The other shed is full. I'm
25 trying to manage moving the stuff.

2 CHAIRMAN SCALZO: Everybody needs
3 more space.

4 MR. RIVERA: Of course.

5 CHAIRMAN SCALZO: We should be
6 forced to move every ten years. We'd
7 figure out what we really need.

8 Okay. As I say, I was out there
9 myself. Actually, we've all been out
10 there and seen what you've got going on.

11 It is a private road.

12 MR. RIVERA: It is a private road.

13 CHAIRMAN SCALZO: You're the last
14 guy. You're the last one on the street
15 there.

16 MR. RIVERA: There shouldn't be
17 nobody to object to the shed because --

18 CHAIRMAN SCALZO: We're going to
19 find out in a second.

20 MR. RIVERA: Except the squirrels.

21 CHAIRMAN SCALZO: At this point I'm
22 going to actually look to the Board.

23 Ms. Banks, do you have any comments
24 or questions regarding this application?

25 MS. BANKS: No. Not yet.

2 CHAIRMAN SCALZO: We're going to
3 have time.

4 Mr. Hermance.

5 MR. HERMANCE: What would the
6 distance be between the existing shed and
7 the proposed new shed?

8 MR. RIVERA: About -- the space
9 between the two sheds, approximately
10 maybe like 10 feet.

11 MR. HERMANCE: Okay.

12 MR. RIVERA: I just need it close
13 to my house, that way I don't have to be
14 moving around too much.

15 MR. HERMANCE: Your drawing says 3
16 feet.

17 MR. RIVERA: 3 feet?

18 MR. DONOVAN: It says 3 feet spaced
19 apart between the sheds.

20 MR. RIVERA: It's going to be maybe
21 about -- approximately like -- maybe like
22 10 feet. I'm sorry. Maybe when I drew
23 it, I drew it wrong. It's not going to
24 be a big distance. They're going to be
25 close to each other.

2 CHAIRMAN SCALZO: Mr. Mattina, when
3 you were reviewing the application, did
4 you happen to pick up on just how far in
5 front of the house this will be?

6 MR. MATTINA: The original shed is
7 parallel with it. With the 3 feet and
8 the 10 feet, it would be about 13 feet in
9 front.

10 MR. DONOVAN: That's the closest
11 point?

12 MR. MATTINA: If it's a 10 by 20
13 shed, it would be 23 feet in front.

14 CHAIRMAN SCALZO: We've got a
15 couple things to think about here. I'll
16 just remind the Board that probably four
17 or five months ago we had an applicant in
18 here that was looking to put a garage,
19 almost a similar layout to what you've
20 got going on. The difference here is
21 that was on a public highway, this is on
22 a private road. The applicant didn't
23 have a hardship with the back of the
24 driveway being difficult.

25 I didn't get out and walk around

2 the back of your driveway to confirm what
3 you're saying.

4 MR. RIVERA: It's on the property
5 line. There's no -- nobody is going to
6 object because it's on my property.

7 CHAIRMAN SCALZO: I understand
8 that. If it's a 10 by 20 shed -- you
9 have 44.8 feet perpendicular from your
10 property line to your dwelling. You need
11 to maintain 5 feet for an accessory
12 structure off the property line to the
13 backside of that accessory dwelling, so
14 that would be 15 feet to the face of your
15 shed. If you're, let's say for the sake
16 of easy math, 45 feet from your house,
17 that leaves 30 feet from the garage to
18 the shed. As far as turning radius for
19 you turning in and out of your garage --

20 Joe, is there a standard for -- I
21 know typical parking stalls are 10 by 20.
22 Is there a typical distance that you look
23 at for an alleyway?

24 You're asking for something here,
25 but I don't know if it's going to work if

2 you maintain your 5 feet offset off your
3 property line for an accessory structure.

4 MR. MATTINA: Not in the residential
5 code.

6 CHAIRMAN SCALZO: If you have to
7 do a twelve-point turn when you're
8 backing out of your garage. I'm just
9 thinking out loud.

10 MR. RIVERA: I know, but I also --
11 I had an addition to my driveway so that
12 way I could park outside the garage.

13 CHAIRMAN SCALZO: Okay. As I
14 mentioned, this is a public hearing. I'm
15 now going to open it up to any members of
16 the public that wish to have any comments
17 or questions regarding this application.
18 If anyone has any comments or questions,
19 please step forward.

20 (No response.)

21 CHAIRMAN SCALZO: Okay. Then I'm
22 going to look back to the Board here for
23 questions or comments.

24 (No response.)

25 CHAIRMAN SCALZO: All right. I'll

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

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

6 MR. HERMANCE: I'll second it.

7 CHAIRMAN SCALZO: We have a motion
8 to close the public hearing from
9 Mr. Masten. We have a second from
10 Mr. Hermance. All in favor.

11 MS. BANKS: Aye.

12 MR. HERMANCE: Aye.

13 CHAIRMAN SCALZO: Aye.

14 MR. MASTEN: Aye.

15 CHAIRMAN SCALZO: Those opposed?

16 (No response.)

17 CHAIRMAN SCALZO: Very good. We
18 are going to hit the balancing test here.

19 This is a Type 2 action under
20 SEQRA. Correct, Counsel?

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

23 CHAIRMAN SCALZO: Thank you, sir.

24 I'm going to go through the five
25 factors we're weighing, the first one

2 being whether or not the benefit can be
3 achieved by other means feasible to the
4 applicant. It does not appear so with
5 regard to the topography of the land and
6 the layout of where he would like it.

7 Second, if there's an undesirable
8 change in the neighborhood character or a
9 detriment to nearby properties. The way
10 the private road is laid out, there's
11 only one neighbor that's going to see
12 this.

13 MR. RIVERA: Ken Steckler.

14 CHAIRMAN SCALZO: They had the
15 opportunity. They could have been here.

16 The third, whether the request is
17 substantial. With regard to it being out
18 in front of the house -- I'm not even
19 worried about what the setback from the
20 road is at this point. It's just the
21 fact that it's out in front of the house.
22 I'm not sure.

23 Any adverse or physical or
24 environmental effects. It does not
25 appear so.

2 Fifth, whether the alleged
3 difficulty is self-created. Of course
4 it is.

5 Having gone through the balancing
6 tests, does the Board have -- actually,
7 before I say that, I just want to
8 remind you, there are only four of
9 us. If you would like us to continue,
10 we will. If you would like to wait
11 and have a full complement of Board
12 to hear the application --

13 MR. RIVERA: I only have one shot.
14 Right?

15 MR. DONOVAN: If you're denied
16 tonight, you can request that the Board
17 hear you again, but you've got to go
18 through the process again. The Board
19 has to unanimously agree. If one
20 member says no --

21 CHAIRMAN SCALZO: That's a denial.

22 MR. RIVERA: I'll roll the dice.

23 CHAIRMAN SCALZO: A gambling man.

24 All right. Having gone through the
25 balancing tests, does the Board have a

2 motion of some sort?

3 MR. HERMANCE: I'm concerned with
4 the 3-foot space in between sheds.

5 CHAIRMAN SCALZO: Well, help me
6 understand. The sketch says 3, but
7 you're saying 10.

8 MR. RIVERA: Where I'm going to put
9 -- maybe I didn't understand.

10 MR. DONOVAN: Do you want to step
11 up?

12 MR. RIVERA: Yes.

13 MR. DONOVAN: This is what you
14 submitted. There's your house, there's
15 Canterbury, there's your existing shed.
16 The new one here, and it says 3 feet
17 space.

18 MR. RIVERA: I know. It's going to
19 probably be -- I should have put 10 feet.
20 I just wanted them like close to each
21 other, but --

22 CHAIRMAN SCALZO: Perhaps Mr.
23 Hermance's concern is if they're only
24 3 feet apart, next thing you know
25 you're throwing a roof over that and --

2 MR. RIVERA: No. It's going to be
3 for storage. That's it. Nothing else.

4 CHAIRMAN SCALZO: So Mr. Hermance,
5 this part of the application says 3-foot
6 space apart. If the applicant was to
7 indicate it would be a minimum of --

8 MR. HERMANCE: 10 feet.

9 CHAIRMAN SCALZO: -- 10 feet, would
10 that --

11 MR. HERMANCE: That would be
12 better. I'm concerned for maintenance.

13 CHAIRMAN SCALZO: Mr. Mattina, I
14 believe there's a minimum distance that
15 needs to be between structures. Correct?

16 MR. MATTINA: Accessory buildings,
17 no. As long as you stay under the
18 allowable fire area, it's not an issue.

19 CHAIRMAN SCALZO: Okay.

20 MR. DONOVAN: It's an accessory
21 building to the main structure.

22 MR. MATTINA: To the main structure
23 there is. Not accessory to accessory.

24 MS. BANKS: I just want to ask a
25 question. The reason that we would be

2 okay with approving this fixture in front
3 of the house, unlike other situations, is
4 because it's off of a main road and it's
5 not going to disrupt the --

6 CHAIRMAN SCALZO: That's a great
7 question, Ms. Banks. I'm looking at
8 this slightly different than the
9 other application that came in that
10 asked for a full garage out in front
11 of their dwelling. He was on a public
12 road. This is a private road. It's
13 less obtrusive than the other
14 applicant that we had that we denied.

15 I am one of -- I'm only one
16 member. That was my position. That's
17 the way I am looking at this application.

18 MS. BANKS: I see it as a fixture.
19 A garage, a fixture. It's going to be
20 placed in front of the house.

21 CHAIRMAN SCALZO: That's correct.

22 MS. BANKS: I don't know if this
23 precedent already exists where we have --

24 CHAIRMAN SCALZO: Any decision we
25 make can be called upon by anybody later.

2 MR. DONOVAN: If you wanted to, and
3 I don't ever want to influence how you
4 vote, but if you were to say that we
5 treat this application different because
6 it's on a private road, that it's not
7 high traffic and, as I understand, it's
8 the last house on Canterbury so traffic
9 won't go past it, if that influences your
10 decision to grant the variance, if that's
11 what you want to do, if something came in
12 that wasn't the same as that, you would
13 have a reason to deny that variance.

14 MS. BANKS: Okay.

15 MR. RIVERA: Where I'm at, it's all
16 woods.

17 CHAIRMAN SCALZO: Some day it may
18 not be. That's the issue.

19 MR. RIVERA: I doubt anybody is
20 going to build behind me and stuff like
21 that. There's nothing behind us.

22 MR. HERMANCE: Okay.

23 MR. DONOVAN: I'm not trying to
24 influence you one way or another.
25 Everything sets a precedent. If you can

2 distinguish it, if you're so inclined to
3 do that.

4 MS. BANKS: I'm not a construction
5 girl.

6 CHAIRMAN SCALZO: You don't have to
7 be.

8 MS. BANKS: Are there alternative
9 fixtures, like maybe removing the
10 existing? You already have a storage
11 shed there.

12 MR. RIVERA: I have a storage shed,
13 but it's much smaller. I just need a
14 bigger one so that way I have more space
15 to put stuff in. It's cluttered. I've
16 got to empty out my garage because, you
17 know, I'm tripping over stuff in the
18 garage.

19 MS. BANKS: Trust me, I understand.
20 I have tons of stuff.

21 I guess my next question would be,
22 is there an alternative configuration of
23 a storage fixture that would replace the
24 existing that might be slightly bigger,
25 maybe a little taller but within zoning

2 regulation versus stacking two?

3 CHAIRMAN SCALZO: Ms. Banks, also
4 great questions. While we did look for a
5 motion, we can also defer to go back out
6 and really investigate.

7 It was dark out when I went there,
8 so I didn't go in your driveway and pull
9 around your backyard.

10 MR. RIVERA: I gave you pictures
11 and stuff.

12 CHAIRMAN SCALZO: Yeah. I'm a
13 taste it, touch it, feel it kind of guy.
14 Pictures do tell a thousand words, but I
15 prefer to walk it.

16 MS. BANKS: I don't know if we
17 could offer a deferral.

18 CHAIRMAN SCALZO: We can. We don't
19 have to vote tonight. We can revisit the
20 site. The idea here would be if you're
21 not satisfied and the applicant has
22 indicated that there are alternatives
23 that have not been explored, then you can
24 say I'd like to go back out and take a
25 look at the site again so I can make a

2 fair assessment.

3 MS. BANKS: I think that and the
4 potential consideration of alternative
5 fixtures. Obviously that's for the
6 applicant.

7 CHAIRMAN SCALZO: I don't want to
8 put words in your mouth, Ms. Banks. I
9 think what I'm hearing out of you is
10 you're making a motion to defer until you
11 can get some -- perform another field
12 visit?

13 MS. BANKS: Mm'hm'. Maybe be
14 presented with some alternatives.

15 CHAIRMAN SCALZO: Okay. Sir, do
16 you understand what's going on?

17 MR. RIVERA: Yeah. I know you want
18 to take a look at it in the daytime.

19 CHAIRMAN SCALZO: I want to see it
20 in the daytime. I did my best, but --

21 MR. RIVERA: You could have called.
22 I would have gave you the 5 dollar tour.

23 CHAIRMAN SCALZO: What I'm hearing,
24 Ms. Banks, is that the motion that you're
25 making?

2 MS. BANKS: I make a motion to
3 defer for an additional visit, and maybe
4 you can consider some alternatives to
5 like stacking two --

6 MR. RIVERA: There's no real
7 alternative because I can't put it behind
8 the other shed because there's no space.
9 It's like if you were to go back there,
10 it's, I guess, like a curve and it's
11 rocks. There's not that much space.

12 CHAIRMAN SCALZO: You know what. I
13 completely understand where you're headed
14 with this, too. I'm not sure that this
15 is the way to go, but I would like to
16 actually make a motion to reopen the
17 public hearing because in this instance,
18 the way I see this going, we're going to
19 end up voting next month anyway. I want
20 the other members of the Board to have
21 the opportunity.

22 I'm going to make a motion to
23 reopen the public hearing.

24 MR. HERMANCE: I'll second it.

25 CHAIRMAN SCALZO: We have a motion

2 from the Chairman. We have a second
3 from Mr. Hermance. All in favor.

4 MS. BANKS: Aye.

5 MR. HERMANCE: Aye.

6 CHAIRMAN SCALZO: Aye.

7 MR. MASTEN: Aye.

8 CHAIRMAN SCALZO: Those opposed?

9 (No response.)

10 CHAIRMAN SCALZO: Sir, you
11 presented what you've got.

12 MR. DONOVAN: I'm sorry. Was
13 Ms. Banks' motion to defer voted on?

14 CHAIRMAN SCALZO: It wasn't.

15 MR. DONOVAN: You bring me for a
16 reason.

17 CHAIRMAN SCALZO: Counsel, if the
18 public hearing is open, then how can
19 you --

20 MR. DONOVAN: We have ex post facto
21 deferred.

22 CHAIRMAN SCALZO: What he said.

23 Okay. So now we don't have to vote
24 on --

25 MR. DONOVAN: Then we don't.

2 CHAIRMAN SCALZO: -- Ms. Banks'
3 motion.

4 Sir, we're going to see you next
5 month. You're going to see not only the
6 four of us but three additional board
7 members visiting your site. I'll do it
8 by day.

9 MR. RIVERA: Give me a call. You
10 have my phone number. I can show it to
11 you.

12 CHAIRMAN SCALZO: Leave up the
13 notice. That stays there.

14 We're going to see you next month.
15 I'll knock on your door when I'm coming.

16 MR. RIVERA: Quick question and
17 stuff like that. When is the next Board
18 meeting?

19 CHAIRMAN SCALZO: The fourth
20 Thursday in January.

21 MS. BANKS: It's the 22nd.

22 CHAIRMAN SCALZO: The 22nd of January.

23 MR. RIVERA: What day is that?

24 CHAIRMAN SCALZO: It's a Thursday.

25 MR. RIVERA: Okay.

2 CHAIRMAN SCALZO: Thank you,
3 Mr. Rivera.

4 MR. RIVERA: Thank you.

5 (Time noted: 7:44 p.m.)

6

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

8

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

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

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

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

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

JOSEPH COLANDREA
107 Grande Vista Court, Newburgh
Section 75; Block 1; Lot 53.2
R-3 Zone

----- X

Date: December 23, 2025
Time: 7:45 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANC
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: ROLAND BLOOMER

----- X

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

2 CHAIRMAN SCALZO: Our next
3 application is Joseph Colandrea, 107
4 Grande Vista Court, Newburgh, seeking
5 an area variance of storage of more
6 than four vehicles to keep an
7 additional garage that was previously
8 approved for a single service door.
9 This house is currently under
10 construction.

11 Mailings on this. We have 19.
12 All the mailings, publications and
13 postings are in order.

14 Who do we have with us?

15 MR. BLOOMER: Roland Bloomer
16 from Profex, Incorporated. I'm the
17 contractor.

18 CHAIRMAN SCALZO: Mr. Bloomer, if
19 I've captured everything that wants to be
20 done in those two sentences, --

21 MR. BLOOMER: You did.

22 CHAIRMAN SCALZO: -- we can go
23 ahead and move forward. If you wanted to
24 add any commentary --

25 MR. BLOOMER: I don't.

2 CHAIRMAN SCALZO: If you're
3 wondering who those fresh tire tracks
4 were in the snow --

5 MR. BLOOMER: That was you.

6 CHAIRMAN SCALZO: Mine. I took a
7 ride up there today. You get to the top
8 of the hill and I'm surprised how many
9 trees there aren't on top of that hill.
10 Anyway, lovely home.

11 Again this is one of those that's
12 at the end of a private road. The only
13 other person this may affect would be --
14 there's only one other lot that would be
15 impacted by this.

16 This is all because it used to be a
17 single door in the plans, Joe, and then
18 it ended up being a double?

19 MR. MATTINA: Yes.

20 MR. BLOOMER: We originally had it
21 as a door, and then we got comments back
22 from the Building Department so we took
23 it out of there so we could come to you
24 guys.

25 MR. MATTINA: The original plan

2 review had five single garage doors.
3 They removed one of the doors, so there
4 are only four garage doors. During
5 construction they put the fifth door
6 back.

7 MR. BLOOMER: We didn't put it in
8 yet.

9 CHAIRMAN SCALZO: I was up there
10 today. I saw that plastic hanging.
11 Really this comes down to the four cars.

12 MR. MATTINA: Correct. Storage of
13 four vehicles. It's an accessory use.

14 CHAIRMAN SCALZO: I know it's code,
15 but it's not one of those things that I
16 really hang on to too deeply. I have no
17 questions about this application.

18 You, Mr. Masten?

19 MR. MASTEN: I have none either.

20 CHAIRMAN SCALZO: Mr. Hermance.

21 MR. HERMANCE: No.

22 CHAIRMAN SCALZO: Ms. Banks.

23 MS. BANKS: No, I don't think so.

24 CHAIRMAN SCALZO: This is a public
25 hearing. Is there anybody here from the

2 public that has any comments or questions
3 regarding this application?

4 (No response.)

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

8 MR. MASTEN: I'll make a motion to
9 close the public hearing.

10 MS. BANKS: I'll second it.

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

14 MS. BANKS: Aye.

15 MR. HERMANCE: Aye.

16 CHAIRMAN SCALZO: Aye.

17 MR. MASTEN: Aye.

18 CHAIRMAN SCALZO: Those opposed?

19 (No response.)

20 CHAIRMAN SCALZO: This is a Type 2
21 action under SEQRA?

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

24 CHAIRMAN SCALZO: I just wait to
25 hear you say that.

2 We're going to discuss the five
3 factors, the first one being whether or
4 not the benefit can be achieved by other
5 means feasible to the applicant. No.

6 Second, if there's an undesirable
7 change in the neighborhood character or a
8 detriment to nearby properties.

9 MR. HERMANCE: No.

10 MR. MASTEN: No.

11 CHAIRMAN SCALZO: Third, whether
12 the request is substantial. Well, code
13 says one thing. If we're going by code,
14 I suppose it's substantial.

15 Fourth, whether the request will
16 have adverse physical or environmental
17 effects.

18 MS. BANKS: No.

19 MR. HERMANCE: No.

20 CHAIRMAN SCALZO: No.

21 MR. MASTEN: No.

22 CHAIRMAN SCALZO: Fifth, whether
23 the alleged difficulty is self-created
24 which is relevant but not determinative.
25 Of course it is.

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

5 MS. BANKS: I'll make a motion for
6 approval.

7 MR. HERMANCE: I'll second it.

8 CHAIRMAN SCALZO: We have a motion
9 for approval from Ms. Banks. We have a
10 second from Mr. Hermance. All in favor.

11 MS. BANKS: Aye.

12 MR. HERMANCE: Aye.

13 CHAIRMAN SCALZO: Aye.

14 MR. MASTEN: Aye.

15 CHAIRMAN SCALZO: Those opposed?

16 (No response.)

17 CHAIRMAN SCALZO: Motion carried.
18 The variances are approved.

19 I'm sorry, I forgot to ask you if
20 you wanted us to vote.

21 MR. BLOOMER: Yes.

22

23 (Time noted: 7:50 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 2nd day of January 2026.



MICHELLE CONERO

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

MICHAEL DURYEA
65 Cronk Road, Wallkill
Section 1; Block 1; Lot 7.2
AR Zone

----- X

Date: December 23, 2025
Time: 7:50 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANCE
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: JOHN RUSSO
MICHAEL DURYEA

----- X

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

2 CHAIRMAN SCALZO: Our next
3 applicant is Michael Duryea, 65 Cronk
4 Road in Wallkill, seeking area variances
5 of maximum square footage and storage of
6 vehicles to keep two prior built carports
7 and an overhang built on a previously
8 approved accessory building.

9 For this one we have 24 letters
10 that went out.

11 Who do we have with us?

12 MR. RUSSO: I'm John Russo from
13 Lanc & Tully Engineering.

14 MR. DURYEA: Mike Duryea, owner.

15 CHAIRMAN SCALZO: If you brought
16 your mouthpiece, I'm going to let your
17 mouthpiece talk. Go right ahead.

18 MR. RUSSO: My client resides at
19 65 Cronk Road. The section, block
20 and lot is 1-1-7.2. The parcel is
21 1.753, plus or minus, acres in size.
22 It's in the AR Zone.

23 The house and the existing
24 garage that actually sits in front of
25 house, both were constructed in 1966.

2 In 2001 a waiver was issued for a
3 40 by 40 structure. That's the first
4 larger structure that sits behind the
5 house on the east side.

6 CHAIRMAN SCALZO: Correct. I'm
7 going to hold you off right there.

8 For the Board, as I spoke with
9 Siobhan today, they have an approved
10 variance from 2001. That's what the
11 applicant just indicated. It's an
12 approved variance. We have one thing
13 that's already been accepted as is.

14 Let me let you continue.

15 MR. RUSSO: Okay. In 2004 the
16 owner put an overhang, more like a
17 lean-to structure, on the existing larger
18 structure that was provided a waiver. In
19 2013 they put up a 720 square foot carport.
20 Then again they put another one up in
21 2014, the same size, 720 square feet.
22 These structures have been there for a
23 minimum of eleven years without any
24 complaints or any issues.

25 Recently a subdivision went in

2 alongside of this, Alexandra Drive I
3 believe it is, a private road. At that
4 time the building inspector was out there
5 and had made mention to my client of the
6 issue of all these accessory structures.

7 My client has put everything in a
8 living trust for his family. Once he
9 found this out, he's trying to clean it
10 up so there are no problems for his kids
11 in the future.

12 At this point in time we're looking
13 for an area variance of 2,688 square feet
14 of which 528 square feet would be the
15 garage in front of the house that was
16 built in 1966.

17 CHAIRMAN SCALZO: Okay. Thank you.

18 MR. RUSSO: You're welcome.

19 CHAIRMAN SCALZO: I was out there.
20 It was not as dark as it was when I was
21 at the other applicant's.

22 I almost feel like Cronk Road isn't
23 part of Newburgh when you get that far
24 our.

25 MR. DURYEA: It used to be that

2 way.

3 CHAIRMAN SCALZO: I drove down the
4 adjoining driveway as it's indicated on
5 the map here. That is the Alexandra
6 Drive?

7 MR. DURYEA: No. Yeah, Alexandra
8 Matthew I think is the name of it. Yeah.

9 CHAIRMAN SCALZO: Boy, when you get
10 back there, those carports are long.

11 You agree?

12 MR. MASTEN: Yes.

13 CHAIRMAN SCALZO: And then there's
14 a couple of -- that's a private road as
15 well?

16 MR. DURYEA: Private.

17 MR. RUSSO: That's a private road
18 there.

19 CHAIRMAN SCALZO: I'm going to let
20 the Board say what they're going to say
21 and then I guess I'll weigh in.

22 Mr. Masten, you chuckled when I
23 said boy, they're a big size. That's a
24 lot of space. Everybody has stuff. As I
25 mentioned, everybody should be forced to

2 move every ten years and get rid of
3 stuff.

4 So you have a garage in front of
5 the house, you have another garage back
6 there, an overhang, a couple carports.
7 What possibly could you have to fill that
8 up?

9 Now, I did read the variance from
10 2001, and I guess your son was in --

11 MR. DURYEA: Auto racing.

12 CHAIRMAN SCALZO: -- auto racing.
13 Is that still what's going on? Are you
14 running a business out of there?

15 MR. DURYEA: No, I am not. There
16 are no people coming into that property.
17 That has a legalized road along the rock
18 wall back to it.

19 CHAIRMAN SCALZO: The one that had
20 the chain across it that prevented me
21 from driving back there?

22 MR. DURYEA: Well, you know why.
23 You weren't a Prime truck. The Prime
24 trucks like to go down there around 9:00
25 at night.

2 MR. RUSSO: Basically Amazon and
3 some others had been delivering couches
4 and everything else to my client's
5 property because they don't know to go
6 down the private road. They're
7 delivering everything to his house.

8 MR. DURYEA: I have a lot of heavy
9 equipment. I do a lot of welding, a lot
10 of fabrication. I don't do it for money.
11 I'm retired. I'm a facilities manager
12 retired. My son's equipment needs repair
13 from time to time. I bring it in there
14 and I weld it and I pack bearings and I
15 do all kinds of things.

16 Now, in the other carports, which I
17 must describe because the word carport to
18 me sounds kind of shady. They're the
19 metal prefabricated, predesigned for the
20 area in which they're going, dealing with
21 the snow loads, the wind loads, et cetera.
22 Those two buildings were put up and I was
23 led to believe at the time by the
24 distributor that they get staked into the
25 item 4 and therefore you don't need a

2 foundation, hence you need no permit.
3 Oh, okay. So dopey me, I went with it.
4 I put them up and they've been there ever
5 since. They've never shuttered. They've
6 never wiggled. They've never done
7 anything. There they sit today. They're
8 kept in top repair. They're top --
9 they're closed, you know, in the sense of
10 -- I don't have closures on them, but
11 they're kept neat and orderly so that
12 it's not an eyesore.

13 CHAIRMAN SCALZO: The skin doesn't
14 go all the way to the ground. Correct?

15 MR. DURYEA: No, no.

16 MR. RUSSO: Right now they are
17 storing a lawnmower, a boat.

18 MR. DURYEA: All the toys that a
19 seventy-one year old man has acquired for
20 his grand kids and his children. I've
21 got ATVs, I've got quads. You know, the
22 backhoe sits there. I've got a ditch
23 witch. I've got another trenching
24 machine. Boats are in there, trailers
25 are in there. There is a 34-foot Carver

2 cruiser that I put in the Hudson River
3 that's parked in there for the winter
4 so that I can do some maintenance.

5 I've done my best at keeping
6 them, you know, neat, orderly. I
7 take pride in my property.

8 You also must keep in mind, that
9 was all done back when Cronk Road was
10 woods. There were no homes there.
11 There was no Alexandra Matthew Road.
12 I even have pictures of when the
13 property was for sale. You can see
14 my structures in the background with
15 snow covered roofs. You know, it was
16 on the internet site for sale. I've
17 never had one person come up to me
18 and say how did you get all of that?
19 What are you doing with that? There
20 are no lights on at night, there's no
21 security system. I may be saying
22 things I shouldn't. There's nothing
23 to hide. I'm not running any
24 business. There's nothing like that
25 going on.

2 CHAIRMAN SCALZO: There are no
3 leaves on the trees right now. In the
4 summer you can't see them.

5 MR. DURYEA: No, no. And you know
6 why I built them the way that I built
7 them. The first structure was built in
8 2001. To be very honest with you, I
9 thought that the variance -- I only
10 remember -- that's a long time ago. I
11 only remember coming to this building
12 once for one meeting, and that was for,
13 what I was led to believe, was a variance
14 due to the height of the main building.
15 Because of the backhoe height and the
16 cabin cruiser height, I needed 14 feet.
17 That was what I was -- so as the years
18 went on, I never really thought about
19 1,000 square feet. As the kids say
20 today, my bad because I didn't go
21 looking.

22 The lean-to, I'm guilty. I'll take
23 the lashing. I built a lean-to right
24 next to it. Didn't think it would harm
25 anything. It stood the test of the

2 weather and time. I mean --

3 CHAIRMAN SCALZO: All right. So
4 let me -- I love to hear the story.

5 Mr. Mattina, should this progress
6 forward, your department goes out there
7 and would inspect what is out there or
8 they would have to have it certified by
9 an engineering firm that if there are
10 footings required, that they would be in
11 accordance with building code. Correct?

12 MR. MATTINA: They have to conform
13 to the manufacturer's installation
14 requirements. We'd have to prove how the
15 manufacturer wanted them secured.

16 CHAIRMAN SCALZO: You're aware all
17 that is required of you. Correct?
18 Should these be approved, you're aware --

19 MR. DURYEA: Right.

20 CHAIRMAN SCALZO: -- it's got to
21 meet code now?

22 MR. DURYEA: Sir, they're currently
23 pinned by the manufacturer that helped me
24 assemble them. They're all securely
25 pinned and they've never moved.

2 CHAIRMAN SCALZO: That's great.

3 MR. RUSSO: We will make sure that
4 they're installed. Basically my
5 applicant -- my client went to the
6 Building Department to get the building
7 -- pull the building permits for this.
8 This is when this all came up. Before
9 the Building Department can move, the
10 variances --

11 MR. DURYEA: I would welcome -- I
12 am not a master carpenter, but we did
13 build the original pole barn in 2001.
14 We've never had any movement issue,
15 cracking, leakage, et cetera. I would
16 love to have somebody come with knowledge
17 and say this is what I'd like you to do
18 with the lean-to portion.

19 CHAIRMAN SCALZO: Again, I
20 appreciate the story, but the rub is
21 this. It's not guidance that they are
22 going to provide you. They're going to
23 come and say this is what the code says
24 and this is what you've got to do.

25 MR. DURYEA: I've got it. I'm

2 looking forward to that.

3 CHAIRMAN SCALZO: That being said,
4 I'm going to actually look to the Board.
5 I'm going to start with Mr. Masten. Do
6 you have any comment or questions on this
7 application?

8 MR. MASTEN: Not really.

9 CHAIRMAN SCALZO: How about you,
10 Mr. Hermance?

11 MR. HERMANCE: Do these other
12 structures meet the setback requirements?

13 MR. DURYEA: Yes. Yes. In fact, I
14 put my survey in there, sir, --

15 CHAIRMAN SCALZO: It's the last
16 sheet.

17 MR. DURYEA: -- with all of the
18 setbacks.

19 CHAIRMAN SCALZO: That doesn't
20 appear to be an issue.

21 MR. DURYEA: They're not
22 illuminated. They don't have night
23 lights, you know, to bother the new
24 people that have bought and moved in in
25 this development down the road. All of

2 those houses sold just as soon as they
3 were made available to the public. How
4 much did I really hurt anybody?

5 I'm not here to plead innocence.
6 I'm guilty with the shed, but I was led
7 down the wrong road with the metal ones.

8 MR. RUSSO: He's occupying them,
9 keeping his materials, his toys inside of
10 them, not scattered all over the yard.

11 CHAIRMAN SCALZO: I appreciate what
12 you're saying, but we're just here to
13 talk about the variance.

14 Ms. Banks, do you have any questions
15 or comments on this?

16 MS. BANKS: I want to make sure I
17 heard everything correctly, because I
18 heard a lot. There are some unapproved,
19 like, structures on the property. You
20 want, what sounds to me, a pretty
21 substantial variance approval also.

22 There was a lean that was built?

23 CHAIRMAN SCALZO: Lean-to.

24 MR. DURYEA: Like a shed roof.

25 MS. BANKS: Okay. All of this

2 happened before all the property in the
3 neighborhood was sold?

4 MR. DURYEA: Absolutely.

5 MR. RUSSO: The last structure was
6 constructed in 2014.

7 MS. BANKS: In the storage area we
8 have boats?

9 MR. RUSSO: A four wheeler,
10 lawnmowers, ladders.

11 MS. BANKS: Okay.

12 CHAIRMAN SCALZO: Ms. Banks, what
13 you heard me ask Mr. Mattina is, should
14 this move forward, everything that's on
15 the site needs to be brought up to code.

16 MS. BANKS: Okay.

17 CHAIRMAN SCALZO: Should a variance
18 be granted, they don't just get to walk
19 away. An inspection is required.

20 MR. DURYEA: I don't expect that,
21 to walk away.

22 MR. RUSSO: Okay.

23 MR. DURYEA: I would honor someone
24 of the profession to come out.

25 MS. BANKS: Gotcha.

2 I just have one question for Joe.
3 How did this get on our radar?

4 MR. MATTINA: I don't know exactly.
5 Somebody must have complained.

6 MR. DURYEA: No one complained. I
7 can tell you, I had a safety violation.
8 I'm sorry to be taking up your time, but
9 I think it's very important that you
10 understand this. The contractor that was
11 working adjacent to my property, he
12 managed to have his two laborers excavate
13 seven feet into my front yard. I asked
14 him on numerous occasions to please fill
15 the hole as it was a concern to me, with
16 a zero turn mower, of losing my legs. He
17 assured me that he would take care of
18 that. That never happened. He assured
19 me on the final time that it would happen
20 upon his last cleanup on his way out.
21 Never happened. I took my backhoe and I
22 fixed it myself after going down to the
23 Building Department, code enforcement,
24 and reporting a safety issue, because I
25 had true concern about that drop off.

2 They excavated past my lines --

3 CHAIRMAN SCALZO: I so appreciate
4 the story, but we're here for a variance.
5 We have six more applicants behind you
6 and it's 8:00. We found out that you
7 reported yourself to the Town, they came
8 out and checked it out. I think we've
9 heard enough for now.

10 Latwan, any more questions
11 regarding how this landed where it did?

12 MS. BANKS: No. I was just curious.

13 CHAIRMAN SCALZO: I apologize, but
14 we've got to move.

15 MR. DURYEA: Well, it was stated
16 one thing and that's not accurate.

17 CHAIRMAN SCALZO: Gotcha. Gotcha.

18 MR. HERMANC: Would you want to
19 proceed with four members?

20 MR. DONOVAN: You need to hear from
21 the public.

22 CHAIRMAN SCALZO: This is a public
23 hearing. Is there anybody here from the
24 public that wishes to speak about this
25 application? Please step forward and

2 state your name for the record.

3 MR. KEVIN DURYEA: Kevin Duryea.

4 This is my father Mike.

5 I just came to support my dad. You
6 can see how much these buildings mean to
7 him. He likes to keep all of his stuff
8 nice and clean inside, out of the
9 weather.

10 Like you stated, they've been there
11 forever and ever and ever.

12 That's all I've got to say.

13 CHAIRMAN SCALZO: Perfect. The
14 support is helpful, and it's important
15 that we do hear public input.

16 MS. BANKS: I have one more
17 question for you guys. Are we going to
18 bring this back next month once
19 everything is brought up to code?

20 CHAIRMAN SCALZO: No, no. Should a
21 variance be approved, we're done. We
22 don't get a report out from the Building
23 Department. It's incumbent upon the
24 Building Department to make sure
25 everything is done to code.

2 MR. RUSSO: We can't move
3 forward --

4 MS. BANKS: Without our approval.

5 MR. DURYEA: All of that material,
6 ma'am, was submitted to them in the
7 beginning. That's what kicked the can
8 over to you folks.

9 MS. BANKS: Gotcha. There are a
10 lot of things, like boats and stuff.
11 Have you considered alternative storage
12 options so that you don't need as --

13 CHAIRMAN SCALZO: Meaning offsite?

14 MS. BANKS: Offsite or anything. I
15 don't know. It's a pretty substantial
16 variance I think.

17 MR. RUSSO: It does get costly to
18 store boats elsewhere.

19 MR. DURYEA: That's even running
20 out because nobody has storage today.
21 That's really become a problem.

22 CHAIRMAN SCALZO: I don't want to
23 discount what your comments are, Ms. Banks.
24 We're looking at a 1.75 acre lot. It is
25 a substantial lot.

2 MR. DONOVAN: If I can, Mr. Chair.
3 Remember, it's a five-part balancing
4 test. The objective of the balancing
5 test is to make a determination as to
6 whether or not the benefit sought by the
7 applicant outweighs any detriment to the
8 neighborhood. In that five-part balancing
9 test, one of the things to look at is
10 is the variance request substantial,
11 which clearly it is. One of the other
12 things is whether it will result in an
13 undesirable change in the character of
14 the neighborhood. The testimony is
15 that it will not. There's no contrary
16 testimony. You weigh those things.
17 Is it self-created. Sure it is.
18 Will it have adverse physical or
19 environmental effects. These are the
20 things the Chairman goes through.
21 There's nothing that indicates that
22 it would. At the end of the day, the
23 point I'm trying to make is just
24 because it's substantial, you don't
25 have to say we're going to deny it.

2 You look at those five factors and
3 then you try to make a determination
4 as best as you can, understanding
5 that you're a layman who is
6 volunteering your time for the Town
7 to try and do the right thing. Does
8 the benefit to the applicant, the
9 gentleman standing here, outweigh any
10 detriment to the neighborhood. That's
11 the ultimate objective you're trying
12 to achieve.

13 MS. BANKS: Right.

14 CHAIRMAN SCALZO: While there are
15 five factors, it's not a scorecard.

16 MS. BANKS: Right. Understood.

17 MR. DONOVAN: On the other hand,
18 you don't have to vote tonight. You do
19 have 62 days, although January's agenda
20 is getting pretty crowded.

21 CHAIRMAN SCALZO: It's crowded now.

22 While the public hearing is still
23 open, as I mentioned to all the other
24 applicants, sir, there are only four
25 members tonight. We're three members

2 down. We'll give you the opportunity on
3 your own to defer to next month's meeting
4 so we have a full complement of the
5 Board.

6 MR. DURYEA: I'll tell you the
7 truth. I trust your reasoning. I trust
8 your judgment. I don't see any reason to
9 delay it. I have faith in the process.
10 Let's go.

11 CHAIRMAN SCALZO: Okay. All right.

12 Is there anyone else from the
13 public that wishes to speak about this
14 application?

15 (No response.)

16 CHAIRMAN SCALZO: All right. I'll
17 look to the Board for a motion to close
18 the public hearing.

19 MR. HERMANC: I'll make a motion
20 to close the public hearing.

21 MS. BANKS: I'll second it.

22 CHAIRMAN SCALZO: We have a motion
23 from Mr. Hermance. We have a second from
24 Ms. Banks. All in favor.

25 MS. BANKS: Aye.

2 MR. HERMANCE: Aye.

3 CHAIRMAN SCALZO: Aye.

4 MR. MASTEN: Aye.

5 CHAIRMAN SCALZO: Those opposed?

6 (No response.)

7 CHAIRMAN SCALZO: Very good.

8 Counsel, again this is a Type 2
9 action under SEQRA?

10 MR. DONOVAN: That is correct,
11 Mr. Chairman.

12 CHAIRMAN SCALZO: We are going to
13 go through our five factors, the first
14 one being whether or not the benefit can
15 be achieved by other means feasible to
16 the applicant. Ms. Banks would appreciate,
17 I don't want to speak for you, Ms. Banks,
18 but investigation of alternatives if
19 possible. I look at it a little
20 differently. With 1.75 acres, it
21 didn't look that way.

22 The second, if there's an
23 undesirable change in the neighborhood
24 character or a detriment to nearby
25 properties. This has been in existence

2 in its current condition since '14.

3 MR. RUSSO: The last structure was
4 built in 2014.

5 MR. DURYEA: Since 2004, sir, was
6 the first.

7 CHAIRMAN SCALZO: Thank you.

8 The third, whether the -- actually,
9 I didn't get an answer. I'm looking at
10 you guys, my fellow Board Members. An
11 undesirable change in the neighborhood
12 character?

13 MS. BANKS: No.

14 MR. HERMANCENCE: No.

15 MR. MASTEN: No.

16 CHAIRMAN SCALZO: Third, whether
17 the request is substantial.

18 MS. BANKS: Yes.

19 CHAIRMAN SCALZO: By the numbers it
20 certainly is.

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

24 MR. HERMANCENCE: It doesn't appear so.

25 CHAIRMAN SCALZO: Nothing is going

2 to appear that hasn't appeared in the
3 last eleven years.

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

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

11 MR. HERMANCE: I'll make a motion
12 to approve.

13 MR. MASTEN: I'll second it.

14 CHAIRMAN SCALZO: We have a motion
15 for approval from Mr. Hermance. We have
16 a second from Mr. Masten. I'm going to
17 roll on that.

18 Ms. Banks.

19 MS. BANKS: I'll make the motion to
20 approve.

21 CHAIRMAN SCALZO: Actually, we're
22 already there.

23 MS. BANKS: I mean I will approve.

24 CHAIRMAN SCALZO: Very good. Thank
25 you.

2 Mr. Hermance.

3 MR. HERMANCE: Yes.

4 CHAIRMAN SCALZO: Mr. Masten.

5 MR. MASTEN: Yes.

6 CHAIRMAN SCALZO: I am also

7 affirmative.

8 The variances are granted. The

9 motion is approved.

10 MR. DURYEA: I'd like to thank you

11 all for your time and your service. A

12 happy holiday to you and your families.

13

14 (Time noted: 8:10 p.m.)

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 2nd day of January 2026.



MICHELLE CONERO

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

IRENE CRUZ

69 D'Alfonso Road, Newburgh
Section 101; Block 7; Lot 10
R-2 Zone

----- X

Date: December 23, 2025
Time: 8:10 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANCE
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: IRENE CRUZ

----- X

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

2 CHAIRMAN SCALZO: Our next
3 applicant is Irene Cruz, 69 D'Alfonso
4 Road, seeking an area variance of the
5 front yard to build an 8 by 16 covered
6 front porch on an existing nonconforming
7 residence.

8 63 mailings went out. Holy smokes,
9 you're the winner.

10 MS. CRUZ: I know.

11 CHAIRMAN SCALZO: We've all been
12 past the site, D'Alfonso Road.

13 All you're looking to do really is
14 get rid of the porch that's there, square
15 it off a little better than what it is
16 and cover it. You're really not coming
17 any closer to the road than you already
18 are.

19 I have absolutely no comments
20 regarding this.

21 I'm going to look to Ms. Banks. Do
22 you have any comments on this?

23 MS. BANKS: No.

24 CHAIRMAN SCALZO: Mr. Hermance.

25 MR. HERMANCE: No. I saw other

2 homes in the area with covered porches.

3 CHAIRMAN SCALZO: Mr. Masten.

4 MR. MASTEN: Nothing.

5 CHAIRMAN SCALZO: I'm going to open
6 this up to any members of the public that
7 wish to speak about this application.

8 (No response.)

9 CHAIRMAN SCALZO: It does not
10 appear so. Very good.

11 I'll look to the Board for a motion
12 to close the public hearing.

13 MR. MASTEN: I'll make a motion to
14 close the public hearing.

15 MR. HERMANCE: Second.

16 CHAIRMAN SCALZO: We have a motion
17 from Mr. Masten to close the public hearing.
18 We have a second from Mr. Hermance. All
19 in favor.

20 MS. BANKS: Aye.

21 MR. HERMANCE: Aye.

22 CHAIRMAN SCALZO: Aye.

23 MR. MASTEN: Aye.

24 CHAIRMAN SCALZO: Those opposed?

25 (No response.)

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

4 MR. DONOVAN: Correct, Mr. Chairman.

5 CHAIRMAN SCALZO: Thank you, Counsel.

6 We're going to discuss the five
7 factors we're weighing, the first one
8 being whether the benefit can be achieved
9 by other means feasible to the applicant.
10 No.

11 The second, if there's an undesirable
12 change in the neighborhood character or a
13 detriment to nearby properties. I actually
14 think it's going to improve the character.

15 The third, whether the request is
16 substantial. It's going to remain unchanged
17 really.

18 Fourth, whether request will have
19 adverse physical or environmental effects.
20 It will not.

21 MR. HERMANCE: No.

22 CHAIRMAN SCALZO: Fifth, whether
23 the alleged difficulty is self-created.
24 In this case it's not, although by the
25 means of the application it is self-

2 created. They could have left it as it
3 is. I guess it is self-created.

4 MR. DONOVAN: Clearly it is, Mr.
5 Chairman.

6 CHAIRMAN SCALZO: Very good.

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

10 MR. HERMANCE: I'll make a motion
11 to approve.

12 MS. BANKS: Second.

13 CHAIRMAN SCALZO: We have a motion
14 for approval from Mr. Hermance. We have
15 a second from Ms. Banks. All in favor.

16 MS. BANKS: Aye.

17 MR. HERMANCE: Aye.

18 CHAIRMAN SCALZO: Aye.

19 MR. MASTEN: Aye.

20 CHAIRMAN SCALZO: Those opposed?

21 (No response.)

22 CHAIRMAN SCALZO: The motion is
23 carried. The variances are approved.

24 I forgot to ask you if you wanted
25 to defer.

2 MS. CRUZ: Thank you.

3 (Time noted: 8:14 p.m.)

4

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

6

7

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

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

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

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

20

21

22

23

24

25

Michelle Conero

MICHELLE CONERO

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

RICHARD GOODRICH

74 Frozen Ridge Road, Newburgh
Section 20; Block 1; Lot 130.2
AR Zone

JAMES LYNCH
76 Frozen Ridge Road, Newburgh
Section 20; Block 1; Lot 34.12
AR Zone

----- X

Date: December 23, 2025
Time: 8:15 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANC
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

----- X

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

2 CHAIRMAN SCALZO: Our next
3 applicant this evening is Richard
4 Goodrich, 74 Frozen Ridge Road. This is
5 a Planning Board referral for an area
6 variance of an existing nonconforming
7 side yard setback, 25 feet where 30 is
8 required, for a proposed lot line change
9 to convey 4.78 acres from the lands of
10 Goodrich to the lands of Lynch. We also
11 have James Lynch.

12 This is grouped together?

13 MR. DONOVAN: Yes.

14 CHAIRMAN SCALZO: Seeking an area
15 variance for an existing nonconforming
16 side yard setback of 20.3 where 30 is
17 required, both side yards of 77.2 where
18 80 is required, for a proposed lot line
19 change to convey 4.78 from the lands of
20 Goodrich to the lands of Lynch.

21 We have mailings on this of 41.
22 All the mailings, publications and
23 postings are in order.

24 Ms. Brooks.

25 MS. BROOKS: Good evening. Patti

2 Brooks representing Richard Goodrich and
3 James Lynch.

4 As Chairman Scalzo said, we're
5 before the Planning Board at this point
6 in time to convey 4.78 acres from the
7 lands of Goodrich to add to the lands of
8 Lynch.

9 The lands of Lynch was created by
10 subdivision in 1989. At that point in
11 time there was only a requirement for a
12 15 foot side yard setback and 50 foot
13 total. At the point in time that the lot
14 was created, it was in conformance.
15 Since then the regulations have changed.
16 Now we have a preexisting nonconformity.

17 The lot line revision will not
18 change the side yard setbacks at all as
19 they exist now.

20 The buildings are all preexisting,
21 so it will not change the character or
22 the outward appearance in any manner,
23 shape or form.

24 No new construction is proposed.

25 CHAIRMAN SCALZO: Just a land

2 conveyance?

3 MS. BROOKS: Just a land
4 conveyance.

5 CHAIRMAN SCALZO: Okay. That is
6 wonderful. Ms. Brooks, on your map you
7 reference filed map 16402. You also
8 reference the map subdivision for Richard
9 Goodrich filed at the Orange County Clerk
10 in 1989 is 9698. There's a note on there
11 that indicates the only means of ingress
12 and egress for lots 2 and 3 shall be over
13 the 50-foot right-of-way shown along the
14 northerly line of lot number 2, but then
15 there's an easement to get to this lot of
16 Lynch that runs right past the front
17 steps of the main dwelling.

18 MS. BROOKS: Right.

19 CHAIRMAN SCALZO: When the -- well,
20 you don't mention subject to all
21 provisions noted thereon, but --

22 MS. BROOKS: We do show the
23 existing right-of-way.

24 CHAIRMAN SCALZO: Right, but there's
25 no improvement that leads to -- not that

2 I'm looking for this action to
3 extinguish what's going on there, but
4 I'm -- are there plans to -- like I
5 say, this is a filed map from 1989.
6 It's very clear that it says to get
7 to the barn they're going to end up
8 having to basically make their own
9 driveway, and they didn't do it.

10 MS. BROOKS: Basically Mr. Goodrich,
11 when he passes, all of this property is
12 going to Mr. Lynch and then it will
13 combine as one property again. They
14 always have been using the same driveway.
15 There was a driveway at one point in
16 time. You can see where we have the
17 grass lane. That has ceased to have
18 been used for many years. It certainly
19 could go back into place again.
20 Topographically it doesn't make sense
21 to put a new driveway in where that
22 50-foot wide right-of-way is. There's
23 a curve to the roadway beyond that,
24 so sight distance is not great there.

25 CHAIRMAN SCALZO: Sure.

2 MS. BROOKS: That's why they have
3 left it the way it is.

4 CHAIRMAN SCALZO: Thank you. Okay.
5 You straightened me out.

6 Fellow Members of the Board, this
7 is really just a land conveyance. There's
8 no new construction. Everything that is
9 there is there. They're not proposing
10 anything new.

11 Thank you for answering my question.
12 I don't have any more questions.

13 Mr. Masten.

14 MR. MASTEN: I have nothing.

15 MR. HERMANCE: I have none.

16 MS. BANKS: No.

17 CHAIRMAN SCALZO: This is a public
18 hearing. If there is anybody here that
19 wishes to comment on this application,
20 now is your opportunity.

21 (No response.)

22 CHAIRMAN SCALZO: Very good. I'll
23 look to the Board for a motion to close
24 the public hearing.

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

1 close the public hearing.

2 MR. HERMANCE: I'll second it.

3 CHAIRMAN SCALZO: We have a motion
4 to close from Ms. Banks. We have a
5 second from Mr. Hermance. All in favor.

6 MS. BANKS: Aye.

7 MR. HERMANCE: Aye.

8 CHAIRMAN SCALZO: Aye.

9 MR. MASTEN: Aye.

10 CHAIRMAN SCALZO: Those opposed?

11 (No response.)

12 CHAIRMAN SCALZO: Very good.

13 Again this is an area variances so
14 it is a Type 2 action under SEQRA?

15 MR. DONOVAN: Correct.

16 CHAIRMAN SCALZO: I'm batting a
17 thousand tonight. This Board is more
18 fun.

19 We're going to discuss our five
20 factors yet again, the first one being
21 whether or not the benefit can be
22 achieved by other means feasible to the
23 applicant. Well, they could not do the
24 subdivision. They'd still have to come
25

2 in and see us for anything because of the
3 preexisting nonconforming conditions that
4 exist.

5 Second, if there's an undesirable
6 change in the neighborhood character or a
7 detriment to nearby properties. It's
8 going to be unnoticed, so no.

9 The third, whether the request is
10 substantial. Perhaps by code, but we
11 heard from the applicant's representative
12 that code had changed from the initial
13 subdivision until now.

14 Fourth, whether the request will
15 have adverse physical or environmental
16 effects. It will not.

17 Fifth, whether the alleged
18 difficulty is self-created which is
19 relevant but not determinative. Again,
20 the only reason why they are here, yes,
21 it's self-created. If they didn't do
22 anything, they wouldn't be here.

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

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

MR. HERMANCE: I'll second it.

CHAIRMAN SCALZO: We have a motion for approval from Ms. Banks. We have a second from Mr. Hermance. All in favor.

MS. BANKS: Aye.

MR. HERMANCE: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

CHAIRMAN SCALZO: Those opposed?

(No response.)

CHAIRMAN SCALZO: The motion is carried. The variances are approved.

I didn't ask you if you wanted us to continue.

MS. BROOKS: Thank you very much.

(Time noted: 8:22 p.m.)

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

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

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

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

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

Michelle Conero

MICHELLE CONERO

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

STEVEN MOREAU

50 Old South Plank Road, Newburgh
Section 52; Block 1; Lot 12.2
R-1 Zone

----- X

Date: December 23, 2025
Time: 8:23 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman
LATWAN BANKS
GREGORY M. HERMANC
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.
JOSEPH MATTINA

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA
STEVEN MOREAU

----- X

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

2 CHAIRMAN SCALZO: Our final
3 application this evening is going to be a
4 holdover. It's Steve Moreau, 50 Old
5 South Plank Road, Newburgh, area
6 variances of the rear yard, one side
7 yard, combined side yards, maximum lot
8 building coverage and lot surface
9 coverage to construct double two story
10 decks, 50 by 20 each deck.

11 I just want to remind you, we heard
12 this last time but we had not received
13 GML 239 from the County. They have
14 timed out which means we can
15 proceed.

16 We also have a revised map from
17 the applicant. We had asked during
18 our last meeting if they could suck
19 in the deck a little bit.

20 What I'm going to do is ask Mr. Cella
21 to walk us through what you did and explain
22 the variances one more time.

23 MR. CELLA: As you mentioned, we're
24 here to construct two tiered decks off
25 the rear of the house, off the rear

2 master bedroom and off the living area
3 here. The decks will be supported on a
4 couple footings. This will be 5 foot off
5 the back of the house and almost the
6 length of the house folded in so that
7 we're not going
8 any closer to the property lines than
9 we already are.

10 CHAIRMAN SCALZO: Mr. Cella, with
11 regard to the lot coverage, is that
12 because there are so many block pavers?

13 MR. CELLA: Yes.

14 CHAIRMAN SCALZO: What is our -- I
15 say our. What is your -- let's see.
16 Your lot coverage is currently at 92
17 percent?

18 MR. CELLA: Yes. The decks don't
19 increase it.

20 CHAIRMAN SCALZO: I understand
21 that. I understand that.

22 MR. CELLA: All right.

23 CHAIRMAN SCALZO: Your decks won't
24 be extending out over the lake, will
25 they?

2 MR. CELLA: No.

3 MR. MOREAU: If you want. There's
4 time.

5 CHAIRMAN SCALZO: I'll tell you
6 what, Mr. Moreau. It's funny you say
7 that. As a Board we set precedent. This
8 is the very application I was thinking of
9 when the first applicant was in here.

10 MR. CELLA: We should have went
11 first.

12 CHAIRMAN SCALZO: Mr. Moreau, I
13 pointed out to Mr. Mattina that your
14 survey map does show that your
15 adjoining neighbor to the north has
16 their deck extending out over the
17 lake and over the property line. Mr. Mattina
18 is going to do some research into
19 that. We may be seeing your
20 neighbor very shortly because of a
21 great survey by you.

22 MR. MOREAU: Let's not bring that
23 up.

24 CHAIRMAN SCALZO: As an old friend
25 would say, I'm helping the hell right out

2 of him.

3 Anyway, I don't have any questions.
4 As I say, we appreciate that you took our
5 comments from last meeting into consideration
6 and shrunk the size of that so you still
7 met that 5-foot setback. I have no other
8 comments.

9 I will also remind you that we
10 only are a four-member Board this
11 evening. If you would like
12 to continue or if you would like to
13 defer, that option is yours in a
14 moment.

15 Ms. Banks, do you have any questions
16 regarding this application?

17 MS. BANKS: No. I remember this
18 one.

19 CHAIRMAN SCALZO: Mr. Hermance.

20 MR. HERMANCE: I have nothing.

21 MR. MASTEN: None.

22 CHAIRMAN SCALZO: Very good.

23 The public hearing is still open.

24 Does anyone from the public wish to comment?

25 Mr. Langer, this is your backyard.

2 MR. LANGER: Greg Langer, 281 Lakeside
3 Road, Orange Lake Homeowners Association.

4 We're aware of Mr. Moreau's project
5 here. We were in favor the first
6 time it came through with little adjustments,
7 which they were kind enough to make.

8 The deck is not bothering anybody.
9 A little shade for the fish. That's all.

10 CHAIRMAN SCALZO: Did you poll the
11 members of the club much as you did with
12 the previous application?

13 MR. LANGER: Here we just could
14 poll the geese.

15 CHAIRMAN SCALZO: Very good. Thank
16 you. I appreciate you coming out, and
17 any member of the public that's out
18 there. People take time out of their
19 schedules to come and comment. The Board
20 does make decisions based on input that
21 we get from the public. It's important
22 that people come out. I'm happy you did.
23 Thank you.

24 I don't have any other questions.

25 Do any other members of the public

2 want to discuss or comment on this?

3 (No response.)

4 CHAIRMAN SCALZO: Okay. I'll look
5 to the Board for any last questions.

6 MS. BANKS: No.

7 MR. HERMANCENCE: No.

8 MR. MASTEN: No.

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

12 MS. BANKS: I'll make a motion to
13 close the public hearing.

14 MR. HERMANCENCE: I'll second.

15 CHAIRMAN SCALZO: We have a motion
16 to close the public hearing from Ms.
17 Banks. We have a second from Mr.
18 Hermance. All in favor.

19 MS. BANKS: Aye.

20 MR. HERMANCENCE: Aye.

21 CHAIRMAN SCALZO: Aye.

22 MR. MASTEN: Aye.

23 CHAIRMAN SCALZO: Those opposed?

24 (No response.)

25 CHAIRMAN SCALZO: Very good.

2 This is a Type 2 action under
3 SEQRA. We're going to go through the
4 same balancing tests that we've gone
5 through for every other applicant this
6 evening, the first one being whether or
7 not the benefit can be achieved by other
8 means feasible to the applicant. I
9 suppose not.

10 The second, if there's an
11 undesirable change in the neighborhood
12 character or a detriment to nearby
13 properties. With regard to the decks,
14 no. Boy, oh boy. This place looks much
15 better than what used to be there.

16 MR. MOREAU: Thank you.

17 CHAIRMAN SCALZO: The third,
18 whether the request is substantial. I
19 suppose by the numbers it may be
20 considered substantial, but --

21 MR. DONOVAN: Substantiality also
22 takes into account the overall effect.
23 It's not just a mathematical calculation.
24 It's the overall effect it would have on
25 the neighborhood.

2 CHAIRMAN SCALZO: Mr. Cella and I
3 are big fans of numbers.

4 MR. DONOVAN: I'm not saying you
5 can't do math. I'm just saying there is
6 another way to look at it.

7 CHAIRMAN SCALZO: Thank you.

8 Fourth, whether the request will
9 have adverse physical or environmental
10 effects. It does not appear so.

11 Fifth, whether the alleged
12 difficulty is self-created, which of
13 course it is, which is relevant but not
14 determinative.

15 Having gone through the balancing
16 tests of the area variance, what is the
17 pleasure of the Board?

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

20 MR. MASTEN: I'll second it.

21 CHAIRMAN SCALZO: I have a motion
22 for approval by Ms. Banks. We have a
23 second from Mr. Masten. All in favor.

24 MS. BANKS: Aye.

25 MR. HERMANCE: Aye.

2 CHAIRMAN SCALZO: Aye.

3 MR. MASTEN: Aye.

4 CHAIRMAN SCALZO: Those opposed?

5 (No response.)

6 CHAIRMAN SCALZO: The motion is
7 carried. The variances are approved.

8 Mr. Cella, while we're still on the
9 record, I want to go back. I spoke too
10 quickly on that first application this
11 evening on South Plank Road. There is
12 also another variance that you probably
13 should think about which has to do with
14 the --

15 MR. DONOVAN: There's an
16 encroachment that Code Compliance pulled
17 out, too. It's not over the lake,
18 obviously. It may be -- I don't know
19 whether it's a moveable -- it's some sort
20 of storage facility, if I recall
21 correctly.

22 MR. CELLA: Existing storage
23 containers which we're going to rotate so
24 they fit properly on our property. It
25 won't encroach.

2 CHAIRMAN SCALZO: Be prepared to
3 speak about that when you're here next
4 month.

5 MR. DONOVAN: Just to be clear, I
6 don't have to research that issue.

7 CHAIRMAN SCALZO: Just the lake.
8 Thank you very much. You're all
9 set.

10 MR. MOREAU: If I didn't get the
11 approval, I would still say merry
12 Christmas.

13 CHAIRMAN SCALZO: That actually
14 concludes the normal agenda for this
15 evening.

16 The only other item that we have is
17 the approval of the meeting minutes for
18 the November meeting. Hopefully
19 you've all had a chance to read
20 those.

21 Can I have a motion for approval
22 of the November meeting minutes.

23 MR. HERMANCE: I'll make a motion
24 to approve.

25 MR. MASTEN: Second.

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

5 MS. BANKS: Aye.

6 MR. HERMANCE: Aye.

7 CHAIRMAN SCALZO: Aye.

8 MR. MASTEN: Aye.

9 CHAIRMAN SCALZO: I'll look for a
10 motion to adjourn.

11 MS. BANKS: I'll make a motion to
12 adjourn.

13 MR. HERMANCE: I'll second it.

14 CHAIRMAN SCALZO: A motion to
15 adjourn from Ms. Banks and a second from Mr.
16 Hermance. All in a favor.

17 MS. BANKS: Aye.

18 MR. HERMANCE: Aye.

19 CHAIRMAN SCALZO: Aye.

20 MR. MASTEN: Aye.

21 (Time noted: 8:30 p.m.)

22

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

24

25 I, MICHELLE CONERO, a Notary Public

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

Steven Moreau

121

for and within the State of New York, do
hereby certify:

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

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

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



MICHELLE CONERO