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

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SEGUNDO DAVID LEMA

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

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Date: December 23, 2025  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

17

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ALSO PRESENT: DAVID DONOVAN, ESQ.  
JOSEPH MATTINA

20

21

APPLICANT'S REPRESENTATIVE: JONATHAN CELLA

22

23

MICHELLE L. CONERO

## Court Reporter

Michelleconero@hotmail.com  
(845) 541-4163

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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                   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.

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. HERMANC: 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.

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# 3 CERTIFICATION

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

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

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

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

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Michelle Conero

MICHELLE CONERO

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

5  
6 LYNDA AND MARK DAIGLE

7 349 Lakeside Road, Newburgh  
Section 33; Block 1; Lot 24  
8 R-1 Zone

9 - X

10  
11 Date: December 23, 2025  
Time: 7:05 p.m.  
12 Place: Town of Newburgh  
Town Hall  
1496 Route 300  
13 Newburgh, New York

14

15 BOARD MEMBERS: DARRIN SCALZO, Chairman  
16 LATWAN BANKS  
17 GREGORY M. HERMANE  
JOHN MASTEN

18

19 ALSO PRESENT: DAVID DONOVAN, ESQ.  
JOSEPH MATTINA

20

21 APPLICANT'S REPRESENTATIVE: MARK DAIGLE  
LYNDA DAIGLE  
22

23 - X  
24 MICHELLE L. CONERO  
Court Reporter  
25 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. HERMANCCE: 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. HERMANC: 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. HERMANC: 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

1        Lynda and Mark Daigle

32

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. HERMANE: Second.

23 CHAIRMAN SCALZO: We h

2                   We have a second from Mr. Hermance.

3                   All in favor.

4                   MS. BANKS: Aye.

5                   MR. HERMANC: 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.)

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

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5

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

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

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

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

18

19

20

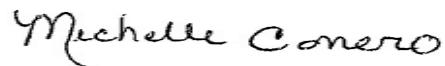
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MICHELLE CONERO

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

5 AUGUSTIN RIVERA

7 130 Canterbury Drive, Newburgh  
Section 17; Block 2; Lot 7.3  
AR Zone

18 ALSO PRESENT: DAVID DONOVAN, ESQ.  
19 JOSEPH MATTINA

01 APPLICANT'S REPRESENTATIVE AUGUSTIN RIVERA

20

23 - - - - - MICHELLE L. CONERO X  
24 MICHELLE L. CONERO  
Court Reporter  
25 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. HERMANE: What would the  
6 distance be between the existing shed and  
7 the proposed new shed?

11 MR. HERMANE: 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. HERMANE: 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?

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.

13 MR. RIVERA: Ken Steckler.

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

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.

Having gone through the balancing tests, does the Board have -- actually, before I say that, I just want to remind you, there are only four of us. If you would like us to continue, we will. If you would like to wait and have a full complement of Board 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.

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. HERMANE: 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?

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. HERMANE: Okay.

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. HERMANE: 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. HERMANE: 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.

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

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.

1 Augustin Rivera

57

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

4 MR. RIVERA: Thank you.

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

6

# 7 CERTIFICATION

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

Michelle Conero

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## MICHELLE CONERO

---

2 STATE OF NEW YORK : COUNTY OF ORANGE  
3 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

18 ALSO PRESENT: DAVID DONOVAN, ESQ.  
19 JOSEPH MATTINA

21 APPLICANT'S REPRESENTATIVE ROLAND BLOOMER

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. HERMANE: 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. HERMANC: 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. HERMANC: 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

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

4

5

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

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

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

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

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Michelle Conero

MICHELLE CONERO

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

5 MICHAEL DURYEA

7 65 Cronk Road, Wallkill  
Section 1; Block 1; Lot 7.2  
AR Zone

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

21 APPLICANT'S REPRESENTATIVE: JOHN RUSSO  
MICHAEL DURYEA

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. HERMANC: 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. HERMANCE: 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. HERMANCE: 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. HERMANC: 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. HERMANC: 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. HERMANC: 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. HERMANC: 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.)

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

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5

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

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

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

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

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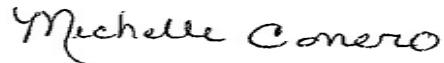
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MICHELLE CONERO

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

5 IRENE CRUZ

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

18 ALSO PRESENT: DAVID DONOVAN, ESQ.  
19 JOSEPH MATTINA

88

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. HERMANC: 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. HERMANC: 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. HERMANE: 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

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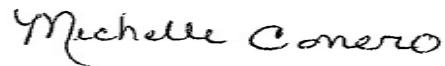
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8 I, MICHELLE CONERO, a Notary Public  
9 for and within the State of New York, do  
10 hereby certify:11 That hereinbefore set forth is a true  
12 record of the proceedings.13 I further certify that I am not  
14 related to any of the parties to 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.

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MICHELLE CONERO

24

25

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

5 RICHARD GOODRICH

6                   74 Frozen Ridge Road, Newburgh  
7                   Section 20; Block 1; Lot 130.2  
7                   AR Zone

8 JAMES LYNCH  
9 76 Frozen Ridge Road, Newburgh  
Section 20; Block 1; Lot 34.12  
AR Zone

19 ALSO PRESENT: DAVID DONOVAN, ESQ.  
20 JOSEPH MATTINA

21 APPLICANT'S REPRESENTATIVE: PATTI BROOKS

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. HERMANC: 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

2           close the public hearing.

3           MR. HERMANCE: I'll second it.

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

7           MS. BANKS: Aye.

8           MR. HERMANCE: Aye.

9           CHAIRMAN SCALZO: Aye.

10          MR. MASTEN: Aye.

11          CHAIRMAN SCALZO: Those opposed?

12          (No response.)

13          CHAIRMAN SCALZO: Very good.

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

16          MR. DONOVAN: Correct.

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

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

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?

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

4                   MR. HERMANC: I'll second it.

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

8                   MS. BANKS: Aye.

9                   MR. HERMANC: Aye.

10                  CHAIRMAN SCALZO: Aye.

11                  MR. MASTEN: Aye.

12                  CHAIRMAN SCALZO: Those opposed?

13                  (No response.)

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

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

18                  MS. BROOKS: Thank you very much.

19

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

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

4

5

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

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

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

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

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Michelle Conero

MICHELLE CONERO

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

5 STEVEN MOREAU

7            50 Old South Plank Road, Newburgh  
                  Section 52; Block 1; Lot 12.2  
                  R-1 Zone

18 ALSO PRESENT: DAVID DONOVAN, ESQ.  
JOSEPH MATTINA

20 APPLICANT'S REPRESENTATIVE: JONATHAN CELLA  
21 STEVEN MOREAU

22  
23 - - - - - MICHELLE L. CONERO X  
24 MICHELLE L. CONERO  
25 Court Reporter  
26 Michelleconero@hotmail.com  
27 (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. HERMANCE: 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. HERMANCE: 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. HERMANE: 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. HERMAN: 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

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

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

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

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

13

14

15

*Michelle Conero*

16

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MICHELLE CONERO

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