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

-----X
In the Matter of

Janet Rossbach
28 Dogwood Hills Road, Newburgh
78-3-20
R1 Zone

- and-

John Clark (Administrator)
128 Dogwood Lane, Newburgh
78-3-4
R1 Zone

-----X

Date: July 24, 2025
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Darrin Doce.

-----X

Victoria Chumas Arias
Court Reporter

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CHAIRMAN SCALZO: I would like to call the meeting of the Zoning Board of Appeals to order. The first order of business are the public hearings which have been scheduled.

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

I would ask if you have a cell phone, please turn it off or put it on silent. And when speaking, speak directly into the microphone as it is being recorded.

1

2

Roll call, please.

3

4

MS. JABLESNIK: Latwan Banks
and Darrell Bell are absent this
evening.

5

6

James Eberhart.

7

MR. EBERHART: Present.

8

MS. JABLESNIK: Greg Hermance.

9

MR. HERMANCE: Here.

10

MS. JABLESNIK: John Masten.

11

MR. MASTEN: Here.

12

MS. JABLESNIK: Donna Rein.

13

MS. REIN: Here.

14

MS. JABLESNIK: Darrin Scalzo.

15

CHAIRMAN SCALZO: Here.

16

17

MS. JABLESNIK: Also present is
our attorney, David Donovan, from
code compliance, Joe Mattina. And
filling in for Michelle tonight is
Victoria.

18

19

20

21

CHAIRMAN SCALZO: If you could
all please rise for the Pledge.

22

23

(Pledge of Allegiance.)

24

25

CHAIRMAN SCALZO: All right,
folks, before we actually get started

1
2 with the formal process of the
3 meeting, we are a seven-member board.
4 We only have five members here this
5 evening. We need a majority vote for
6 motions to carry; is that correct,
7 Counsel?

8 MR. DONOVAN: You're doing
9 great so far, Mr. Chairman.

10 CHAIRMAN SCALZO: So, in that
11 instance, if a board were to vote
12 three-two in favor, that does meet
13 the criteria of four, which is what
14 the Board needs. So, we will give
15 every applicant the opportunity this
16 evening if they want to defer the
17 voting of the Board to the next
18 available meeting, that is what we'll
19 at least afford the opportunity to
20 any applicant that wishes to wait.

21 So, that being said, hopefully
22 everybody understands that.

23 Our first applicant this
24 evening is Janet Rossbach, 28 Dogwood
25 Hills Road in Newburgh. This is a

1

2

planning board referral for an area

3

variance of the minimum side yard

4

setback of an attached pool deck for

5

a lot line change with parcel number

6

78-3-4.

7

Now, Counsel, I would like to

8

combine these actions because they

9

are continuous properties, and they

10

are here for the same reason. So,

11

the applicant can't also -- are you

12

prepared to actually work on these

13

together?

14

MR. DONOVAN: I don't know that

15

it makes any sense at all to work on

16

that separately.

17

CHAIRMAN SCALZO: All right.

18

So, also part of this application --

19

well, it's not part of the

20

application. A separate application,

21

although they are continuous

22

properties, is the applicant is John

23

Clark, at 128 Dogwood Lane in

24

Newburgh. This is also a planning

25

board referral for an area variance

1
2 of the existing minimum side yard
3 setback from a single-family dwelling
4 for a lot line change with parcel
5 78-3-20.

6 Do we have mailings on this,
7 Siobhan?

8 MS. JABLESNIK: Yes. So,
9 78-3-20 had 31 mailings and 78-3-4
10 had 32 mailings.

11 CHAIRMAN SCALZO: Very good.

12 MS. JABLESNIK: 31 mailings and
13 32 mailings.

14 CHAIRMAN SCALZO: So, it's a
15 little tricky, as I have never
16 combined two before. So, please
17 introduce yourself as our
18 stenographer does not know you.

19 MR. DOCE: I am Darrin Doce.
20 As mentioned, I have an application
21 for the Planning Board for a lot line
22 change between the properties of 128
23 Dogwood Lane and 28 Dogwood Lane,
24 along the rear property line. The
25 driveway on the 28 Dogwood Hills

1
2 property encroaches onto 128 Dogwood
3 Road, and this lot line change is
4 going to correct that. The home on
5 28 Dogwood Lane does not -- it is an
6 existing home built 1958, does not
7 meet the side yard setback. And
8 there is an existing pool deck on 28
9 Dogwood Hills Road, I'm assuming, was
10 built around 1986, at least that is
11 when the pool was installed. That
12 also does not meet the side line
13 setback. Both the house and the pool
14 have been -- the house has been in
15 existence since 1958 on 28 Dogwood
16 Hills Road. So, I mean, it's been
17 part of the character of the
18 neighborhood since that time; it's
19 not a new structure. The pool on 28
20 Dogwood Hills Road also has been in
21 existence for almost 40 years.
22 That's part of the character of the
23 neighborhood. It's also screened by
24 dense vegetation in the road and
25 neighboring properties, and can't

1

2

really be seen from the road or

3

neighboring properties. So, the

4

character of the neighborhood, the

5

environmental conditions of the

6

neighborhood, really are not going to

7

be affected by the granting of either

8

variance.

9

I can answer questions.

10

CHAIRMAN SCALZO: Very good.

11

And just to summarize what Mr. Doce

12

just said: We are really only here

13

for two variances, one on each lot.

14

One is for the pool deck. One is for

15

the house. The house really isn't

16

moving.

17

MR. DOCE: Right.

18

CHAIRMAN SCALZO: The pool deck

19

was an afterthought, I'm sure, so I

20

don't want to look at the Board and

21

say this is actually quite simple

22

when you look at it that way. I,

23

myself, don't have any questions. I

24

am going to start with Ms. Rein.

25

MS. REIN: I'm good.

1

2

CHAIRMAN SCALZO: Mr. Masten?

3

MR. MASTEN: I'm good.

4

CHAIRMAN SCALZO: Mr. Eberhart?

5

MR. EBERHART: No issues.

6

CHAIRMAN SCALZO: Mr. Hermance?

7

MR. HERMANCE: I have no

8

questions.

9

CHAIRMAN SCALZO: At this

10

point, I'm going to open this up to

11

any members of the public that wish

12

to speak on this or comment on this

13

application.

14

Please just state your name for

15

the record.

16

MR. BRUNETTI: My name is

17

Nicolar Brunetti. I live on 79

18

Brewer Road. I have been there for

19

10 years. I just wanted to make sure

20

I understand this properly of what's

21

happening. New construction going on

22

in this lot?

23

CHAIRMAN SCALZO: Not at all.

24

MR. BRUNETTI: Not at all?

25

CHAIRMAN SCALZO: Everything

1

2

that has been discussed is a
pre-existing condition.

3

4

MR. BRUNETTI: For a driveway?

5

6

CHAIRMAN SCALZO: The
application has no intended or
proposed improvements. Everything
that's there is there.

7

8

9

10

11

MR. BRUNETTI: So, what is the
uses of this side lot, to be used for
as an access to your existing home?

12

13

14

15

16

17

CHAIRMAN SCALZO: Sir,
actually, the map -- it may help you
to look at the map. Currently, the
house on Dogwood Lane sits 21.7 feet
away from the side yard. The minimum
required is greater than that.

18

19

20

21

22

23

24

25

MR. BRUNETTI: Okay. Got it.

CHAIRMAN SCALZO: Since the
house can't be moved -- or it could
be, but it would be quite the
endeavor. So, that is what the
applicant is here for on the Dogwood
Lane lot.

On the Dogwood Hills Road lot,

1

2

the pool deck is too close to the side yard, so the applicant is asking for relief from both of those conditions. They are proposing no new activities on the lots.

3

4

5

6

7

MR. BRUNETTI: Understood. So, this is your goal?

8

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14

CHAIRMAN SCALZO: Actually, sir, now that I have answered your question, is there anything in particular about this variance that you have questions about, or on the process?

15

16

17

MR. BRUNETTI: Not at all.

CHAIRMAN SCALZO: Very good. Thank you.

18

19

20

All right. The public hearing is still open, so I look to the Board.

21

22

23

Anyone else from the public that wishes to comment on this application?

24

(No response.)

25

CHAIRMAN SCALZO: No? All

1

2

right, so I'll look to the Board for
a motion to close the public hearing.

3

4

MR. MASTEN: I make a motion to
close the public hearing.

5

6

MS. REIN: I second.

7

8

CHAIRMAN SCALZO: We have a
motion to close from Ms. Masten. We
have a second from Ms. Rein. All in
favor.

9

10

11

MR. EBERHART: Aye.

12

MR. HERMANCE: Aye.

13

CHAIRMAN SCALZO: Aye.

14

MR. MASTEN: Aye.

15

MS. REIN: Aye.

16

CHAIRMAN SCALZO: Those

17

opposed?

18

(No response.)

19

CHAIRMAN SCALZO: Very good.

20

This is a Type 2 action under SEQRA?

21

MR. DONOVAN: This is correct,

22

Mr. Chairman.

23

CHAIRMAN SCALZO: Thank you,

24

Counsel.

25

We will go through the area

1

2

variance criteria and discuss the

3

five factors.

4

First one being whether or not

5

the benefit can be achieved by other

6

means feasible to the applicant. We

7

are not going to ask him to saw off

8

the house or the pool deck.

9

MS. REIN: No.

10

CHAIRMAN SCALZO: The second,

11

if undesirable change in the

12

neighborhood character or a detriment

13

to nearby properties.

14

MS. REIN: No.

15

CHAIRMAN SCALZO: No, not since

16

1986, I believe, is the last

17

improvement that was made there, Mr.

18

Doce; is that correct?

19

MR. DOCE: Correct, the pool.

20

CHAIRMAN SCALZO: The third,

21

whether the request is substantial.

22

Well, the zoning has changed since

23

these homes were developed. So, it

24

may mathematically be substantial,

25

but it's really not.

1

2

Fourth, whether the request will have adverse physical and environmental effects and --

3

4

MS. REIN: No.

5

6

CHAIRMAN SCALZO: And the fifth, whether the alleged difficulty is self-created, which is relevant but not determinative.

7

8

9

Well, I don't know if the home with the pool deck is the original owner that put the pool deck up or not. But if not, it's an inherited condition.

10

11

12

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MR. DOCE: So, the owner did not put up the pool deck. She purchased in 2020 and was unaware that any of this existed here.

16

17

18

19

CHAIRMAN SCALZO: Thank you very much. So, that just goes and gives testimony to this difficulty as not self-created.

20

21

22

23

So, having gone through the balancing tests for the area variance, does the Board have a

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motion of some sort?

3

MS. REIN: I make a motion to
4 approve.

5

MR. EBERHART: I second.

6

7

CHAIRMAN SCALZO: We have a
8 motion for approval from Ms. Rein.
9 We have a second from Mr. Eberhart.

9

10

Can you roll on that, please,
10 Siobhon?

11

MS. JABLESNIK: Mr. Eberhart.

12

MR. EBERHART: Yes.

13

MS. JABLESNIK: Mr. Hermance.

14

MR. HERMANCE: Yes.

15

MS. JABLESNIK: Mr. Masten.

16

MR. MASTEN: Yes.

17

MS. JABLESNIK: Ms. Rein.

18

MS. REIN: Yes.

19

MS. JABLESNIK: Mr. Scalzo.

20

CHAIRMAN SCALZO: Yes.

21

Motion is carried. Variances
22 are approved.

23

Good luck.

24

25

MR. DONOVAN: Before you move
25 on, is the Board interested in a fun

1

2 fact? I have a fun fact about this.

3

CHAIRMAN SCALZO: Sure.

4

5

MR. DONOVAN: So, if you look,

6

not at this property, but to the

7

north of 128, you will see property

8

now formally of Straighter

(Phonetic).

9

CHAIRMAN SCALZO: Correct.

10

MR. DONOVAN: I do want to

11

point out that George Straighter and

12

his daughter, Elizabeth, are in the

13

audience. They're the neighbors.

14

CHAIRMAN SCALZO: Oh, very

15

nice.

16

MR. DONOVAN: I also want to

17

point out to the Board that there is

18

some history there that relates to my

19

family. My grandfather's brother,

20

Dr. James Donovan, occupied the

21

Straighter house before Mr.

22

Straighter was there, and he was a

23

physician in the City of Newburgh for

24

a number of years.

25

I just want to point that out

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because I think it's a fun fact, and
I hope you do, too.

Thank you for indulging me.

CHAIRMAN SCALZO: Thank you,
Counsel. I always love the little
stories. And let the record show
that I am not the one delaying the
meeting.

MS. JABLESNIK: Noted.

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

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

-----X
In the Matter of

James Turner
355 Lakeside Road, Newburgh
33-1-22
R1 Zone

-----X

Date: July 24, 2025
Time: 7:12 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: James Turner

-----X

Victoria Chumas Arias
Court Reporter

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CHAIRMAN SCALZO: Our second applicant this evening is James Turner, 355 Lakeside Road in Newburgh, for area variances increasing the degree of non-conformity of the rear, side, and combined side yards to remove an existing non-conforming dwelling and replace it with a two-story dwelling, a two-story rear covered deck, and enclosed front walkway. This application was originally approved at the August of 2023 meeting.

Siobhan, we have mailings on this?

MS. JABLESNIK: Yes. This applicant mailed 32 letters.

CHAIRMAN SCALZO: 32 letters. Mr. Turner is a frequent flyer here. If I have captured the essence of what your application is, then we can go ahead and, you know, have our comments. But if you would like to

James Turner

1

2

add some color commentary to that.

3

4

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MR. TURNER: I was just going to say, I'm James Turner. I live at 340 Lakeside Road. I went two years ago to do this, and I just started again to do it, not realizing that there is a termination on the variance. I thought once you are given a variance, it did not have a timeframe on it.

12

13

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19

So, I went to Siobhan to get something going. The couple of months ago that I thought I was here was actually two years ago, and the only thing that has changed is more gray hair, and I'm older. But everything is still the same.

20

21

22

23

24

25

CHAIRMAN SCALZO: Okay. Members of the Board, I don't -- have all of you been here that long, where Mr. Turner was in for the last one?

MR. TURNER: Doesn't seem like two years ago.

CHAIRMAN SCALZO: I'm going to

1

2

start with Mr. Eberhart. Mr.

3

Eberhart, do you have any comments on

4

this application?

5

MR. EBERHART: No comments.

6

CHAIRMAN SCALZO: Mr. Hermance.

7

MR. HERMANCE: I'm surprised to

8

see you back here again.

9

CHAIRMAN SCALZO: He had

10

another one in between that.

11

MR. TURNER: I was working on

12

another project that, again, was

13

supposed to be six months. It turned

14

into a year and a half at 409

15

Gardnertown Road, right across from

16

the police station. That's going

17

very well.

18

CHAIRMAN SCALZO: Very good.

19

MR. TURNER: Everything is

20

going good there. I am going to

21

finish that up in the next month or

22

two. This is the next project.

23

CHAIRMAN SCALZO: Very good.

24

Mr. Masten, any comments?

25

MR. MASTEN: No.

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CHAIRMAN SCALZO: Ms. Rein.

MS. REIN: No.

CHAIRMAN SCALZO: At this point, I'm going to open it up to any members of the public that wish comment on this application.

(No response.)

CHAIRMAN SCALZO: Well, apparently, we have none, so I'll look to the Board for a motion to close the public hearing.

MS. REIN: I make a motion to close the public hearing.

MR. MASTEN: I'll second.

CHAIRMAN SCALZO: We have a motion from Ms. Rein. We have a second from Mr. Masten. All in favor.

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Those

James Turner

1

2 opposed?

3 (No response.)

4 CHAIRMAN SCALZO: Very good.

5 Any last comments, questions on
6 the application that we approved two
7 years ago?

8 (No response.)

9 CHAIRMAN SCALZO: Very good.

10 We are going to go ahead and
11 move to -- this also a Type 2 action
12 under SEQRA?

13 MR. DONOVAN: That is correct,
14 Mr. Chairman.

15 CHAIRMAN SCALZO: You knew what
16 I was waiting for. We're going to go
17 ahead and hit the five facts again.

18 First one, whether or not the
19 benefit can be achieved by other
20 means feasible to the applicant.
21 This is a bowling alley of a lot, and
22 he is constrained by lot width and --
23 the lake, so I would say he can't.

24 MS. REIN: No.

25 CHAIRMAN SCALZO: Second, if

1
2 there's an undesirable change in the
3 neighborhood character or a detriment
4 to nearby properties. It's going to
5 be in kind to what's out there, all
6 on those narrow lots.

7 The third, whether the request
8 is substantial. Well, sure, it is
9 based on the width of the lot.
10 However, it is characteristic of
11 what's in the neighborhood.

12 Third, let's see. Did I ask if
13 it was substantial yet? Did I
14 already do three?

15 MR. HERMANCE: Yes.

16 MS. REIN: Yes.

17 CHAIRMAN SCALZO: Thanks. I
18 don't remember what I said five
19 minutes ago.

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

23 MS. REIN: No.

24 CHAIRMAN SCALZO: And the
25 fifth, whether the alleged difficulty

1
2 is self-created, which is relevant
3 but not determinative. You know,
4 there is an argument for both sides,
5 but if the existing structure that is
6 there, if he were to replace it
7 exactly in kind, then it's really not
8 self-created.

9 MR. DONOVAN: Except that he
10 purchased property charged with the
11 knowledge of zoning regulations, so
12 it really is self-created.

13 CHAIRMAN SCALZO: Thank you,
14 Counsel.

15 MR. TURNER: Good point.

16 CHAIRMAN SCALZO: Having gone
17 through the balancing tests, and it's
18 not a scorecard, as Counsel has
19 reminded us, does the Board have a
20 motion of some sort?

21 MR. HERMANCE: I'll make a
22 motion to approve.

23 MR. EBERHARD: I second.

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

1

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Hermance. We have a second from Mr.
Eberhart.

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Can you roll on that, please,
Siobhan?

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MS. JABLESNIK: Mr. Eberhart.

7

MR. EBERHART: Yes.

8

MS. JABLESNIK: Mr. Hermance.

9

MR. HERMANCE: Yes.

10

MS. JABLESNIK: Mr. Masten.

11

MR. MASTEN: Yes.

12

MS. JABLESNIK: Ms. Rein.

13

MS. REIN: Yes.

14

MS. JABLESNIK: Mr. Scalzo.

15

CHAIRMAN SCALZO: Yes.

16

Motion is carried. Variances
are approved.

17

18

Don't wait two years before you
come see us again because I won't be
here.

19

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21

MR. TURNER: Thank you, guys.

22

Have a good evening.

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(Time noted: 7:17 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

-----X
In the Matter of

KCH Management LLC
5152 Route 9W, Newburgh
43-2-14
B Zone

-and-

JCH Expanding LLC
5148 Route 9W, Newburgh
43-2-15
B Zone

-----X

Date: July 24, 2025
Time: 7:18 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: DAVID NIEMOTKO

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Victoria Chumas Arias
Court Reporter

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CHAIRMAN SCALZO: Our next applicant is KCH Management LLC at 5152 Route 9W, Newburgh. This is a planning board referral for area variances to renovate the existing commercial retail building. The following required variances are existing non-conforming: Lot width, front yard, side yard, and combined side yard. No changes will be made to the existing residential structure on this lot.

Now, much like the first application, Counsel, these are two continuous lots, which can be presented under the same --

MR. DONOVAN: In fact, I would encourage you to do so.

CHAIRMAN SCALZO: Thank you.

The second application is JCH Expanding LLC, which is 5148 Route 9W, also a planning board referral for the following pre-existing

1
2 non-conforming area variances to
3 renovate the existing two-story brick
4 building for new office use, lot
5 area, lot width, lot depth, front
6 yard, rear yard, side yard, combined
7 side yards, and building coverage.

8 The applicant is also looking
9 for a variance for off-street
10 parking. There is an existing 13
11 spaces where 16 is required.

12 Mailings on this, Siobhan?

13 MS. JABLESNIK: This applicant
14 mailed out of the first application
15 14 letters, the second 15 letters.

16 CHAIRMAN SCALZO: Very good.

17 Now, before I let you start
18 presenting, I'm going to just remind
19 the Board what really the big one is.
20 We have a bunch of pre-existing
21 non-conforming conditions. The only
22 one that jumped out to me was the 13
23 spaces where 16 is required.

24 So, that being said, I am going
25 to let this gentleman present,

1

2

starting off by introducing yourself.

3

MR. NIEMOTKO: David Niemotko.

4

I'm an architect. Our firm is

5

handling the project.

6

MR. DONOVAN: You know the best

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places.

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MR. NIEMOTKO: We follow each

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other around.

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So, there is a long story with

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this one. We were first before the

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planning board for 5148 Route 9W.

13

That's that building right there.

14

There is no -- the building

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practically occupies the entire lot.

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We went to the planning board for

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four parking spaces in the front

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along 9W. That was referred to DOT.

19

They denied it. And actually, sad

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for my client, but happy for me.

21

That's a beautiful Italian-made

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little building associated with

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Balmville School. I'm glad to kind

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of see it intact because we were

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going to remove 10 feet of it to

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allow for the parking in the front.

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So, that footprint will remain as presented on the planner. Then, the clients went ahead of purchased 5152, which is the building next to it. And in that property, or all of the improvements associated with that property, include a house, which is in the back, and a parking lot. That's why they purchased it.

In each case, now, both LLCs align in their interest since the members are the same, and we're asking to use that parking lot, which for some reason is not showing up, along with the parking for the residential home, to satisfy the requirements of the project in its entirety, both buildings.

As mentioned, the pink line right there is the front yard setback, so we are looking to just codify the existing building; they do not conform to the front yard, side

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yard, or anything. So, we would

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think this is a good opportunity to

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legalize them.

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As mentioned, the one variance

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-- all of those variances are

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pre-existing, non-conforming

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conditions. And we ask that you

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please consider that.

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The second variance is for the

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parking. As mentioned, off-street

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parking requirement is 16. We have

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13, but also, in the overall picture

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if you look at Mr. Cordisco's letter

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and then the letter from the building

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department, the project in its

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entirety requires 23 parking spaces,

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and we show 20. So, in either

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instance we are looking for a

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three-parking-space variance

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depending on how the attorney decided

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to write the resolution.

23

We do not -- it's a commercial

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use. This will be a roofing and

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siding headquarters right there.

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These are three strip stores. We really feel that the parking that's provided will suffice for any type of activities there. We are not counting on the four spaces here because, as history has shown us, once that gets referred to the DOT, they will reject it because it backs out.

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So, again, to repeat, we are looking for a three-parking-space variance in addition to all pre-existing non-conforming conditions.

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CHAIRMAN SCALZO: Well, thank you. And I agree with your sentiment as far as the -- it's beautiful. And also, it's dangerous to try and back a car out onto 9W there.

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And again, Members of the Board, really it's pre-existing non-conforming. The big deal here is three spaces. I have no comments for that.

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MS. REIN: I have a question about the brief description as proposed action. Proposed is to renovate existing office building with new addition?

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MR. NIEMOTKO: So, right here --

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CHAIRMAN SCALZO: You can use your finger.

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MR. NIEMOTKO: I got this just for you.

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Right here, there is a small 189 square foot addition that filled in -- this is the existing footprint. This addition filled it in and squared off the building.

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MS. REIN: So, is that by the little strip mall?

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MR. NIEMOTKO: Yes, that is the other side of that strip mall.

22

23

MS. REIN: And that is part of the property?

24

25

MR. NIEMOTKO: Yes, the property ends over here, right here.

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MS. REIN: So, there is not
another new addition coming on?

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That's what I'm asking.

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MR. NIEMOTKO: No. We are
showing it right here.

7

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CHAIRMAN SCALZO: Any
improvements would be to the interior
of the structure, correct?

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MR. NIEMOTKO: Correct.

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CHAIRMAN SCALZO: Not extending
the footprint.

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MS. REIN: Yeah, that's what I
was confused with. And also, that
parking lot across from Balmville
School, that's not part of the
Balmville School?

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MR. MASTEN: That is a part of
the school. That is the whole
school.

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MR. NIEMOTKO: That is why they
could not use any of the parking
along here, because that's all part
of the school district. Their
property ends right here, and the

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parking lot you are referring to is

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over here.

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MS. REIN: Right.

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CHAIRMAN SCALZO: I cut you

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off. You had one more.

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MR. NIEMOTKO: I want to be

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very clear on one thing. The

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existing footprint for 5152 is this.

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This 189 square foot addition was

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recent and in violation, and the

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building department noted that and

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issued them a violation. But that is

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included in our calculations and in

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our project.

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MS. REIN: So, are we asking

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for some kind of variance with that,

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too?

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CHAIRMAN SCALZO: No.

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MS. REIN: Okay.

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CHAIRMAN SCALZO: All right.

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Ms. Rein, are your questions

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satisfied now?

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MS. REIN: Yes, thank you.

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CHAIRMAN SCALZO: Mr. Masten,

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2 any questions?

3 MR. MASTEN: I have nothing
4 right now.

5 CHAIRMAN SCALZO: Mr. Hermance.

6 MR. HERMANCE: I have nothing.

7 CHAIRMAN SCALZO: Mr. Eberhart.

8 MR. EBERHART: No.

9 CHAIRMAN SCALZO: Now, at this
10 point, I will open it up to any
11 members of the public that wish to
12 comment on this application.

13 (No response.)

14 CHAIRMAN SCALZO: I don't see
15 any. Very good.16 I look to the Board for a
17 motion to close the --18 MS. REIN: I have one more
19 question. That strip mall, is that
20 going to remain a little strip mall,
21 or is that going to be changed into
22 one specific company?23 MR. NIEMOTKO: The one -- to my
24 understanding, it's going to remain a
25 strip mall. Those will be three or

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four leasable spaces. The one

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company that you're referring to

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would be 5151, the Italian-made

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little structure. The client is

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going to occupy that for roofing and

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siding offices.

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MS. REIN: Okay. Thank you.

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MR. NIEMOTKO: Sure.

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MS. REIN: I'm done.

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CHAIRMAN SCALZO: I just wanted

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to make sure. I wanted to keep you

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relevant to the variances that are

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being applied for.

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MR. NIEMOTKO: Save the

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building. Save the building.

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CHAIRMAN SCALZO: I believe,

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motion to close the public hearing?

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MS. REIN: I make a motion to

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close the public hearing.

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MR. HERMANCE: I'll second.

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CHAIRMAN SCALZO: We have a

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motion to close the public hearing

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from Ms. Rein. We have a second from

25

Mr. Hermance. All in favor.

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MR. EBERHART: Aye.

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MR. HERMANCE: Aye.

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CHAIRMAN SCALZO: Aye.

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MR. MASTEN: Aye.

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MS. REIN: Aye.

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CHAIRMAN SCALZO: Those

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opposed?

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(No response.)

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CHAIRMAN SCALZO: Very good.

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Counsel, Type 2 action under

12

SEQRA?

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MR. DONOVAN: This is actually

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a Type 2 action, but for a different

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reason. It's 6 NYCRR Part 617.5

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subdivision (c)(2), replacement

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rehabilitation or reconstructions of

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the structure or facility in kind on

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the same site. So, it's Type 2

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action.

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CHAIRMAN SCALZO: Very good.

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Before I continue, Siobhan, GML

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239?

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MS. JABLESNIK: Local

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determination.

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CHAIRMAN SCALZO: We can
continue to move forward here. Very
good.

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Our first factor is whether or
not the benefit can be achieved by
other means feasible to the
applicant. Well, they built it out
with as many parking spaces as they
possibly can, and it appears that the
DOT has squashed them on the others,
so no.

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The second, if there is an
undesirable change in the
neighborhood character or detriment
to nearby properties. It does not
appear so.

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Third, whether the request is
substantial. It's pre-existing
non-conforming, so it could be
substantial all the live long day,
but it doesn't seem to matter.

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

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MS. REIN: No.

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MR. DONOVAN: Apparently so.

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CHAIRMAN SCALZO: The fifth, whether the alleged difficulty is self-created, which is relevant but not determinative. I could say something, but Counsel corrected me on the last one. But apparently, it's self-created?

What's great coming to these meetings is I'm always right here. Because at home, I'm always wrong.

CHAIRMAN SCALZO: Okay, so having gone through the balancing tests, does the Board have a motion of some sort?

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

MR. EBERHART: I'll second it.

CHAIRMAN SCALZO: We have a motion to approve from Mr. Hermance. We have a second from Mr. Eberhart.

Can you roll on that for me Siobhan?

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MS. JABLESNIK: Mr. Eberhart.

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MR. EBERHART: Yes.

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MS. JABLESNIK: Mr. Hermance.

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MR. HERMANCE: Yes.

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MS. JABLESNIK: Mr. Masten.

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MR. MASTEN: Yes.

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MS. JABLESNIK: Ms. Rein.

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MS. REIN: Yes.

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MS. JABLESNIK: Mr. Scalzo.

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CHAIRMAN SCALZO: Yes.

12

Motion is carried. Variances

13

are approved.

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Good luck.

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MR. NIEMOTKO: Thank you. Will

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you refer us back to the planning

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board, or is that automatic?

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CHAIRMAN SCALZO: That's

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automatic.

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MR. NIEMOTKO: Have a great

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evening, guys.

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

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

-----X
In the Matter of

Donald Dubois
5 West Stone Street, Newburgh
84-3-4
R3 Zone

-----X

Date: July 24, 2025
Time: 7:29 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Donald Dubois

-----X

Victoria Chumas Arias
Court Reporter

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CHAIRMAN SCALZO: Our next applicant is of Don Dubois, 5 West Stone Street, Newburgh. Seeking area variances of the minimum rear yard setback and increasing the degree of non-conformity of the one side yard and combined side yards to keep a rear addition built without a permit.

Do we have mailings on that, Siobhan?

MS. JABLESNIK: This applicant sent out 85 letters.

CHAIRMAN SCALZO: 85, holy smokes. That is a lot of letters.

MS. JABLESNIK: You are the winner.

CHAIRMAN SCALZO: You are the big winner. I know who you are, but they don't, so introduce yourself, please.

MR. DUBOIS: My name is Don Dubois, Jr., and 5 West Stone Street was actually my father's property.

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2

He passed away in September, and I

3

was named executor of his estate.

4

So, trying to resolve some of the

5

outstanding issues that we've

6

encountered with his estate.

7

5 West Stone Street was

8

actually left to my brother, my

9

sister, and me in the will. None of

10

us are really in a position to buy

11

the other two out, so we really need

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to sell the property. So, when we

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met with a realtor, they had done a

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search of the property to get the

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detail from the county, and I noticed

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that the square footage for the

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second-floor apartment was the same

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as the square footage for the

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first-floor apartment. The

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first-floor apartment actually has an

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addition, so that threw up a red flag

22

that there was an issue with the

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addition that had been built on the

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back of the house.

25

My father purchased the house

1
2 in 1979. We contacted code
3 compliance because I really wasn't
4 sure where to go. And I had to say
5 that everyone in the town was very
6 helpful. Gerry Canfield actually
7 came out and met with me at the
8 property to take a look at things.
9 They did some research, went through
10 all of the files, determined that a
11 building permit had not been applied
12 for. But they also went to the
13 Assessor's office and did a search
14 there, and they found that there was
15 a record of the rear porch in the
16 1976 to 1984 section, and the
17 enclosed room with a deck was also
18 referenced in 1984. So, he said that
19 was a good thing because it looked
20 like my father was paying at least
21 taxes on the addition since it was
22 constructed.

23 Gerry actually met me out at
24 the property, took a look at the
25 addition, and he asked if I had a

Donald Dubois

1
2 survey. I said, No, I don't have a
3 survey. He recommended I get a
4 survey because he had a fear that I
5 wasn't going to meet the minimum
6 setback requirements for the
7 addition, which obviously came to
8 fruition. I don't have the proper
9 setbacks.

10 So, met with code compliance on
11 June 24th, applied for a building
12 permit. They approved -- did approve
13 the building permit and basically,
14 referred me to the zoning board to
15 try and get the variances for the two
16 side setbacks and for the addition.

17 CHAIRMAN SCALZO: It is a
18 process, but thank you.

19 MR. DUBOIS: Everyone has been
20 extremely helpful. So, I am trying
21 to do the right thing and get things
22 resolved. And I guess this is just
23 one step I have to follow before I go
24 back to the building department.

25 CHAIRMAN SCALZO: Right. And

1
2 again, thank you. A lot of cases, we
3 get people just coming in asking for
4 forgiveness rather than permission.
5 You inherited this issue that now you
6 are asking for forgiveness on.

7 Looking at the survey, the one
8 side that doesn't have the addition,
9 the side yard setbacks are 8.9 feet,
10 but the side where the addition is 9
11 feet, which is actually greater than
12 the other side. So, I guess it is a
13 stroke of luck that they hit it that
14 way.

15 My opinion is it's kind of a
16 character with the neighborhood. It
17 doesn't appear to be anything out of
18 -- and really, from the street, you
19 really can't see it all that well. I
20 don't have any other comments other
21 than that.

22 I am going to start with Mr.
23 Eberhart. Do you have comments or
24 questions, sir?

25 MR. EBERHART: No comments and

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no questions.

CHAIRMAN SCALZO: Very good.
Mr. Hermance.

MR. HERMANCE: Like you said,
it's in character with the
neighborhood. I took a swing by
there, looked in the back, and it
doesn't affect it.

CHAIRMAN SCALZO: Mr. Masten.

MR. MASTEN: I have no
questions.

CHAIRMAN SCALZO: Ms. Rein.

MS. REIN: These were already
existing.

CHAIRMAN SCALZO: Yes.

MS. REIN: Okay.

CHAIRMAN SCALZO: My only
question is actually for code
compliance. Joe, should we get to a
certain point in this because this
was constructed without a building
permit, therefore was not subject to
inspections, what is the building
department's position on verifying

Donald Dubois

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that it was at least built to code

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then?

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MR. MATTINA: We will send an

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inspector out, and he can verify, you

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know, visually. If not, you have to

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hire a design professional, have to

8

do the deconstruction, and, you know,

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verify footings and stuff like that.

10

But we are not going to spend his

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money until he gets a variance.

12

CHAIRMAN SCALZO: No, I

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understand. And I, quite honestly, I

14

knew the answer to the question. I

15

just wanted you to have it in the

16

public record so Mr. Dubois

17

understood what we, you know --

18

MR. DUBOIS: I realize this is

19

step one.

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CHAIRMAN SCALZO: Very good.

21

That's great. I, myself, have no

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other comments or questions.

23

Anyone from the public wish to

24

comment about this application?

25

MR. SLAUGHTER: Just a quick

Donald Dubois

1

2 question.

3 CHAIRMAN SCALZO: Sir, please
4 state your name. It's being
5 recorded.

6 MR. SLAUGHTER: (First Name
7 Unintelligible.) Slaughter. He's my
8 next-door neighborhood. This has
9 nothing to do with the boundary lines
10 being changed, or nothing?

11 CHAIRMAN SCALZO: Not at all.

12 MR. SLAUGHTER: Just the
13 addition?

14 CHAIRMAN SCALZO: Just the
15 addition.

16 MR. SLAUGHTER: Okay. Thank
17 you.

18 CHAIRMAN SCALZO: You're
19 welcome.

20 Anyone else from the public
21 wish to speak about this application?

22 (No response.)

23 CHAIRMAN SCALZO: Okay. At
24 that point, then I'll look to the
25 Board for a motion to close the

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public hearing.

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MR. MASTEN: I'll make a motion

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to close the public hearing.

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MS. REIN: I second.

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CHAIRMAN SCALZO: We have a

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motion to close the public hearing

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from Mr. Matsen. We have a second

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from Ms. Rein. All in favor.

10

MR. EBERHART: Aye.

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MR. HERMANCE: Aye.

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CHAIRMAN SCALZO: Aye.

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MR. MASTEN: Aye.

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MS. REIN: Aye.

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CHAIRMAN SCALZO: Those

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opposed?

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(No response.)

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CHAIRMAN SCALZO: Very good.

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Counselor, Type 2 action under

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SEQRA?

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MR. DONOVAN: That is correct,

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Mr. Chairman.

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CHAIRMAN SCALZO: All right.

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In this instance, then, I suppose

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what we are going to do is go through

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the five factors. And you heard them
all a couple times now so far.

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The first one being whether or
not the benefit can be achieved by
other means feasible to the
applicant. Well, no.

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Second, if there is an
undesirable change in the
neighborhood character or detriment
to nearby properties.

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MS. REIN: No.

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CHAIRMAN SCALZO: The third,
whether the request is substantial.
I suppose if you look through the
numbers, it may be. However, all of
the other buildings in the
neighborhood will be the same.

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MR. HERMANCENCE: Yeah.

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CHAIRMAN SCALZO: Fourth,
whether the request will have adverse
physical or environmental effects.
That would be no.

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Fifth, whether the alleged
difficulty is self-created, which is

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relevant but not determinative.

Now, Counsel, because he inherited this home and did not willingly purchase it, is that a self-created position?

MR. DONOVAN: So, in my view, the variance would not be self-created.

CHAIRMAN SCALZO: Okay. Thank you for the clarification.

MS. REIN: I have a question for you.

CHAIRMAN SCALZO: Sure.

MS. REIN: If we approve this, and other houses in the area have the same issue, are they automatically compliant?

CHAIRMAN SCALZO: And that is wonderful. Every application that comes in here should be voted upon on its own merit. However, what I pointed out while looking at the survey was the side yard setback on the side that didn't have the

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addition on it was actually greater

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or less than the side that had the

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addition on it. So, that is the way

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I was looking at it when I looked at

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the application. So, if the addition

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was two feet off one property line

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and the other side of the house was

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eight, I might think differently.

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But in this instance, the addition

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was actually further away from the

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property line than the other side of

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the house.

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MS. REIN: So, does it have an

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effect on the folks living in that

16

neighborhood?

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MR. DONOVAN: So, the question

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[Sic] is, it depends. It's my

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favorite answer to every question.

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With the facts here -- and you have

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to look at the facts of each case

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that comes before you. The facts

23

here is that this addition was built

24

some time ago.

25

MS. REIN: Right.

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MR. DONOVAN: So, if the next-door neighbor wanted to come in and build an addition and have the same setback, that's a different set of facts for which you could deny that variance.

8

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11

MS. REIN: But if the neighbor next door has a similar issue that's the same, they don't have to come in because it's already been approved?

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MR. DONOVAN: Oh, no. It would still be a violation, so code compliance could --

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MS. REIN: So, then, if we approve this, it does not apply to other existing structures?

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MR. DONOVAN: It may, but they would have to come before us.

20

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MS. REIN: Okay. It just -- it's not a cover.

22

23

24

MR. DONOVAN: It's not a cover for code compliance to say -- no, that is not. No.

25

MS. REIN: Okay. Thank you,

1

2 David.

3 CHAIRMAN SCALZO: So, we had
4 gone through -- I believe we got
5 through all five of the criteria.

6 Does the Board have a motion of
7 some sort?

8 MS. REIN: I make a motion to
9 approve.

10 MR. MASTEN: I'll second it.

11 CHAIRMAN SCALZO: We have a
12 motion of approval from Ms. Rein. We
13 have a second from Mr. Masten.

14 Can you roll on that, please,
15 Siobhan?

16 MS. JABLESNIK: Mr. Eberhart.

17 MR. EBERHART: Yes.

18 MS. JABLESNIK: Mr. Hermance.

19 MR. HERMANCE: Yes.

20 MS. JABLESNIK: Mr. Masten.

21 MR. MASTEN: Yes.

22 MS. JABLESNIK: Ms. Rein.

23 MS. REIN: Yes.

24 MS. JABLESNIK: Mr. Scalzo.

25 CHAIRMAN SCALZO: Yes.

Donald Dubois

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Motion carried. Variances are approved.

Good luck on your journey with this one.

MR. DUBOIS: Thank you very much.

CHAIRMAN SCALZO: All right, so now it's my turn. Mr. Dubois's dad was my principal.

MR. DONOVAN: Two fun facts tonight. That's great.

(Time noted: 7:38 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

-----X

In the Matter of

Kai Hintaky & Alexey Titov
20 Rockwood Drive, Newburgh
109-1-24
R3 Zone

-----X

Date: July 24, 2025
Time: 7:39 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Kai Hintaky &
Alexey Titov

-----X

Victoria Chumas Arias
Court Reporter

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CHAIRMAN SCALZO: Our next applicant, I want to say, is Kai Hintaky and Alexey Titov, 20 Rockwood Drive, seeking an area variance of the minimum rear yard setback to construct a new 12 by 32 rear deck.

We have mailings on that, Siobhan?

MS. JABLESNIK: This applicant sent out 52 letters.

CHAIRMAN SCALZO: Five-two, okay. And I apologize. If I mispronounced any names, please correct me.

MR. HINTAKY: Kai Hintaky.

CHAIRMAN SCALZO: Okay. And this is at 20 Rockwood. I don't want to say that one line is pretty simple. Minimum rear yard setback to construct 12 by 32 rear deck. I believe we have been to that property before for a deck that was done without a permit many years ago.

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MR. HINTAKY: We purchased it in that condition, and so now we are looking to repair some issues. So, right now, there is an existing 12 by 44 deck. That's all second-story level. So, we are looking to replace the 12 by 44 with two platforms of 12 by 16. So, the upper deck we were replacing, instead of 12 by 44, as far as neighborhood impact or visual, it would go from that to 12 by 16 as what would be visible from any neighbors. Because it is in the back, I have changed over the backyard to a back garden that's enclosed with a privacy fence. So, when you step down to the base level, that's totally private. But what we are asking for is a two-level deck with 12 by 16 platforms.

22

CHAIRMAN SCALZO: Very good.

23

We are looking at things in two dimensions, not three. So, when you talk elevations, in this instance,

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for your side yard setbacks, rear yard setbacks, that is what we are most interested in, different from the dwelling itself.

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I am going to paraphrase here. You're actually reducing the size of what was approved previously.

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MR. HINTAKY: Yes. And we are looking to do it, of course, totally to code. That is when we first went for permits that we found out it's a setback issue. But, you know, we are -- this is existing 12 by 44 deck is not to code. As far as I understand, it's -- I don't know what the phrase is -- grandfathered in, because the pylon size and things changed after that was originally built. So, we are looking to replace it with something smaller and up to code.

22

23

CHAIRMAN SCALZO: Very good. Okay. Thank you very much.

24

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I, myself, have no comments.

Ms. Rein.

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2

MS. REIN: No, he answered it.

3

CHAIRMAN SCALZO: Very good.

4

Mr. Matsen.

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MR. MASTEN: None.

6

CHAIRMAN SCALZO: Mr. Hermance.

7

MR. HERMANCE: I have none.

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CHAIRMAN SCALZO: Mr. Eberhart.

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MR. EBERHART: I have none.

10

CHAIRMAN SCALZO: Very good.

11

At this point, I will open it

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up to any members of the public that

13

wish to speak about this application.

14

(No response.)

15

CHAIRMAN SCALZO: Hearing none,

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I look to the Board for motion to

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close the public hearing.

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MS. REIN: I make a motion to

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close the public hearing.

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MR. HERMANCE: I'll second.

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CHAIRMAN SCALZO: We have a

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motion to close from Ms. Rein. We

23

have a second from Mr. Hermance. All

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in favor.

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MR. EBERHART: Aye.

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MR. HERMANCE: Aye.

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CHAIRMAN SCALZO: Aye.

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MR. MASTEN: Aye.

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MS. REIN: Aye.

6

CHAIRMAN SCALZO: Those

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opposed?

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(No response.)

9

CHAIRMAN SCALZO: Very good.

10

Okay. We are going to move on

11

to, again, another Type 2 action

12

under SEQRA.

13

MR. DONOVAN: Correct, Mr.

14

Chairman.

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CHAIRMAN SCALZO: Thanks,

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Counsel.

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First, criteria being whether

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or not the benefit can be achieved by

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other means feasible to the

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applicant. Well, it's actually

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reducing the size of that's there.

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Second, if there's an

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undesirable change in the

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neighborhood character or a detriment

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to nearby properties.

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MS. REIN: No.

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CHAIRMAN SCALZO: I think it's
a desirable change in the
neighborhood, quite frankly.

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The third, whether the request
is substantial. Only because the lot
size, again, is smaller than what was
approved a few years ago.

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

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MS. REIN: No.

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CHAIRMAN SCALZO: Does not
appear so.

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14

And the fifth, whether the
alleged difficulty is self-created,
which is relevant but not
determinative. They inherited the
dwelling with the larger-sized deck.
Now, they are going to a
smaller-sized deck. You got me
questioning myself, Counselor.

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MR. DONOVAN: It would still be
self-created.

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CHAIRMAN SCALZO: But again,
it's not a scorecard.

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

7

8

MR. HERMANCE: I make a motion
to approve.

9

MS. REIN: I second.

10

CHAIRMAN SCALZO: Very good.

11

We motion for approval from Mr.

12

Hermance. We have a second from Mr.

13

Rein.

14

Can you roll on that, please,

15

Siobhan?

16

MS. JABLESNIK: Mr. Eberhart.

17

MR. EBERHART: Yes.

18

MS. JABLESNIK: Mr. Hermance.

19

MR. HERMANCE: Yes.

20

MS. JABLESNIK: Mr. Masten.

21

MR. MASTEN: Yes.

22

MS. JABLESNIK: Ms. Rein.

23

MS. REIN: Yes.

24

MS. JABLESNIK: Mr. Scalzo.

25

CHAIRMAN SCALZO: Yes.

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Motion is carried. Variances
are approved.

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MR. HINTAKY: Thank you very
much. Can you just tell me the next
step?

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CHAIRMAN SCALZO: You are going
to reach out to Siobhan, and she is
going to guide you.

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(Time noted: 7:43 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS, a Notary Public
for and within the State of New York, do
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That hereinbefore set forth is a true
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I further certify that I am not
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proceeding by blood or by marriage and that
I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

Robert Iacomacci
4 Crestwood Court, Newburgh
87-2-10
R1 Zone

-----X
Date: July 24, 2025
Time: 7:44 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Joseph DeMarco

-----X

Victoria Chumas Arias
Court Reporter

Robert Iacomacci

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CHAIRMAN SCALZO: Our next applicant is Robert -- let's see if I get this right -- Iacomacci, 4 Crestwood Court, and seeking area variances of the middle and side yard, minimum combined side yards, minimum rear yard, maximum building lot and surface coverage, and increasing the degree of non-conformity of the front yard to build a 14-foot-five-inch by 40-foot-7.5-inch side yard garage with a 12 foot by 19-foot-6-inch rear sunroom.

We have mailings on this, Siobhan?

MS. JABLESNIK: Mailed 48 letters.

CHAIRMAN SCALZO: 48 letters, okay. Very good.

Who do we have with us this evening?

MR. IACOMACCI: Robert

Robert Iacomacci

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2

Iacomacci, 4 Crestwood Court,

3

Newburgh.

4

CHAIRMAN SCALZO: I didn't do

5

so bad with the name.

6

MR. IACOMACCI: What we're

7

looking to do is put a single-car

8

garage on the side of my house and

9

expand the dining room out a little

10

bit in the back.

11

CHAIRMAN SCALZO: Okay. We all

12

have your plans. You know, I am

13

going just hold these out, and I'm

14

going to start with Mr. Eberhart.

15

Mr. Eberhart, do you have

16

comments or questions on this?

17

MR. EBERHART: No, not really.

18

MS. REIN: Can you bring that

19

closer? I can't see that.

20

MS. JABLESNIK: You have the

21

same ones, too.

22

MS. REIN: Yeah, I know.

23

Just bring the whole thing.

24

CHAIRMAN SCALZO: Bring the

25

whole easel.

1

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MS. REIN: Thank you.

3

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CHAIRMAN SCALZO: So, Mr. Eberhart, you have no questions or comments at this time?

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MR. Eberhart: Check.

7

CHAIRMAN SCALZO: Mr. Hermance.

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MR. HERMANCE: I understand what you would like to do here. My only concern is the proximity to the neighbor's lot line, that is only seven feet, which is pretty tight even for maintenance of the building. And, you know, as Darrin has often pointed out, that you go to set up a ladder on that side -- you could be -- well, you have bushes there. I stopped by and met with the bushes right on the line. It would be a little difficult to get up there. I do notice that there is garages on the other side of road, but it looks like they have a lot more room to the lot line. I mean, it would be in character of the neighborhood, but my

Robert Iacomacci

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biggest concern is the proximity to
the lot line.

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CHAIRMAN SCALZO: Thank you,
Mr. Hermance. Anything else, or no?

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MR. HERMANCE: No.

7

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CHAIRMAN SCALZO: Mr. Masten,
do you have any questions or comments
on this application?

9

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MR. MASTEN: Not really.

11

CHAIRMAN SCALZO: Ms. Rein.

12

13

MS. REIN: No, still digesting
it.

14

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19

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CHAIRMAN SCALZO: This, I'm not
going to call it a head-scratcher for
me, but this new construction, new
proposed construction, and the
potential offset here we are looking
at is six feet. And I don't know if
that includes overhang over the gable
end. Does it?

22

23

MR. IACOMACCI: No. That's the
exterior.

24

25

CHAIRMAN SCALZO: So, that's
what, 12 to 15 or 18 inches?

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MR. DONOVAN: While you calculate, could you just do us a favor? Tell us who you are for the record so that young lady could get your name.

6

7

MR. DeMARCO: Joseph DeMarco from Whalen Architecture.

8

9

MR. DONOVAN: Thank you.

10

11

MR. DeMARCO: I believe the existing overhangs, which is what we would match on the addition, are 1-foot-6, so 8-feet-10-inches about.

12

13

14

CHAIRMAN SCALZO: Now, to take onto what Mr. Hermance was saying, they would be overhanging, and that is not part of what the offset from the structure to the building or to property line are. So, if you 16 inches out from the actual building itself, and you have to go put a ladder on that side of the building to get up top because it's a split, now, you know, I hope you are awfully friendly with your neighbor

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Robert Iacomacci

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in this case because the base of your

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ladder is not going to be on your

4

part.

5

MR. IACOMACCI: I am.

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CHAIRMAN SCALZO: Well, at

7

least -- you know, I'm spitballing

8

here.

9

MR. IACOMACCI: I had a talk

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with them, and they are in full

11

approval.

12

CHAIRMAN SCALZO: And you hope

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they live there forever. When we

14

look at things, there are

15

long-lasting issues for many

16

determinations that we make here.

17

Because people move, and so we try to

18

look ahead.

19

Mr. Mattina, of all of the

20

districts in the town, residential

21

districts, what is the smallest side

22

yard setback? I think 15 still --

23

MR. MATTINA: You can get away

24

with 10. And R3s and 2s, you can get

25

away with R15. At just one point,

1
2 this was an R3, back before they
3 changed it to an R1. So, it was set
4 at 15 feet back in the day. It was
5 designed that way.

6 CHAIRMAN SCALZO: I'm an R3
7 myself at my house, and it's 15 feet.
8 So, this -- I do have a -- I have --
9 that is my biggest concern here. And
10 the other side of the house, that is
11 where your AC unit is, you have your
12 chimney up there. Not that anybody
13 would ever have to drive around the
14 back of the house. Everybody loves a
15 garage. I know I wish I had a
16 two-car, and you're stacking them in.
17 Those are my observations. Not sure
18 where I want to land with it, but
19 those are my concerns.

20 At this point, I'm going to
21 open it up to any members of the
22 public that wish to speak about this
23 application. No one here for
24 Crestwood?

25 (No response.)

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CHAIRMAN SCALZO: Okay. In that case, I look to the Board for a motion to close the public hearing.

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MS. REIN: I make a motion to close the public hearing.

7

MR. HERMANCENCE: I second it.

8

9

CHAIRMAN SCALZO: We have a motion to close the public hearing from Ms. Rein. We have a second from Mr. Hermance. All in favor.

10

11

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MR. EBERHART: Aye.

13

MR. HERMANCENCE: Aye.

14

CHAIRMAN SCALZO: Aye.

15

MR. MASTEN: Aye.

16

MS. REIN: Aye.

17

CHAIRMAN SCALZO: Those

18

opposed?

19

(No response.)

20

CHAIRMAN SCALZO: And I am just going to -- you probably were here for the very beginning of the meeting, but I remind you that I said that all of the people that were sitting on the other side of the room

21

22

23

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1
2 from us that with the seven-member
3 Board, you need four votes of yes for
4 this to be a carried motion. Three
5 to two, even if it's in favor of it,
6 is not a winner. The short story.

7 So, you have the opportunity to
8 defer this to when we have a full
9 compliment of board members for
10 voting. I just want to let you know
11 that before we continue with the
12 process. And would you like us to
13 continue is the question?

14 MR. DeMARCO: Yes, please.

15 CHAIRMAN SCALZO: Okay.

16 Counsel, this is a Type 2 action
17 under SEQRA.

18 MR. DONOVAN: That is correct,
19 Mr. Chairman.

20 CHAIRMAN SCALZO: We are going
21 to go through the area variance
22 criteria and discuss the five factors
23 weighing.

24 The first one being whether or
25 not the benefit can be achieved by

1
2 other means feasible to the
3 applicant. Well, the benefit that
4 he's looking to achieve, other than
5 putting a garage in the backyard, he
6 would still need variances for that.
7 But I am not sure what they would be,
8 so discussion on that?

9 (No response.)

10 CHAIRMAN SCALZO: No, okay.

11 The second, if there's an
12 undesirable change in the
13 neighborhood character or a detriment
14 to nearby properties. Now, Mr.
15 Hermance actually noted that, as I
16 did as well, right across the street,
17 it looks as though they almost did
18 the same thing that you're looking to
19 do just --

20 MR. DeMARCO: We actually have
21 a photo of that attached.

22 CHAIRMAN SCALZO: It appears
23 that's what happened across the
24 street.

25 The third, whether the request

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is substantial, which clearly it is.

3

It's a tiny lot, so he is kind of

4

plagued by the size of his lot.

5

However, again, I have never seen new

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construction proposed that close to a

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property line. An accessory

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structure, yes. Actually, accessory

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structure we wouldn't be standing

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here because that's a five-foot

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offset requirement.

12

Whether the request will have

13

adverse physical or environmental

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effects. I'm not sure that it would.

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MR. MASTEN: I don't think so.

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CHAIRMAN SCALZO: And the

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fifth, whether the alleged difficulty

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is self-created, which is relevant

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but not determinative. Of course,

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it's self-created.

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So, if the Board --

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MS. REIN: I have a question

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for you.

24

CHAIRMAN SCALZO: Sure.

25

MS. REIN: Can this in any way

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be seen as accessory structure?

3

CHAIRMAN SCALZO: Not if it's
connected to the house.

5

MS. REIN: And it will be
connected to the house?

7

CHAIRMAN SCALZO: Yeah. The
plans, the other sheets, Ms. Rein, if
you were to go ahead and stand up and
look on the right-hand side of the
easel over the photograph, you can
see the darker outlines are the areas
that are proposed new construction.

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So, having gone through the
balancing tests for the area
variance, does the Board have a
motion of some sort?

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MR. DONOVAN: While you are
thinking, I will remind the Board you
do not have to vote tonight. You do
have 62 days from the close of the
public hearing to make a
determination. So, if you want to
think on it, you can think on. If
you don't, you can vote.

Robert Iacomacci

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CHAIRMAN SCALZO: Actually,
Counsel, 62 days would put us past.
We don't have an August meeting.

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MR. DONOVAN: So, when is
September's? More than 62 days from
tonight?

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9

MR. MASTEN: That would be the
26th.

10

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MR. DONOVAN: That's pretty
good, John.

12

13

MS. JABLESNIK: Actually, it's
the 25th.

14

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MR. DONOVAN: So, is that
61 days?

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17

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MS. JABLESNIK: There's 31 days
in August. I don't know. I can't
math right now. It's like past my
bedtime.

20

21

MR. DONOVAN: So, 7/31, what
day is it?

22

CHAIRMAN SCALZO: 25.

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MR. DONOVAN: It is three.

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CHAIRMAN SCALZO: The engineer
is letting the attorney do the math.

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Thank you, Counselor.

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MR. DONOVAN: So, the applicant -- and I know that I'm speaking Greek to you right now. So, let's back up a little bit. So, the law says that the ZBA has to make a determination within 62 days of the close of the public hearing. So, they could vote tonight, or you could give them an extension of that 62 days. That is up to you. So, this would be on the agenda in September. There would be two -- there could be two other members. You never know what is going to happen. Those two members may be here. Someone else may be absent. So, I can't -- some members feel they are legally allowed to vote. Some members feel if they didn't hear it the first time, they shouldn't vote. I don't know Latwan and Darrell will feel about that since they weren't here.

CHAIRMAN SCALZO: They

Robert Iacomacci

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certainly -- well, there is also

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another option, which is we could

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reopen the public hearing, correct?

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MR. DONOVAN: You could rescind

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the motion to close the public

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hearing and vote to continue the

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public hearing to September, which

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would -- I can tell by the look on

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his face, he has no idea what I'm

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talking about. But that would make

12

your life easier because that would

13

be the Board's decision, not yours.

14

Do you understand?

15

MR. IACOMACCI: Yeah, I

16

understand. Give an extension to

17

come up with a conclusion.

18

MR. DONOVAN: Or the Board

19

could rescind their prior vote to

20

close the public hearing and then

21

vote to continue the public hearing

22

to September. You can do that.

23

CHAIRMAN SCALZO: We have

24

options.

25

MS. REIN: You can either give

1

2

us an okay to extend, or we can do it ourselves, pretty much.

3

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CHAIRMAN SCALZO: As you can tell, we're struggling as a board to, you know, wrap our heads around -- perhaps another evaluation of the neighborhood, see what's going on. Perhaps, you may revisit this too and have a different idea of what you may want to come up with, so that's...

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MR. DONOVAN: We can't give you advice, but you know, you may drive around your neighborhood, and you may be able to notice and give information to this board saying how many other homes in the vicinity have similar setbacks, if that's the house. But something like that would be helpful to you, not that I'm supposed to give you advice.

22

23

24

25

MR. IACOMACCI: Yes.

MS. REIN: So, your choices are: Do you want us to vote, do you want us to rescind the public

Robert Iacomacci

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2

hearing, or do you want to give us
time?

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CHAIRMAN SCALZO: I actually
think the best approach would be
rescind the public hearing, and that
keeps it open. All though --

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MR. DONOVAN: And then, if you
want to do that, because the Board
has to go through five factors. You
heard the Chairman kind of go through
them quickly. But that's what they
need to evaluate. One of the most
important ones is the character of
the neighborhood. So, I think it's a
better idea now, thinking about this,
to rescind the prior motion, open up
the public hearing, that allows you
to submit additional evidence. And
if you want to submit something to
the Board showing how your proposal
will be character with the
neighborhood, you would be able to do
that, and the Board would be able to
take a look at that.

Robert Iacomacci

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CHAIRMAN SCALZO: Okay. So, actually, no action required on your part at the motion.

5

6

7

I am going to look to the Board for a motion to rescind the closing of the public hearing.

8

9

MR. EBERHART: I make a motion that we rescind the closing.

10

MR. MASTEN: I'll second that.

11

12

13

14

CHAIRMAN SCALZO: We have a motion to rescind from Mr. Eberhart. We have a second from Mr. Masten. All in favor?

15

MR. EBERHART: Aye.

16

MR. HERMANCE: Aye.

17

CHAIRMAN SCALZO: Aye.

18

MR. MASTEN: Aye.

19

MS. REIN: Aye.

20

21

CHAIRMAN SCALZO: Those opposed?

22

(No response.)

23

24

25

CHAIRMAN SCALZO: Sir, this is all being recorded in minutes, which will be available online, so you can

Robert Iacomacci

1

2

review them, understand exactly what

3

Counsel and the Board has indicated

4

this evening, and that will give you

5

some time to assemble your thoughts

6

and anything else to come in and

7

support. And again, we didn't vote,

8

so you don't know what would have

9

happened. But certainly, we are

10

going to leave the public hearing

11

open.

12

MR. DONOVAN: Mr. Chairman,

13

there should be then a motion to

14

continue the public hearing to

15

September 25th.

16

CHAIRMAN SCALZO: Thank you,

17

Counsel.

18

So, I look to the Board for a

19

motion to continue the public hearing

20

to the September meeting.

21

MR. EBERHART: I make the

22

motion that we continue the public

23

hearing in September.

24

MR. HERMANCE: I'll second.

25

CHAIRMAN SCALZO: All right.

1

2

We've got a motion to keep the public

3

hearing open until September from Mr.

4

Eberhart. We got a second from Mr.

5

Hermance. All in favor.

6

MR. EBERHART: Aye.

7

MR. HERMANCE: Aye.

8

CHAIRMAN SCALZO: Aye.

9

MR. MASTEN: Aye.

10

MS. REIN: Aye.

11

CHAIRMAN SCALZO: Those

12

opposed?

13

(No response.)

14

CHAIRMAN SCALZO: Take a look

15

at the meeting minutes. You can kind

16

of get a flavor for what would be

17

helpful to you. And we will see you

18

in September.

19

MR. DONOVAN: No additional

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notices need to be mailed.

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CHAIRMAN SCALZO: Thank you.

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(Time noted: 7:59 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

-----X
In the Matter of

Romel Alvarez
12 Berry Lane, Newburgh
35-3-20
R1 Zone

-----X

Date: July 24, 2025
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Jonathan Millen

-----X

Victoria Chumas Arias
Court Reporter

Romel Alvarez

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CHAIRMAN SCALZO: All right.

4

Our next applicant is Romel Alvarez,

5

12 Berry Lane in Newburgh. Seeking

6

an area variance of increasing the

7

degree of non-conformity of the front

8

yard to build a 10 by 24 rear deck.

9

The entire dwelling and deck are

10

located in the 50-foot front yard

11

setback.

12

Do we have mailings on it,

13

Siobhan?

14

MS. JABLESNIK: Sent 31

15

letters.

16

CHAIRMAN SCALZO: 31 letters,

17

okay.

18

And I know who you are, but we

19

have a new stenographer. Mr. Millen,

20

if you could, introduce yourself,

21

please.

22

MR. MILLEN: Jonathan Millen,

23

land surveyor, on behalf of Mr.

24

Alvarez.

25

CHAIRMAN SCALZO: We have seen

1
2 this application before a couple
3 years back. I don't know if you were
4 representing the client at that
5 point. However, I did just capture
6 that in two sentences. So, if you
7 would like to add some commentary to
8 that, please do.

9 MR. MILLEN: Yes. So, what we
10 have here is an existing condition
11 where the entire number of
12 improvements were all within the
13 front yard setback. And what we are
14 asking to do is to have the deck
15 rebuilt in the same exact place it
16 was before. So, all we are doing is
17 putting a neck deck where there was a
18 deck before behind. And, as I
19 mentioned, the entire structure and
20 everything about this property is
21 actually within the front yard
22 setback.

23 CHAIRMAN SCALZO: It's really
24 pretty simple when you explain it
25 like that. And the map is great.

1
2 You can see on the map exactly where
3 the building envelope is, the dash
4 line. And you see that the house
5 front line actually appears to be
6 almost on the front line. This is a
7 pre-existing condition they are
8 replacing in kind for the deck. I
9 have no questions.

10 I'm going to look to Ms. Rein.
11 Do you have any questions on this?

12 MS. REIN: No, I don't.

13 CHAIRMAN SCALZO: Mr. Masten.

14 MR. MASTEN: No.

15 CHAIRMAN SCALZO: Mr. Hermance.

16 MR. HERMANCE: I have none.

17 CHAIRMAN SCALZO: Mr. Eberhart.

18 MR. EBERHART: No.

19 CHAIRMAN SCALZO: Anyone from
20 the public wish to speak about this
21 application?

22 (No response.)

23 CHAIRMAN SCALZO: Then, I'll
24 look to the Board for a motion to
25 close the public hearing.

1

2

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

4

MS. REIN: I second.

5

6

CHAIRMAN SCALZO: We have a
motion to close the public hearing
from Mr. Masten. We have a second
from Ms. Rein. All in favor?

7

8

9

MR. EBERHART: Aye.

10

MR. HERMANCE: Aye.

11

CHAIRMAN SCALZO: Aye.

12

MR. MASTEN: Aye.

13

MS. REIN: Aye.

14

CHAIRMAN SCALZO: Those

15

opposed?

16

(No response.)

17

CHAIRMAN SCALZO: We are going
to move through Type 2 action under
SEQRA.

18

19

20

MR. DONOVAN: Correct, Mr.

21

Chairman.

22

CHAIRMAN SCALZO: Thank you,

23

Counsel.

24

We're going to go through the

25

five factors here we're weighing.

1

2

The first one being whether or not

3

the benefit can be achieved by other

4

means feasible to the applicant.

5

Well, no, because even if he left the

6

deck in place as it is, so it's

7

nothing.

8

Second, if there's an

9

undesirable change in the

10

neighborhood character or a detriment

11

to nearby properties. That would

12

also be a no.

13

MR. REIN: No.

14

CHAIRMAN SCALZO: The third,

15

whether the request is substantial.

16

Not because the pre-existing

17

non-conforming condition that it is

18

what it is, so it may be substantial,

19

but it's always been substantial.

20

The fourth, whether the request

21

will have adverse physical or

22

environmental effects.

23

MS. REIN: No.

24

CHAIRMAN SCALZO: And the

25

fifth, whether the alleged difficulty

1

2

is self-created, which is relevant
but not determinative.

3

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Counsel, I don't think this is
self-created. The deck is already
there. They're replacing the deck in
kind. The house is already outside
of the -- I'm looking for buy-in
here, Counsel.

10

11

12

MR. DONOVAN: Absolutely, Mr.
Chairman. You're chairman. You must
be right.

13

14

CHAIRMAN SCALZO: I want the
real answer.

15

16

17

So, having gone through the
five factors there, does the Board
have a motion of some sort?

18

19

MS. REIN: I make a motion to
approve.

20

21

MR. HERMANCENCE: Are we to close
the public hearing?

22

23

24

CHAIRMAN SCALZO: I didn't do
that? Well, how about a motion to
close the public hearing?

25

MR. EBERHART: I will make a

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motion.

MR. HERMANCE: Second.

CHAIRMAN SCALZO: So, we have a motion to close from Mr. Eberhart. We have a second from Mr. Hermance. Thank you for looking at me side-eyed and reminding me what to do.

So, we have those two motions. All in favor?

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Those opposed?

(No response.)

CHAIRMAN SCALZO: All right. So, now that we have gone through the five factors that I usually do after we close the public hearing, does the Board have a motion of some sort for this applicant?

MS. REIN: I make a motion

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again to approve.

MR. MASTEN: I will second
that.

CHAIRMAN SCALZO: So, we have a
motion of approval from Ms. Rein. We
have a second from Mr. Masten.

Can you roll on that, please,
Siobhan?

MS. JABLESNIK: Mr. Eberhart.

MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Hermance.

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Masten.

MR. MASTEN: Yes.

MS. JABLESNIK: Ms. Rein.

MS. REIN: Yes.

MS. JABLESNIK: Mr. Scalzo.

CHAIRMAN SCALZO: Yes.

Motion is carried. Variances
are approved. Thank you very much.

(Time noted: 8:04 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

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

-----X

In the Matter of

Lite Brite Signs
31 North Plank Road, Newburgh
75-1-13.1
B Zone

-----X

Date: July 24, 2025
Time: 8:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Rep for Lite
Brite Signs

-----X

Victoria Chumas Arias
Court Reporter

Lite Brite Signs

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CHAIRMAN SCALZO: Next applicant is Lite Brite Signs. We missed you last month. We called your name a couple of times. Anyway, so here we are, 31 North Plank Road. Use variance to allow three separate menu boards and a 10-foot menu board/canopy on the premises. If a use variance is granted or unnecessary, then an area variance to install the signage on the site. I know we went through this last time.

Siobhan, do we have to recite the mailings again?

MS. JABLESNIK: We did. This applicant mailed 29 letters.

CHAIRMAN SCALZO: Okay. And I know last time we had some folks here that were eager to hear what you had to say.

MR. DONOVAN: You can move up. It's not like church. You can sit in the front.

Lite Brite Signs

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2

CHAIRMAN SCALZO: Do you have anything that you can display?

3

4

LITE BRITE SIGNS REP: I mean, they are menu boards. We have -- I mean, should I introduce myself first?

5

6

7

8

CHAIRMAN SCALZO: Please.

9

10

LITE BRITE SIGNS REP: Okay. I'm -- (Lite Brite Sign Representative Name Unintelligible) -- with Lite Brite Signs, and I'm here for a variance for menu boards for the drivethrough at Starbucks because the sign ordinance doesn't have any verbiage for menu boards. So, I was referred here.

11

12

13

14

15

16

17

18

CHAIRMAN SCALZO: Very good.

19

Okay, and having said that --

20

21

LITE BRITE SIGNS REP: So, I will tell you --

22

23

CHAIRMAN SCALZO: Please. I'm going to let you go.

24

25

LITE BRITE SIGNS REP: It's basically the menu boards are

1

2

pre-menu boards, a digital order

3

screen, and then a menu board. And

4

then, the canopy goes over the

5

digital order screen, so when the

6

customers roll their window down,

7

they don't get wet. That's what the

8

canopy is for. It goes over the

9

digital order screen so they don't

10

get wet.

11

CHAIRMAN SCALZO: Okay.

12

LITE BRITE SIGNS REP: When

13

it's raining.

14

CHAIRMAN SCALZO: Okay. Very

15

good. Continue.

16

LITE BRITE SIGNS REP: So,

17

basically, the -- you know, without

18

the menus, the drivethrough will not

19

exist, right? And we do have a

20

drivethrough there, so we need menus

21

for the drivethrough to work. The

22

pre-menu board, the purpose of that

23

is so customers can determine what

24

they want to order while they are

25

waiting before they get to the order

1

2

screen. So, that helps move, you

3

know, the line quicker.

4

5

The purpose of a digital order

6

screen is so the customers can see

7

their order because it prints it out

8

and tells them the cost of their

9

order. This way, there is no

10

confusion. If there is a mistake in

11

the order, they fix it at that point,

12

not at the window when they are

13

handed their drink and it's the wrong

drink. So, that is the purpose.

14

And then, of course, the menu.

15

It's called three-panel, but it's

16

three -- it's two pieces and divided

17

into three panels. But we know the

18

purpose of that. That's so they know

19

what Starbucks offers.

20

CHAIRMAN SCALZO: Okay.

21

MS. REIN: I believe that the

22

other fast food restaurants have two,

23

if I'm correct.

24

CHAIRMAN SCALZO: I would have

25

to defer to the building department,

1

2 Mr. Mattina.

3 MR. MATTINA: I couldn't tell
4 you right off the bat. Most of them
5 have at least two.

6 CHAIRMAN SCALZO: We got a
7 couple of things to tackle here.
8 First and foremost, is this a use
9 variance or an area variance?

10 MR. DONOVAN: So, code
11 compliance is indicated that the use
12 of the menu board -- I'm sorry.

13 Joe, you called it the menu
14 board canopy?

15 MR. MATTINA: The menu board
16 and the canopy, correct. It's all
17 one being structure.

18 MR. DONOVAN: Okay. And you
19 rely upon any use not specifically
20 permitted shall be deemed to be
21 prohibited.

22 Do you have any response to
23 that? If you don't, that's okay.

24 LITE BRITE SIGNS REP: A
25 response to the menus?

Lite Brite Signs

1

2

MR. DONOVAN: If you need a use
variance, you have no shot.

3

4

LITE BRITE SIGNS REP: I mean,
yeah.

5

6

MR. DONOVAN: There is a whole
level of proof that you would have to
submit that would basically say
Starbucks can't make any money here
unless they have a menu board.

7

8

9

10

11

LITE BRITE SIGNS REP: Yeah.
Yup. That's correct.

12

13

MR. DONOVAN: Well, you'd have
to have proof.

14

15

CHAIRMAN SCALZO: Proof,
dollars and cents like through, not
an actuary, but perhaps an actuary,
right?

16

17

18

19

MR. DONOVAN: Or someone with
initials after their name. An
appraiser, someone along those lines.

20

21

22

So, when I look -- and this is
kind of a question for Joe -- so, in
the B zone, signs are permitted?

23

24

25

MR. MATTINA: Correct.

1

2

MR. DONOVAN: Professional

3

business institutional

4

identification. When I look in the

5

code, 185 14 B 1(C), business sign, a

6

sign or signs free-standing or

7

attached to building announcing a

8

business establishment on the same

9

lot in a business district or

10

advertising a service or a product

11

available on the same lot in a

12

business district.

13

In your view, that's not what

14

the menu boards are?

15

MR. MATTINA: No.

16

MR. DONOVAN: So, the request

17

is not for interpretation, but maybe

18

you need to modify your request. Our

19

job is not to -- you make an

20

application, you are appealing the

21

building department's determination,

22

you've got to give us some sort of

23

proof as to why your variance should

24

be granted.

25

LITE BRITE SIGNS REP:

Lite Brite Signs

1

2

Starbucks can't exist without a
drivethrough.

4

5

6

MR. DONOVAN: That may very
well be true, but that's not the kind
of proof the Board needs.

7

8

9

10

11

12

13

LITE BRITE SIGNS REP: And
planning approved the drivethrough,
so, I mean, that really -- what do we
do with that? I mean, they built it.
I mean, planning approved it. There
is other -- everybody has a
drivethrough.

14

15

16

17

CHAIRMAN SCALZO: They can pull
up to the window and place their
order that's without a canopy and a
board.

18

19

LITE BRITE SIGNS REP: Without
a menu?

20

21

CHAIRMAN SCALZO: I am not
making the rules.

22

23

24

LITE BRITE SIGNS REP:
Everybody has a menu, McDonalds,
Burger King, Taco Bell.

25

Chairman SCALZO: You know,

1

2 perhaps --

3

4 LITE BRITE SIGNS REP: KFC,
5 which is right next door. I mean,
6 everyone.

7

8 CHAIRMAN SCALZO: Perhaps,
9 Counsel will tell you, we can reframe
10 this a little bit. I understand your
11 position, and I understand that
12 Starbucks is certainly a great
13 convenience to drive up and see menu
14 boards as you're placing your order,
15 confirming your order, and then
16 actually picking up your order. But
17 we would also need to -- this is
18 where I need Counsel's help.

19

20 MR. DONOVAN: So, we have had
21 this situation occur sometimes in the
22 past with the new sign ordinance,
23 which I call a "new sign ordinance."
24 It's really not that new anymore.
25 But certain things were not
26 addressed. And so, we have in the
27 not too distant past -- remember we
28 had the church?

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CHAIRMAN SCALZO: Yes.

MR. DONOVAN: Which we interpreted to be a business sign. But what happened, just so you are aware, is that the applicant made an argument, a written submission on which this board was able to hang their hat. So, you need to advance some argument to this board, and I can't make that argument for you, as to why you either have to give the required proof for use variance, which I'm just telling you you're not going to be able to do, or you can make an argument which is called an interpretation as to why this should be a permitted sign. Because in order for us -- the next issue, if we decide it's a permitted sign, is what are the dimensions permitted.

Then, you have to determine whether or not you want to grant an area variance if the sign was permitted or if the size was

1
2 appropriate or not, right? Because
3 if it's a use variance, there is no
4 requirement. But we need you to make
5 the argument. If you can't make it
6 now, which you can't, obviously.

7 LITE BRITE SIGNS REP: I mean,
8 my argument is planning approved a
9 drivethrough.

10 CHAIRMAN SCALZO: And my
11 rebuttal to that is they did approve
12 a drivethrough, but they didn't
13 approve the canopy and the signs and
14 menu boards to go with it.

15 LITE BRITE SIGNS REP: Well,
16 how do you have a drivethrough
17 without a menu?

18 CHAIRMAN SCALZO: That's not my
19 position to represent.

20 LITE BRITE SIGNS REP: And it's
21 not a new thing. We have had menu
22 boards for how many years now, so the
23 ordinance is actually at flaw for not
24 having verbiage in your ordinance for
25 menus. I mean, it's not a new thing.

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MR. HERMANCE: I have a question. If the canopy didn't exist, would they even be coming for a variance?

MR. DONOVAN: Yes. Correct, Joe?

MR. MATTINA: I'm sorry. What was that?

MR. DONOVAN: Greg is asking if the canopy didn't exist, would they need a variance? And the answer, I think, is yes.

MR. MATTINA: Yes, correct.

MR. HERMANCE: Would it still be a use variance?

MR. DONOVAN: Well, code compliance takes the position that it's a use variance. I'm not sure that I agree with that, but that's code compliance. Here, we stand in review of what code compliance decided. Typically, we have had, you know, through interpretation, the application needs to make an argument

Lite Brite Signs

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2 that the Board can weigh.

3 LITE BRITE SIGNS REP: So, you
4 mean a financial argument? I mean, I
5 don't understand.

6 MR. DONOVAN: Okay. It's
7 better if you come prepared. Can I
8 just say that to you?

9 LITE BRITE SIGNS REP: I mean,
10 I think I am prepared. I mean --

11 MR. DONOVAN: I would not agree
12 with that.

13 CHAIRMAN SCALZO: So, we had an
14 application, Ready Coffee, which is
15 not too far from where your facility
16 is proposed to be.

17 Joe, did they have a Canopy?
18 Did they have menu boards up?

19 MR. MATTINA: I don't think so.

20 MS. REIN: I don't think so.

21 CHAIRMAN SCALZO: I don't
22 recall, but that is the only similar
23 situation that I can even think of.
24 So, perhaps --

25 LITE BRITE SIGNS REP: How did

Lite Brite Signs

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2 KFC get their menus right next door?

3 CHAIRMAN SCALZO: The KFC
4 that's been there for 25 years?

5 LITE BRITE SIGNS REP: Yeah. I
6 mean, and every other drivethrough in
7 Newburgh.

8 CHAIRMAN SCALZO: I am --

9 LITE BRITE SIGNS REP: I'm
10 sorry. I'm shocked. It's not a new
11 occurrence, the drivethrough.

12 CHAIRMAN SCALZO: I understand
13 that. And unfortunately, the code is
14 what the code is right now, and we
15 need to follow what the code is right
16 now. And your applicant is being
17 based upon the interpretation of the
18 building department. If you would
19 insist that we continue with the
20 application and vote on it as it sits
21 in front of us this evening, we are
22 happy to do that. However, we want
23 to give you the opportunity to gather
24 more information in support of your
25 case, much like we did with other

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applicants this evening.

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And when I say that, perhaps reviewing the meeting minutes that are being prepared and identifying what Counsel has brought up. Perhaps you can sit with your client or other legal representation and assemble what it is that we have seen before.

Your verbal comments are fine, but as a five-member, not seven-member board, this evening, you would be asking us to vote on a lot from hearing something in a short amount of time.

MR. DONOVAN: The other thing you have going on is code compliance says it's not a permitted use. You need a use variance. The application is for an area variance.

LITE BRITE SIGNS REP: So, it's a use variance to have menus?

MR. DONOVAN: Code compliance made that determination.

MS. REIN: It says use

Lite Brite Signs

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2 variance.

3 MR. DONOVAN: But if you look
4 at the application, it says area
5 variance. The application that was
6 completed to the Board, if you look
7 on page one, there is a check mark
8 that says area variance. That is
9 what they checked.

10 MS. REIN: Okay.

11 LITE BRITE SIGNS REP: So, it's
12 just a use or a use and area
13 variance?

14 CHAIRMAN SCALZO: Well, that is
15 what we are still trying to work our
16 way through.

17 MR. DONOVAN: In the past, the
18 Board has gotten a request for
19 interpretation as to whether or not
20 the use of the menu board -- not menu
21 board, but the sign. I will say most
22 recently it was -- I think we decided
23 it was a business sign for the
24 church. It was the same request for
25 use variance. They submitted written

Lite Brite Signs

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2 argument -- Jehovah's Witnesses,
3 right?

4 CHAIRMAN SCALZO: Yes.

5 MR. DONOVAN: As to why the
6 sign was permitted. The Board issued
7 an interpretation that the sign was
8 permitted.

9 LITE BRITE SIGNS REP: That
10 wasn't a drivethrough, though. So,
11 it's not kind of the same thing for
12 me.

13 MR. DONOVAN: All I am
14 suggesting to you is you need to go
15 back. We can have the Board vote on
16 what you have submitted. I don't
17 know what they will do, but you need
18 to decide what you want to do.

19 LITE BRITE SIGNS REP: Yeah,
20 I'm just shocked. Because, like I
21 said, we have a drivethrough in
22 place. It was approved during
23 planning, so I'm just shocked. So,
24 I'm sorry. I mean, it's not a new
25 occurrence, a drivethrough. You have

Lite Brite Signs

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2 them all in Newburgh. I'm just
3 confused.

4 MR. DONOVAN: All right. So,
5 let's just go back. The code
6 compliance letter --

7 LITE BRITE SIGNS REP: So, it's
8 --

9 MR. DONOVAN: I don't mean to
10 be argumentative, but the notice of
11 disapproval is dated February 11,
12 2025. So, you had from February 11,
13 2025, until tonight to decide how you
14 were going to answer or appeal that
15 determination.

16 LITE BRITE SIGNS REP: I mean,
17 I'm here, and I'm discussing --

18 MR. DONOVAN: I understand
19 that, but your argument that they're
20 someplace else is not a helpful
21 argument to the Board.

22 LITE BRITE SIGNS REP: I'm
23 confused.

24 MR. DONOVAN: Apparently.

25 CHAIRMAN SCALZO: You're saying

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2 there's drivethroughs all over.

3 LITE BRITE SIGNS REP: Burger

4 King, McDonald's, I mean, Dunkin

5 Donuts, yes. KFC right next door.

6 And we are approved.

7 CHAIRMAN SCALZO: That may be a

8 support for your position somewhat,

9 but for what we are looking at here,

10 you need more research. I don't know

11 what else to --

12 LITE BRITE SIGNS REP: Yeah,

13 Starbucks is strictly -- do you know

14 what would happen in that parking lot

15 if there is no drivethrough? Chaos.

16 Have you seen how busy a Starbucks

17 is?

18 CHAIRMAN SCALZO: Sure. I am

19 trying to work --

20 LITE BRITE SIGNS REP: I mean,

21 I just don't understand. I would

22 have to get an attorney then because

23 I'm very confused as to what else I

24 could add.

25 MR. DONOVAN: You may. That

Lite Brite Signs

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may be a very good idea.

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LITE BRITE SIGNS REP: Yeah. I
4 agree.

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CHAIRMAN SCALZO: Okay.

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LITE BRITE SIGNS REP: So,
7 then, the Board does not like the
8 idea of menu boards here?

9

CHAIRMAN SCALZO: I think you
10 are misunderstanding what is going
11 on.

12

LITE BRITE SIGNS REP: I am. I
13 am. I am.

14

CHAIRMAN SCALZO: Code has
15 interpreted what you're applying for
16 as a use variance.

17

LITE BRITE SIGNS REP use and
18 area? Because I need to know.

19

CHAIRMAN SCALZO: They are
20 interpreting it as a use. Your
21 application checked off area. So, as
22 that was given back to you in
23 February, you need to come to us with
24 an argument saying or -- not an
25 argument -- or asking for an

1
2 interpretation that you don't believe
3 that this is a use variance, as code
4 compliance has indicated, because of
5 XY and Z. And as you stand here, I
6 understand your frustration, but --

7 LITE BRITE SIGNS REP: Yeah,
8 no. Well, I'm saying it's not
9 because planning approved it.

10 CHAIRMAN SCALZO: That's really
11 not -- they sent you here. The
12 drivethrough can be approved. What
13 they sent you here for is because you
14 are asking for menu boards and
15 canopies.

16 LITE BRITE SIGNS REP: Well,
17 the canopies --

18 CHAIRMAN SCALZO: The
19 drivethrough can stay exactly where
20 it is, and we can deny, and that will
21 be it. It will be over, but you
22 won't have any menu boards. And the
23 drivethrough will stay there, and
24 somebody will knock on the window and
25 say I want a coffee.

Lite Brite Signs

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LITE BRITE SIGNS REP: And then
the parking lot is --

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CHAIRMAN SCALZO: In this
instance, the planning board's
approval of a drivethrough does not
give you permission from this board
for what you want to do. So, I
believe you are going to have to do a
little research, find examples
perhaps, or representation that can
interpret code for you differently,
and you come in and say, "our
interpretation is this because," "it
is not a use variance because." That
is what we are going to need from
you.

LITE BRITE SIGNS REP: Okay.
And there is no meeting next month?

CHAIRMAN SCALZO: No.

MS. REIN: And the minutes are
online, so you can go on.

CHAIRMAN SCALZO: There is
going to be no confusion as to what
was stated this evening because --

Lite Brite Signs

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LITE BRITE SIGNS REP 2: No, I understand.

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CHAIRMAN SCALZO: It will all be online.

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In this instance, I am going to recommend to the Board that we keep the public hearing open in this instance.

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MR. MASTEN: Yes.

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CHAIRMAN SCALZO: You know, unfortunately, we were looking for you last month, and we would have figured all of this out last month, but that didn't happen.

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So, looking to the Board to keep the public hearing open.

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MR. MASTEN: I make a motion to keep the public hearing open.

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MR. DONOVAN: To the September meeting.

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MS. REIN: I second.

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CHAIRMAN SCALZO: We have a motion to keep the public hearing open to the September meeting from

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Mr. Masten. We have a second from

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Ms. Rein. All in favor.

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MR. EBERHART: Aye.

5

MR. HERMANCE: Aye.

6

CHAIRMAN SCALZO: Aye.

7

MR. MASTEN: Aye.

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MS. REIN: Aye.

9

CHAIRMAN SCALZO: Those

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opposed?

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(No response.)

12

CHAIRMAN SCALZO: Please review

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the meeting minutes, and I think that

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will guide you.

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LITE BRITE SIGNS REP: Those

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are online?

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CHAIRMAN SCALZO: They will be

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on probably within a month. Good

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luck. I hope you bring back

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information that helps us all

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understand your position better.

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LITE BRITE SIGNS REP: Okay.

23

Good night.

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CHAIRMAN SCALZO: Thank you.

25

We didn't even get to what you

1
2 were looking for folks. I know that.
3 But there are some procedural issues
4 that needed to be overcome first. We
5 do not have an August meeting, so it
6 is the fourth Thursday in September.
7 I apologize for making you come out
8 again. I'm not making you come out,
9 but...

10 SPEAKER 1 FROM AUDIENCE:
11 You'll get to know. We will be back.
12 It would be nice to know what it is
13 going to look like. I mean, we have
14 nothing. I know you can't get past
15 certain --

16 CHAIRMAN SCALZO: This
17 information is all online, correct.
18 And there is this one drawing in
19 particular.

20 SPEAKER 1 FROM AUDIENCE: I
21 need copies. It's up to the board
22 here -- just like I did with KFC when
23 they changed it. It didn't tell me a
24 whole lot. It doesn't give me an
25 idea. I know there's a drivethrough

1

2 but --

3 SPEAKER 2 FROM AUDIENCE:

4 There' two. Aren't there two

5 drivethroughs?

6 CHAIRMAN SCALZO: I see one in,

7 one out. It appears that the

8 circulation plan goes around the

9 building.

10 SPEAKER 2 FROM AUDIENCE: When

11 they first started talking about it,

12 they talked about two drivethroughs.

13 MR. DONOVAN: I'm not

14 comfortable with the Board having a

15 conversation without the --

16 CHAIRMAN SCALZO: Thank you,

17 Counsel. Sometimes I get ahead of

18 myself. Very good. We will see you

19 in September.

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21 (Time noted: 8:25 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS

Isaac Rothermel

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

-----X

In the Matter of

Isaac Rothermel
Budget Newburgh, LLC
1420 Route 300, Newburgh
60-3-22.222
IB Zone

-----X

Date: July 24, 2025
Time: 8:26 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Justin Dates

-----X

Victoria Chumas Arias
Court Reporter

Isaac Rothermel

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CHAIRMAN SCALZO: Now, we have held open from the June 26th meeting Isaac Rothermel, 1420 Route 300, area variances for the proposed signage on the site. Sign D at Route 300 on the site plan requires an area variance of the property line setback. Sign C at Route 52 on the site plan requires area variances of the property line setback. Maximum allowed free-standing signage and variances to be installed in an easement and on an adjacent lot.

Now, folks, Justin Dates stands in front of us, who gave a presentation last month. Were you folks all here for that last month?

(All agree.)

CHAIRMAN SCALZO: We didn't get the GML 239 back, so we could not vote; therefore, we kept the public hearing open.

So, if you folks recall, the

1
2 applicant -- and stop me when I'm
3 going wrong, Mr. Dates. Make sure I
4 understand what I'm saying. The
5 signs that they are currently in
6 place, they are looking to have the
7 signs placed exactly in the print
8 that they are. However, the signs
9 are going to be larger than what they
10 are as per code. They are not
11 looking for variances for sign sizes.
12 They are only looking for variances
13 because the sign ordinance now pushes
14 them further back off of the
15 right-of-way. So, did I capture that
16 appropriately?

17 MR. DATES: That's correct,
18 yeah. The size and the height are
19 all compliant with the code. The
20 setback from the party line is
21 derived from the overall height of
22 the sign. And as the Chairman
23 mentioned, we are looking to replace
24 existing signs within, you know, that
25 same location. And that location

1
2 creates the need for the variances.
3 And that could --

4 CHAIRMAN SCALZO: Please, I was
5 just trying to...

6 MR. DATES: Do you want me to
7 go over my presentation again? Would
8 that be helpful for the Board, the
9 details of the variance, or if it's
10 not necessary...

11 CHAIRMAN SCALZO: I gave you
12 the super Reader's Digest.

13 MR. DONOVAN: Do you really
14 want to?

15 MR. DATES: It is really up to
16 the Board if they want to hear it
17 again.

18 CHAIRMAN SCALZO: I am okay
19 with hearing it again if anyone on
20 board would like to. I think I've
21 got my head wrapped around it myself.
22 But anyone, please speak up.

23 MS. REIN: I think I am okay.

24 MR. DONOVAN: This side seems
25 to be good.

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CHAIRMAN SCALZO: Mr. Masten,
you want to hear it one more time
what Mr. Dates has to say?

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MR. MASTEN: Not really.

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CHAIRMAN SCALZO: Why don't you
tell us how you really feel?

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MR. MASTEN: Everything's
already been presented.

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CHAIRMAN SCALZO: That was last
month. Now, the public hearing is
still open, and we have plenty
opportunities to comment here. I
don't know if you folks recall from
last month's meeting, not that I had
a look on my face, but I was a little
surprised at the size of the signs
that are going to go in place of the
ones that are there. You know, I've
lived here my entire life, have been
driving past there, see those signs,
and the idea that much larger signs,
although meeting the code, would be
in its place. So, I didn't really
have a position last month, but as I

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drove past it dozens of times between then and now, I -- with regards to the variance, if they were to be required to push that sign back to the distance that's required and have the bigger sign, I would feel better about it myself then allowing them to have the big sign that is allowed by code but closer to the road.

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Again, I am one of five of you tonight. That is just where I am landing myself, but I figured with that comment out of me, it might stir up a little bit of conversation, or it doesn't matter at all.

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MR. HERMANCE: Can I ask why the client wants to keep it that close to the road? Because with the larger sign, it is still going to be visible even if it's pushed back. Or you have to rewire and do some conduit work, obviously. I mean, being that the sign is larger than what exists, because the sign now is

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MR. DATES: It's not really

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big.

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MR. HERMANCE: You really have

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to look for that. That would stand

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out because it's contrast with the

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surrounding area, too. Being pushed

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back, I don't think you would lose

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people's, you know, from seeing that

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entrance.

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MR. DATES: Understood. I

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think this point I made last time,

14

obviously, the applicant sought out

15

this site because --

16

MR. DONOVAN: Do me a favor and

17

just speak up a little bit.

18

MR. DATES: The client sought

19

out this site because it does have

20

signs on two state highways, heavy

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traffic, highways, good

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advertisement. They do have other

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facilities, so that name -- you know,

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they want that name recognition. The

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facility itself, as everyone has been

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2 to the movies at some point, right,
3 you know how that building was set
4 back on the very southern end of that
5 parcel and of higher elevation from
6 Route 52. From Route 300, it also
7 sits back quite a ways, right? So,
8 they are looking to bring the
9 presence, to bring the recognition of
10 this facility to where they have
11 access and it is more advice, right?

12 And you know, hence the -- I
13 understand the signs are larger than
14 what's there. I mean, we have -- I
15 grew up in New Paltz. I have been to
16 this movie theater before many
17 decades before. I know it's there
18 because --

19 CHAIRMAN SCALZO: Because you
20 know it's there.

21 MR. DATES: I know it's there,
22 yes. So, I think from that
23 standpoint, new facility, new
24 advertising, and from not just from a
25 local standpoint, but also from

1
2 beyond, where they have other
3 facilities to help with their name
4 recognition, things of that nature.

5 MS. REIN: I don't know. I
6 think that's a lot to ask for name
7 recognition. I think you're going to
8 see that sign from heaven.

9 CHAIRMAN SCALZO: How much
10 square feet is the sign on 300?

11 MR. DATES: The sign on 300 is
12 145.75 square feet, where 150 is the
13 max.

14 CHAIRMAN SCALZO: Okay. I
15 understand. Thank you. And the
16 proposal here is -- would the sign
17 also be -- obviously, you'd need a
18 new pole?

19 MR. DATES: Correct. It would
20 be a replacement.

21 CHAIRMAN SCALZO: And it's
22 going to be higher than the current
23 one, correct? Because the cinema
24 sign is actually quite low, really.

25 MR. DATES: On 300, it is about

1

2 23 feet high.

3 CHAIRMAN SCALZO: Okay.

4 MS. REIN: What is the cinema
5 sign? How many feet is that?6 CHAIRMAN SCALZO: The old
7 Showtime sign? I don't know how many
8 square feet that is.

9 MR. DATES: I'm sorry. On 300?

10 CHAIRMAN SCALZO: Yeah.

11 MR. DATES: So, that one is
12 just shy of 40 square feet.13 CHAIRMAN SCALZO: So, we're
14 going from 40 to 140?

15 MR. DATES: Five.

16 CHAIRMAN SCALZO: 40 to 145?

17 MR. DATES: Correct, about
18 three feet.19 MR. DONOVAN: But that meets
20 the code.21 CHAIRMAN SCALZO: But why he's
22 here is because they want to be in
23 that exact location.

24 MR. DATES: Correct.

25 CHAIRMAN SCALZO: You know this

1
2 is an odd question to ask for this,
3 but do they need a new base for that,
4 too?

5 MR. DATES: Correct.

6 CHAIRMAN SCALZO: Everything is
7 brand new. They're going to rip out
8 the old and put in the new.

9 MR. DATES: Yeah.

10 CHAIRMAN SCALZO: I'm sure the
11 barrel they put in will have to be
12 bigger for a larger sign.

13 MR. DATES: And there is more
14 mass.

15 CHAIRMAN SCALZO: It's not like
16 they're plopping one side off and
17 putting another one on. They have to
18 do full --

19 MS. REIN: And they are moving
20 it closer to the road.

21 CHAIRMAN SCALZO: No. No.
22 They want to put it exactly where the
23 sign is now. That is what they need
24 the variance for.

25 MR. DATES: Right. So -- I'm

1

2 sorry, Mr. Chairman.

3 CHAIRMAN SCALZO: That's all

4 right. Go ahead.

5 MS. REIN: I am very confused.

6 MR. DATES: So, the Route 300
7 sign right now has two pylons, one
8 pylon sign, a small rectangular sign.
9 The one we're looking for is a single
10 pylon, right, and has a cabinet on
11 top of it. It's just like the one
12 there now. The setback we are
13 speaking about is not from the
14 property line to that pylon; it is
15 from the property line to the face of
16 the cabinet that we are measuring,
17 okay?

18 So, just to make that clear,
19 it's not a measurement to the center
20 of the sign. Because, you know, if
21 you split the sign in half, you would
22 be even closer to the highway, which
23 would need an increased variance. It
24 would be a much larger variance. So,
25 we are talking about the placement of

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where the front face of the cabinet

3

of the sign is from the property

4

line.

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MS. REIN: Okay. Thank you.

6

MR. DATES: You're welcome.

7

CHAIRMAN SCALZO: Okay. So, in

8

relation to the double post on the

9

cinema sign, the portion of the

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cabinet for your proposed sign, are

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you closer than that to the

12

right-of-way for Route 300?

13

MR. DATES: No. That is the

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current face of the cinema sign as

15

well. That's what we are measuring,

16

if that was the question. So, the

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setback we've identified is from the

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property line to the face of the

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cabinet of the existing signage.

20

That's what we are looking to match.

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CHAIRMAN SCALZO: Okay. I am

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going to just look at a couple of

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things here quickly.

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Mr. Eberhart, do you have any

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questions regarding this?

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MR. EBERHART: No.

CHAIRMAN SCALZO: Mr. Hermance, do you have any questions regarding this? And I'm not, you know, we are going to have an opportunity again because the public hearing is not closed. So, anything sticking out, Mr. Hermance?

MR. HERMANCE: Nothing other than my original observations.

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

MR. MASTEN: Not at this time.

CHAIRMAN SCALZO: Ms. Rein.

MS. REIN: I don't think so.

CHAIRMAN SCALZO: Anyone here from the public that wishes to comment or have any questions?

Yes, sir. Step forward.

MR. BAUZA: My name is John Bauza. I live --

MR. DONOVAN: Could you spell your last name?

MR. BAUZA: Sure. It's B as in

1

2

Boy, A as in apple, U as in

3

underline, Z as in zebra, A as in

4

apple.

5

MR. DONNOVAN: Thank you.

6

CHAIRMAN SCALZO: At the last

7

meeting that you spoke I had a

8

difficult time. I actually

9

misunderstood your position on the

10

FFL application because you weren't

11

speaking -- I just didn't hear you

12

well enough.

13

MR. BAUZA: I will get a little

14

closer.

15

CHAIRMAN SCALZO: Thank you.

16

MR. BAUZA: So, I have been

17

living in Newburgh now for over

18

28 years, and that was a staple of

19

what the neighborhood used to look

20

like, right? And I just feel that a

21

sign that close to the road twice as

22

big and twice as bright -- I really

23

don't feel that does justice to the

24

neighborhood. If they were to set it

25

back a bit more, I think that would

1
2 be a little more appealing. I'm not
3 crazy about having the storage
4 facility in Newburgh. We have so
5 many already. But I just wanted to
6 voice my opinion.

7 CHAIRMAN SCALZO: And your
8 comments are very valuable. They
9 become a matter of public record.
10 Thank you for taking the time out of
11 your night coming and lending your
12 opinion.

13 MR. BAUZA: Thank you very
14 much.

15 CHAIRMAN SCALZO: There is only
16 one other person in the back. Do you
17 have anything you want to say about
18 this?

19 (No response.)

20 CHAIRMAN SCALZO: Back to the
21 Board. Do you feel as though we have
22 enough here to close the public
23 hearing, or did you have any other
24 questions? Obviously, there is -- we
25 did have testimony from one member of

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the community here, but I don't think there is any need to keep the public hearing open any longer.

5

6

So, I look to the Board for a motion to close the public hearing.

7

8

MS. REIN: I make a motion to close the public hearing.

9

MR. HERMANCE: I'll second.

10

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CHAIRMAN SCALZO: We have a motion to close from Ms. Rein. We have a second from Mr. Hermance. All in favor?

14

MR. EBERHART: Aye.

15

MR. HERMANCE: Aye.

16

CHAIRMAN SCALZO: Aye.

17

MR. MASTEN: Aye.

18

MS. REIN: Aye.

19

20

CHAIRMAN SCALZO: Those opposed.

21

(No Response.)

22

23

CHAIRMAN SCALZO: Counsel, this is not a Type 2 now, is it?

24

25

MR. DONOVAN: This is -- well, it could be considered a Type 2

1
2 because it's a replacement in kind.
3 We're replacing signs in their
4 existing location.

5 CHAIRMAN SCALZO: The
6 application is replacing in kind in
7 their existing location.

8 MR. DONOVAN: So, it's a
9 Type 2.

10 CHAIRMAN SCALZO: So, this is a
11 Type 2 action under SEQRA. We're
12 going to discuss the five factors.
13 The first one being whether or not
14 the benefit can be achieved by other
15 means feasible to the applicant.

16 MR. REIN: Well, yes. They
17 can.

18 CHAIRMAN SCALZO: Again, they
19 could. They could back it up to what
20 the code requires.

21 The second, if there's an
22 undesirable change in the
23 neighborhood character or a detriment
24 to nearby properties. That one, you
25 know, it's Route 300 is the business

1
2 corridor of the town, so I don't
3 think there is undesirable change
4 there.

5 The third, whether the request
6 is substantial. You know, Mr. Dates,
7 how many feet closer -- what is your
8 total -- on 300, how many feet closer
9 are we?

10 MR. DATES: I'm sorry. Closer
11 to?

12 CHAIRMAN SCALZO: Closer to the
13 right-a-way than you should be.

14 Mr. Dates: So, for Route 300,
15 we are seeking a 10.25-foot variance.

16 CHAIRMAN SCALZO: Thank you.
17 And how about Route 52?

18 MR. DATES: Route 52 is a --
19 I'm sorry -- a 13.25-foot variance.

20 CHAIRMAN SCALZO: Thank you.

21 So, when we talked about
22 whether it's substantial, you just
23 heard the numbers.

24 MS. REIN: It is substantial.

25 CHAIRMAN SCALZO: The fourth,

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whether the request will have adverse
physical or environmental effects.

3

4

These are interior lit?

5

MR. DATES: That's correct.

6

CHAIRMAN SCALZO: But it is

7

something that's allowed by code.

8

Some people call that "sign

9

pollution." The Route 300 one, that

10

is what you see all day there. 52 is

11

getting to that point.

12

MR. MASTEN: Yes.

13

CHAIRMAN SCALZO: So, as far as

14

adverse physical or environmental

15

effects, kind of.

16

MS. REIN: That's subjective.

17

CHAIRMAN SCALZO: Yes, it's

18

subjective.

19

CHAIRMAN SCALZO: The fifth,

20

whether the alleged difficulty is

21

self-created, which is relevant but

22

not determinative. Of course, it's

23

self-created.

24

So, having gone through the

25

balancing tests for the area

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variance, does the Board have a motion of some kind?

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MR. DONOVAN: Before doing that, Mr. Chairman, you do have signs D and C. I don't know if you want to do them together or separately.

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CHAIRMAN SCALZO: Thank you, Counsel. I didn't think signs D and C were all that big of a deal.

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MR. DONOVAN: So, the one on 300 is sign D, and I am only so smart because I have Dominic Cordisco's letter in front of me. So, sign D is Route 300, sign C is Route 52.

16

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CHAIRMAN SCALZO: Okay. Do we need to act on those separately, Counsel?

19

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MR. DONOVAN: Do you need to? No. However, if the Board was inclined to approve one side and not the other, then you would need to act on them separately.

24

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MS. REIN: I think that is a good idea.

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MR. DATES: Can I throw in a
little commentary?

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CHAIRMAN SCALZO: Sure.

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MR. DATES: Just kind of
reading the Board, the applicant
would be willing to reduce the height
and the area of these signs by 10
percent if that does help the Board
vote more positively for these signs.

7

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MS. REIN: One foot?

12

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CHAIRMAN SCALZO: So, the one
on D would be reduced by 14 and a
half square feet.

14

15

MR. DATES: Yes.

16

17

CHAIRMAN SCALZO: And the one
for Route 52?

18

19

MR. DATES: The one on Route 52
is going from 91 square feet to 92
Square feet. That's 10 percent.

20

21

MR. DONOVAN: Just so I am
clear, 10 percent on the square
footage? Did you see height, too?
You did, didn't you?

22

23

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MR. DATES: It could be both.

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CHAIRMAN SCALZO: He was holding out. He had his toe in the water.

5

MR. DATES: The offer is both.

6

7

CHAIRMAN SCALZO: The offer is both, okay.

8

MR. DATES: Correct.

9

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CHAIRMAN SCALZO: Okay. We have hit all five. But, as Counsel --

11

12

MR. DONOVAN: Having said that, it would be up to someone to make a motion.

13

14

15

CHAIRMAN SCALZO: I would agree with Mr. Rein. Let's separate these.

16

17

So, let's look at initially sign D, which is the one on Route 300. So, the criteria is the same for the factors. I don't have to read through the factors again.

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Does the Board have a motion of some sort with regards to sign D now that the applicant has just offered to reduce the height and square

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2 footage by 10 percent?

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4 MR. HERMANCE: I would make a
5 motion to approve the signs with the
6 10 percent reduction in height and --

6

MR. EBERHART: I'll second.

7

CHAIRMAN SCALZO: Hang on.

8

Just before that.

9

10 Mr. Dates, when you say
11 reduction of 10 percent in height,
12 what would be going our from and to
13 for sign D?

13

14 MR. DATES: Sign D is currently
15 proposed at 30 feet.

15

16

17 CHAIRMAN SCALZO: And that is
18 to the top of the structure?

17

18

19 MR. DATES: From grade to the
20 top of the structure, yeah.

19

20

21 CHAIRMAN SCALZO: Okay, so the
22 top of that would then be 27 feet.

21

MR. DATES: That's correct.

22

23

24

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26 CHAIRMAN SCALZO: So, we have a
27 motion from Mr. Hermance, a motion
28 for approval for that 10 percent
29 reduction, with leaving the sign in

1

2 the same --

3 MR. DONOVAN: Are we doing both
4 or just one?5 CHAIRMAN SCALZO: Just one.
6 We're only doing sign D.7 MR. DONOVAN: I am all confused
8 because sign C should be first,
9 really. That's okay. I'm out of
10 sequence on the alphabet, but that's
11 okay.12 MR. DATES: I think I had
13 presented it in that sequence.14 MS. REIN: With the reductions,
15 what would sign D be?16 MR. DATES: Sign D would go
17 from 30 feet in height down to
18 27 feet in height, and it is
19 currently proposed at 145.75. It
20 would go down to 131.18.

21 MS. REIN: Okay.

22 CHAIRMAN SCALZO: So, I heard a
23 motion from Mr. Hermance. I thought
24 I heard a second from Mr. Eberhart.

25 MR. EBERHART: Yes.

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CHAIRMAN SCALZO: So, we have a motion and a second. And you know, Mr. Dates.

4

5

MR. DATES: Yes, sir.

6

7

MR. DONOVAN: Counsel, is it too late for me to say this again? Keep in mind, we don't have a full complement of board members. Three to two does not pass. Four needs to. So, if you -- is it too late to say -- would you like us to continue is my question.

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MR. DATES: Is there any other questions by the Board of the proposals, the locations, what we are reducing the sizes to? Is there anything more from the Board that I could answer?

20

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CHAIRMAN SCALZO: I don't have any other questions.

22

23

MS. REIN: I don't have any questions either.

24

MR. DATES: Okay.

25

MR. HERMANCENCE: With those

1
2 proposals of 10 percent reduction in
3 height and size, would they be
4 willing to say 10 percent further
5 back from the road to adjust that?

6 MR. DATES: Based on -- so the
7 setback is based on the height. This
8 sign, for example, should be or is
9 required to be 30 feet. If we come
10 down to 27, the required setback
11 would be 27 feet, right? And then,
12 we are looking for 19.75 feet, right?
13 So, we would want to maintain the
14 same setback, but we are giving up on
15 the overall height of the sign.

16 MR. DONOVAN: I think your
17 point is the magnitude of the setback
18 variance you're requesting would be
19 reduced by the reduction of the
20 height.

21 MR. DATES: Correct.

22 MR. HERMANCE: With the smaller
23 sign.

24 MR. DATES: So, that one right
25 now is a variance of 10.25; we're

1
2 coming down three feet. So, it's
3 actually going to be 7.25. So, it
4 does reduce the overall total
5 variance request.

6 CHAIRMAN SCALZO: Okay. We
7 have a motion, and we have a second.
8 Before we continue and I poll the
9 Board, Mr. Dates, would you like us
10 to continue, or would you like a full
11 complement of board members?

12 MR. DATES: I would prefer if
13 the Board voted. Thank you.

14 CHAIRMAN SCALZO: All right.
15 Siobhan, roll on that, please.

16 MS. JABLESNIK: Mr. Eberhart.

17 MR. EBERHART: Yes.

18 MS. JABLESNIK: Mr. Hermance.

19 MS. REIN: Wait a minute.
20 There was no -- oh, there was. Yes,
21 I'm sorry.

22 CHAIRMAN SCALZO: A motion and
23 a second.

24 MS. JABLESNIK: Mr. Eberhart,
25 we did. Mr. Hermance.

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MR. HERMANCE: Yes.

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MS. JABLESNIK: Mr. Masten.

4

MR. MASTEN: Yes.

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MS. JABLESNIK: Ms. Rein.

6

MS. REIN: No.

7

MS. JABLESNIK: Mr. Scalzo.

8

CHAIRMAN SCALZO: Yes.

9

So, for sign D, you have your

10

approval.

11

Now, we are going to move over

12

to C. Mr. Dates.

13

MR. DATES: Yes, sir.

14

CHAIRMAN SCALZO: Is the 10

15

percent option -- did you indicate

16

the 10 percent option is also for

17

sign C?

18

MR. DATES: Yes, sir, both in

19

area and in height.

20

CHAIRMAN SCALZO: If you could

21

also help me with the offset now. If

22

your sign square footage is reduced,

23

what height and square footage

24

reduced -- what is your offset now?

25

How many feet is your variance now?

1

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MR. DATES: New variance
request.

3

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CHAIRMAN SCALZO: I could have
said it this way.

5

6

MR. DATES: We are at 13.25.

7

This sign was proposed at 25 foot
height, 10 percent off of that, 2.5
feet. So, we're down to 22.5 feet.

8

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So, our request would be down to

11

10.75. Is that right?

12

CHAIRMAN SCALZO: Do you need
the attorney to do math?

13

14

MR. DONOVAN: I round up.

15

That's how I make money. 10.75.

16

CHAIRMAN SCALZO: I mean, we
still haven't put a motion or a
second out there, but this one -- I
look at this one a little differently
than on 300 because 52 is just not as
bright as 300. Just my statement.

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We did go through the balancing
tests for the others. The applicant
is indicating that they will reduce
the square footage and the height by

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10 percent. So, does the Board have
a motion of some sort there?

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MR. MASTEN: I make a motion to
approve.

5

6

CHAIRMAN SCALZO: We have a
motion for approval from Mr. Masten.

7

8

MR. HERMANCE: I'll second.

9

10

CHAIRMAN SCALZO: We have a
second from Mr. Hermance.

11

Can you roll on that, please,
Siobhan?

12

13

MS. JABLESNIK: Mr. Eberhart.

14

MR. EBERHART: Yes.

15

MS. JABLESNIK: Mr. Hermance.

16

MR. HERMANCE: Yes.

17

MS. JABLESNIK: Mr. Matsen.

18

MR. MATSEN: Yes.

19

MS. JABLESNIK: Ms. Rein.

20

MS. REIN: Yes.

21

MS. JABLESNIK: Mr. Scalzo.

22

CHAIRMAN SCALZO: No.

23

That's interesting. So, your
motion's carried. Variances are
approved, Mr. Dates, with the

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conditions of the 10 percent.

MR. DATES: Understood. Thank you very much.

MR. DONOVAN: Did you have 20 for us?

MR. DATES: I can't show my hand. Thank you. Have a good night.

CHAIRMAN SCALZO: Thank you.

(Time noted: 8:55 p.m.)

CHAIRMAN SCALZO: All right. We have other board business. Gardner Ridge Apartments requests for a six-month extension. The variance for this application was approved at the February 2025 meeting. I take no offense to that request.

Does the Board have any discussion on that?

MS. REIN: No.

CHAIRMAN SCALZO: Very good.

So, I look to the Board for a motion to approve a six-month

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extension for Gardner Ridge
Apartments.

MR. HERMANCE: I'll make a
motion to approve the extension of
six months.

CHAIRMAN SCALZO: I will second
that. All in favor?

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Those
opposed?

(No response.)

CHAIRMAN SCALZO: Very good.

We have another, which was the
Watt application, correct, Siobhan.

MS. JABLESNIK: Correct.

CHAIRMAN SCALZO: Is it Thomas
and Barbara Watt, lots 51, block
nine, lot seven and lot eight. They
are also looking for an extension.
Although, they don't ask, typically

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2

it's six months at a time. They are looking for a six-month extension for that variance as well. Does the Board have a motion of some sort there?

7

MS. REIN: I make a motion to approve the six-month variance.

8

9

CHAIRMAN SCALZO: I second.

10

Roll on it. All in favor?

11

MR. EBERHART: Aye.

12

MR. HERMANCE: Aye.

13

CHAIRMAN SCALZO: Aye.

14

MR. MASTEN: Aye.

15

MS. REIN: Aye.

16

CHAIRMAN SCALZO: Those

17

opposed?

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(No response.)

19

MS. JABLESNIK: Question: Does that six months start next month, since it is only five months, and we have no meeting next month? Because it was February for both.

20

21

22

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MR. DONOVAN: It would run from August.

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MS. JABLESNIK: Okay, perfect.

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And then the last one.

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CHAIRMAN SCALZO: That was a late entry, but just to wrap it up before we take the month of August off. We got another request for an extension from the Habitat for Humanity for Greater Newburgh at 27 Gail Place. The variance for this application was approved at the December meeting.

13

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15

16

I, again, take no offense to that as well. So, I look to the Board for a motion to approve a six-month extension for that.

17

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MR. EBERHART: I make a motion for a six months extension.

19

MR. HERMANCE: I'll second it.

20

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

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MR. EBERHART: Aye.

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MR. HERMANCE: Aye.

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CHAIRMAN SCALZO: Aye.
MR. MASTEN: Aye.
MS. REIN: Aye.
CHAIRMAN SCALZO: I believe that concludes all board business this evening, other than voting on the meeting minutes from the previous month.

I make a motion that we accept the minutes for the June meeting.

MS. REIN: I second.

CHAIRMAN SCALZO: Very good.
We have a motion. We have a second.
All in favor?

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Those opposed?

(No response.)

CHAIRMAN SCALZO: And now, I'll look for a motion to adjourn.

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MS. REIN: I make a motion to
adjourn.

MR. HERMANCE: I'll second
that.

CHAIRMAN SCALZO: All in favor?

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Thanks,
folks.

(Time noted: 8:55 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF ORANGE)

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

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of August 2025.



VICTORIA CHUMAS