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

5 In the Matter of

6

7 Lillian Parson  
8 5 Woodlawn Terrace, Newburgh  
9 71-9-2  
10 R3 Zone

11 -----X

12 Date: November 25, 2025  
13 Time: 7:00 p.m.  
14 Place: Town of Newburgh  
15 Town Hall  
16 1496 Route 300  
17 Newburgh, New York

18

19 BOARD MEMBERS: DARRIN SCALZO, CHAIRMAN  
20 LATWAN BANKS  
21 JAMES EBERHART, JR.  
22 GREGORY M. HERMANCE  
23 JOHN MASTEN  
24 DONNA REIN

25

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

29

30 APPLICANT'S REPRESENTATIVE:  
31 Michael Henderson,  
32 Hennessy Architects

33 -----X

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37 Victoria Chumas Arias  
38 Court Reporter

Lillian Parson

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2                   CHAIRMAN SCALZO: I would like  
3                   to call the meeting of the Zoning  
4                   Board of Appeals to order. First  
5                   order of business this evening is the  
6                   public hearings scheduled.

7                   The procedure of the Board is  
8                   that the applicant will be called  
9                   upon to step forward, state their  
10                  request, and explain why it should be  
11                  granted. The Board will then ask the  
12                  applicant any questions it may have,  
13                  and then any questions or comments  
14                  from the public will be entertained.

15                  The Board will then consider the  
16                  applications and will try to render a  
17                  decision this evening, but may take  
18                  up to 62 days to reach a  
19                  determination.

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

25                  Roll call, please, Siobhan.

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2 MS. JABLESNIK: Latwan Banks.

3 MS. BANKS: Present.

4 MS. JABLESNIK: Darrell Bell is  
5 absent this evening.

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 MS. JABLESNIK: Also present is  
17 our attorney, David Donovan, from  
18 Code Compliance, Joe Mattina, and our  
19 stenographer this evening is  
20 Victoria.

21 CHAIRMAN SCALZO: Please rise  
22 for the Pledge.

23 (Pledge of Allegiance.)

24 CHAIRMAN SCALZO: Our first  
25 applicant this evening from the

Lillian Parson

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2                   November 25th agenda is Lillian  
3                   Parson, 5 Woodlawn Terrace, seeking  
4                   an area variance of the minimum front  
5                   yard setback to build a two-story 20  
6                   by 30 addition.

7                   Do we have mailings on this,  
8                   Siobhan?

9                   MS. JABLESNIK: This applicant  
10                  sent out 76 letters.

11                  CHAIRMAN SCALZO: Who do we  
12                  have with us?

13                  MR. HENDERSON: Michael from  
14                  Hennessy Architects.

15                  CHAIRMAN SCALZO: Michael, do  
16                  you have a last name?

17                  MR. HENDERSON: Henderson.

18                  CHAIRMAN SCALZO: Thank you.  
19                  The floor is yours.

20                  MR. HENDERSON: The existing  
21                  building is roughly around 1,200  
22                  square feet and was constructed  
23                  around 1920. It's completely located  
24                  in the front yard setback. We are  
25                  looking to put on a -- just a

Lillian Parson

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2                   one-story 500-square-foot addition,  
3                   20 by 30. It's going to have the  
4                   same height. The ridge will be the  
5                   same height. The width would be the  
6                   same width. Same materials as the  
7                   existing building, so it's going to  
8                   just blend it. It won't stand out.

9                   CHAIRMAN SCALZO: A pretty  
10                  isolated neighborhood there, isn't  
11                  it?

12                  MR. HENDERSON: Yeah.

13                  CHAIRMAN SCALZO: Just looking  
14                  at the application, what happens to  
15                  be my neighborhood, sort of, I am  
16                  going to assume the reason why you  
17                  didn't push the addition back a  
18                  little bit to try and meet the front  
19                  yard setback a little better is you  
20                  would be too close to the pool?

21                  MR. HENDERSON: Correct.

22                  CHAIRMAN SCALZO: I really  
23                  don't have anything else, so I'm  
24                  going to start to my right. Ms.  
25                  Banks, do you have any questions or

Lillian Parson

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2 comments regarding this application?

3 MS. BANKS: No questions.

4 CHAIRMAN SCALZO: Mr. Eberhart?

5 MR. EBERHART: No issues.

6 CHAIRMAN SCALZO: Mr. Hermance?

7 MR. HERMANCE: Only question

8 is, are you going to do something

9 with the fence? The wooden fence,

10 are you going to relocate that?

11 MR. HENDERSON: Yes. We will

12 still enclose the back yard. We

13 still have the pool. You have to

14 keep it enclosed, so we'll just move

15 it and keep it.

16 MR. HERMANCE: That was my only

17 question.

18 CHAIRMAN SCALZO: Thank you,

19 Mr. Hermance.

20 Siobhan doesn't have comments.

21 MS. JABLESNIK: No.

22 Mr. Masten?

23 CHAIRMAN SCALZO: Mr. Masten?

24 MR. MASTEN: No.

25 CHAIRMAN SCALZO: Ms. Rein?

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2 MS. REIN: I'm good.

3 CHAIRMAN SCALZO: At this

4 point, we will open it up to any  
5 members of the public that wish to  
6 speak about this application.

7 Mr. Fedder?

8 MR. FEDDER: Good evening. How  
9 are you?

10 CHAIRMAN SCALZO: I'm very  
11 fine, sir.

12 MR. FEDDER: Bill Fedder,  
13 Rockwood Drive. I'm confused. Here,  
14 it says two-story, and I thought you  
15 said one-story.

16 MR. HENDERSON: It's just one  
17 story. I know it came back as  
18 two-story, but the interior of the  
19 house is just one story. There is a  
20 little shift in the windows, which I  
21 think is like a step up from the  
22 addition in the past.

23 CHAIRMAN SCALZO: Was that an  
24 interpretation by your office, Mr.  
25 Mattina?

Lillian Parson

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2                   MR. MATTINA: Let's see. Is  
3                   there a basement or a crawl space?

4                   MR. HENDERSON: Yes, there is.  
5                   So, yeah, we're just...

6                   MR. MATTINA: So, there's a  
7                   full basement and then a full first  
8                   floor.

9                   CHAIRMAN SCALZO: Full first  
10                   floor above grade?

11                   MR. MATTINA: Yeah, you have a  
12                   floor above grade, and you have the  
13                   full basement.

14                   CHAIRMAN SCALZO: That's still  
15                   considered a two-story?

16                   MR. MATTINA: Well, yes and no.  
17                   You can go either way.

18                   CHAIRMAN SCALZO: Okay. Well,  
19                   thank you.

20                   Again, any members of the  
21                   public?

22                   (No Response.)

23                   CHAIRMAN SCALZO: I will look  
24                   to the Board for a motion to close  
25                   the public hearing.

Lillian Parson

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

4                   MR. EBERHART: I second.

5                   CHAIRMAN SCALZO: We have a  
6                   motion to close the public hearing  
7                   from Mr. Masten. We have a second  
8                   from Mr. Eberhart. All in favor?

9                   MS. BANKS: Aye.

10                  MR. EBERHART: Aye.

11                  MR. HERMANC: Aye.

12                  CHAIRMAN SCALZO: Aye.

13                  MR. MASTEN: Aye.

14                  MS. REIN: Aye.

15                  CHAIRMAN SCALZO: Those  
16                  opposed?

17                  (No Response.)

18                  CHAIRMAN SCALZO: Very good.

19                  This is a Type II action under SEQRA.

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

22                  CHAIRMAN SCALZO: Thank you,  
23                  Counsel.

24                  CHAIRMAN SCALZO: So, we are  
25                  going to go through the area variance

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2 criteria and discuss the five factors  
3 we're weighing.

22 ALL BOARD MEMBERS: No.

23 CHAIRMAN SCALZO: Third,  
24 whether the request is substantial,  
25 well, by the numbers, it sure is.

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2           But when you take that into  
3           consideration with the surrounding  
4           conditions, I don't think it's  
5           substantial.

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

9           ALL BOARD MEMBERS: No.

10           CHAIRMAN SCALZO: Very good.

11           Fifth, whether the alleged difficulty  
12           is self-created, which is relevant  
13           but not determinative. Of course  
14           it's self-created, but even if they  
15           were putting a rear deck on, they  
16           would be here because of the front  
17           yard setback. Anyway, they are just  
18           making it a little worse.

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

23           MR. EBERHART: I motion for  
24           approval.

25           MS. REIN: I second.

Lillian Parson

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2                   CHAIRMAN SCALZO: We have a  
3                   motion from Mr. Eberhart. We have a  
4                   second from Ms. Rein.

5                   Can you roll on that, please,  
6                   Siobhan?

7                   MS. JABLESNIK: Ms. Banks.

8                   MS. BANKS: Approved.

9                   MS. JABLESNIK: Mr. Eberhart.

10                  MR. EBERHART: Yes.

11                  MS. JABLESNIK: Mr. Hermance.

12                  MR. HERMANCE: Yes.

13                  MS. JABLESNIK: Mr. Masten.

14                  MR. MASTEN: Yes.

15                  MS. JABLESNIK: Ms. Rein.

16                  MS. REIN: Yes.

17                  MS. JABLESNIK: Mr. Scalzo.

18                  CHAIRMAN SCALZO: Yes.

19                  Motion is carried, variance  
20                  approved. Good luck.

21                  MR. HENDERSON: Thank you.

22                  CHAIRMAN SCALZO: Just make  
23                  sure you check in with Siobhan before  
24                  you put a shovel in that.

25                  (Time noted: 7:09 p.m.)

Lillian Parson

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# 2 C E R T I F I C A T E

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

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

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and  
12 that such examination is a true record of  
13 the testimony given by that witness.

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 14th day of December 2025.

21

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✓ *John Doe*

VICTORIA CHUMAS ARIAS

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

In the Matter of

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Date: November 25, 2025  
Time: 7:09 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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Victoria Chumas Arias  
Court Reporter

Maria Hanley

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2                   CHAIRMAN SCALZO: Our second  
3                   applicant this evening is Maria  
4                   Hanley, 29 Dandelion Lane in Walkill.  
5                   That would be the Wallkill mailing  
6                   address. Of course, we're in  
7                   Newburgh. Seeking area variances of  
8                   lot area, lot width, front yard, and  
9                   side yard to keep a two-family  
10                  dwelling unit that was converted  
11                  without approvals.

12                  Do we have mailings on this,  
13                  Siobhan?

14                  MS. JABLESNIK: Yes, this  
15                  applicant sent 11 letters.

16                  CHAIRMAN SCALZO: And we don't  
17                  have any GML 239s going with this?

18                  MS. JABLESNIK: They do butt up  
19                  to the Thruway.

20                  CHAIRMAN SCALZO: Well, you  
21                  typically don't mail to the Thruway,  
22                  correct?

23                  MS. JABLESNIK: No, I don't  
24                  mail to the Thruway.

25                  CHAIRMAN SCALZO: So, we are

Maria Hanley

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2 going to let that one be.

3 Who do we have with us?

4 MS. HANLEY: Maria Hanley.

5 CHAIRMAN SCALZO: And with that  
6 very short sentence of what it is  
7 that you are looking for, if I have  
8 captured everything that it is that  
9 you are seeking with us, we can move  
10 forward. If you would like to add  
11 any of your own commentary, now is  
12 the time.

13 MS. HANLEY: No. Is there  
14 anything you need to know?

15 CHAIRMAN SCALZO: That is what  
16 we're about to find out. I also saw  
17 on Zillow the house is currently for  
18 sale?

19 MS. HANLEY: It's in contract.

20 CHAIRMAN SCALZO: This is quite  
21 interesting. We get a lot of these,  
22 I will say, folks coming in either  
23 asking for permission or forgiveness.  
24 Who knows what order that ends up in?  
25 But seeing -- I took the benefit of

Maria Hanley

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2                   taking a look at the original file  
3                   maps. The home was designed for a  
4                   six-bedroom septic size, which is,  
5                   you know, it's pretty big. Which is,  
6                   you know, that made me feel a little  
7                   better about what I was looking at.

8                   Looking in the AR district,  
9                   obviously, the two-family dwelling  
10                  here is the issue. I saw on the  
11                  application that you outed your  
12                  neighbors. They happen to also have

13                  --

14                  MS. HANLEY: I didn't even  
15                  know. They didn't tell me. I saw a  
16                  sign. That's when I found out.

17                  CHAIRMAN SCALZO: When they all  
18                  get their letters, they're going to  
19                  thank you a lot.

20                  MS. HANLEY: I thought you're  
21                  referring to my next-door neighbor  
22                  who moved. They just sold.

23                  CHAIRMAN SCALZO: Oh, alright.  
24                  Well then, they must not have had a  
25                  survey or had a side yard or front

Maria Hanley

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2                   yard encroachment; this is why they  
3                   didn't land here. Anyway, I am going  
4                   to let the other members of the Board  
5                   weigh in on this first, and then I  
6                   will throw my comments behind them.

7                   So, Ms. Rein, do you have any  
8                   comments or questions?

9                   MS. REIN: Was this originally  
10                   purchased as a two-family?

11                   MS. HANLEY: Yes, that is what  
12                   it was advertised to me as.

13                   CHAIRMAN SCALZO: I'd just like  
14                   to tell you that --

15                   MS. HANLEY: And that's what  
16                   I've been paying taxes on.

17                   CHAIRMAN SCALZO: If none of  
18                   you are aware of this, realtors are  
19                   the most honest profession I have  
20                   ever been involved with.

21                   (Multiple Speakers.)

22                   MS. TRAINOR: May I speak?

23                   CHAIRMAN SCALZO: As long as  
24                   you announce who you are.

25                   MS. TRAINOR: My name is

Maria Hanley

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2                   Justina Trainor. I'm with Berkshire  
3                   Hathaway Home Services. I am  
4                   presently the list agent for Maria's  
5                   property. The one thing I wanted to  
6                   state, everything that happened, it  
7                   was not because Maria was being  
8                   malicious or trying to get over. She  
9                   bought the house for a cash sale.  
10                  She [Sic] was presented to her a as  
11                  two-family. Unfortunately, the  
12                  people that she had representing the  
13                  sale weren't as clear as they should  
14                  be, didn't do the due diligence.  
15                  Maria is a first-time homeowner. Did  
16                  not -- did not catch any of this.  
17                  She paid cash, and, unfortunately, in  
18                  my profession, I'll admit that  
19                  people, when it's cash, they don't  
20                  want to do due diligence. I, on the  
21                  other hand, always have and always  
22                  will. But she bought it. She  
23                  thought she had a two-family.  
24                  How everything came to light --  
25                  the footprint of this house is huge.

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2           It's huge. She did not change  
3           anything. She did not add to the  
4           footprint. The only thing she did  
5           was downstairs she knocked out one  
6           small wall to expand the kitchen.  
7           Unfortunately, the contractor she  
8           engaged did not do the proper due  
9           diligence of coming to getting a  
10           certificate, and did the work, and  
11           she didn't know she needed it. But  
12           how it all came to light is she went  
13           to work two Februarys ago, she came  
14           home from work, and the heating  
15           system had stopped working, and all  
16           of the pipes froze. The fire  
17           department was called, and that's how  
18           zoning got, you know, involved. And  
19           it just was a house of cards because  
20           she had to get heat and hot water on  
21           as soon as she could. She needed a  
22           new heating system. I mean, it was  
23           just awful. And then, on top of all  
24           of that, she had to deal with  
25           insurance.

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CHAIRMAN SCALZO: No, no. That

Maria Hanley

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2 I understand.

3 MS. TRAINOR: And that whole  
4 cul-de-sac there is, I think, eight,  
5 they are all the same footprint.

6 MS. HANLEY: They are all  
7 two-family.

8 MS. TRAINOR: They are  
9 two-family, but yeah. That whole --  
10 it's a private cul-de-sac, but they  
11 are all two-family.

12 CHAIRMAN SCALZO: And again,  
13 I'm sure your neighbors are going to  
14 love it that you just outed them,  
15 again, in a public forum, no less.

16 MS. JABLESNIK: The whole road  
17 is legal two-families.

18 MS. REIN: Can I ask a  
19 question? You became aware of this  
20 issue almost three years ago. Why  
21 are you --

22 MS. TRAINOR: I --

23 MS REIN: I'm talking to her.

24 -- addressing it now as opposed  
25 to when you became aware of the

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2 situation.

3 MS. HANLEY: Well, what  
4 happened was only one -- the first  
5 contractor didn't do the permit, so  
6 everybody else that applied, they  
7 kept getting denied. I was trying to  
8 go clear them up, but I didn't  
9 understand about the -- I thought I  
10 had a two-family. I didn't  
11 understand one-family with an  
12 accessory apartment, and there's  
13 certain specifications with that. I  
14 didn't understand all of that. I  
15 just thought I had a two-family.  
16 Everybody starts denying. And I  
17 started working on it, and they told  
18 me go get an architect, go get this,  
19 go do this. And I was running out of  
20 money. I spent so much money on this  
21 house. When I had money, I would  
22 work on it. Then, I would get  
23 frustrated, and I stopped because  
24 they kept -- I would do this, and  
25 they said do that. So, it just was a

Maria Hanley

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2                   lot. Like I said, I ran out of  
3                   money.

4                   MS. TRAINOR: Then the pipes  
5                   froze.

6                   MS. REIN: I know that. I want  
7                   to hear her. Okay. Thank you.

8                   CHAIRMAN SCALZO: So, the  
9                   interesting part about this is, I  
10                   don't know if you are aware, but a  
11                   residential dwelling is allowed an  
12                   accessory apartment in it. 700  
13                   square feet?

14                   MR. MATTINA: Yes.

15                   MS. HANLEY: I didn't know what  
16                   that was. It said apartment. I  
17                   thought it was a two-family.

18                   CHAIRMAN SCALZO: You know  
19                   what? If you have a single-family  
20                   residential dwelling, you're allowed  
21                   to have an apartment in that dwelling  
22                   up to 700 square feet. I don't know,  
23                   you know, I guess I need to study  
24                   these a little more. But perhaps if  
25                   you were to make sure that whatever

Maria Hanley

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2 apartment or whatever floor has one  
3 area that's dedicated 700 square  
4 feet, then all we would be talking  
5 about here would be your area  
6 variances.

7 MS. HANLEY: I don't  
8 understand. I don't understand.

9 CHAIRMAN SCALZO: Mr. Mattina.

10 MR. MATTINA: When this house  
11 was built, it was built as a  
12 single-family with six bedrooms.

13 CHAIRMAN SCALZO: Yes.

25 MR. DONOVAN: Not to make it

Maria Hanley

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2                   more complicated, but when I look at  
3                   both tables for AR, it says  
4                   two-family dwellings are allowed, but  
5                   they need site plan review by the  
6                   Planning Board.

7                   MR. MATTINA: If she gets her  
8                   variances, we are going there next.

9                   MR. DONOVAN: Because on the  
10                   chart, it just said they're getting  
11                   an ARB review by the Planning Board.

12                   MR. MATTINA: That's what it's  
13                   going to be, ARB from the Planning  
14                   Board, correct.

15                   MR. DONOVAN: According to both  
16                   tables, they need site plan, too.

17                   MR. MATTINA: Well, it will be.  
18                   They combine it together. They make  
19                   it all ARB, site plan.

20                   MR. DONOVAN: Okay.

21                   MR. MATTINA: We're going to  
22                   take care of that after they get the  
23                   variances -- if the variances are  
24                   approved.

25                   CHAIRMAN SCALZO: Boy, that was

Maria Hanley

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2                   wonderful to hear because now, really  
3                   to me, all we are really talking  
4                   about are the area variances.

5                   So, I don't know if -- you know  
6                   what? Ms. Rein, you had a comment.

7                   Does that particular additional  
8                   information raise any more questions  
9                   for you?

10                  MS. REIN: It does, but what  
11                  Joe is saying seems more relevant,  
12                  and I'm good with it.

13                  CHAIRMAN SCALZO: Okay, Mr.  
14                  Masten?

15                  MR. MASTEN: I'm fine.

16                  CHAIRMAN SCALZO: Mr. Hermance?

17                  MR. HERMANC: I have nothing  
18                  further.

19                  CHAIRMAN SCALZO: Mr. Eberhart?

20                  MR. EBERHART: Yeah, the  
21                  additional information took me from a  
22                  no to I'm good now.

23                  CHAIRMAN SCALZO: And Ms.  
24                  Banks?

25                  MS. BANKS: No questions.

1

2 CHAIRMAN SCALZO: Okay. As I  
3 said, I looked at the other filed map  
4 documents. Boy, let me tell you, the  
5 house isn't where it's supposed to  
6 be. The septic is not where it's  
7 supposed to be. The well is not  
8 where it's supposed to be. They did  
9 a great job.

10

11 going to be okay.

12

13 of the property is very interesting  
14 to me because the fellows that  
15 subdivided it, they ended up getting  
16 foreclosed on. The folks that you  
17 purchased it from, it has been in  
18 their family until you. So, it all  
19 is very interesting. Anyway, that  
20 really doesn't matter to me. I just  
21 found it interesting.

22

23                   25.88 feet on a side yard where you  
24                   needed 30, so you're not talking  
25                   about a tremendous amount there. To

Maria Hanley

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2                   me, you are backing up to the  
3                   Thruway. I'm sure the cars are not  
4                   offended by your area variances that  
5                   you're looking for. At this point, I  
6                   am going to open it up to any members  
7                   of the public that wish to comment on  
8                   this application.

9                   MR. FEDDER: Bill Fedder,  
10                  Rockwood Drive. Speaking really for  
11                  the Quassaick Creek Watershed  
12                  Alliance. I have done a fair amount  
13                  of -- as you know, a fair amount of  
14                  reconnaissance in that area on water  
15                  quality, and the bedrock is very  
16                  shallow in this area. And there is  
17                  some suspicious overland flow there  
18                  that I'm not going to attribute to  
19                  any particular place, but my concern  
20                  is the septic. And I believe it  
21                  warrants review by a septic engineer  
22                  or the health department to further  
23                  the cause here. This may not be the  
24                  forum, and I will go to the Planning  
25                  Board when it appears there. That's

1

2 my concern.

3 CHAIRMAN SCALZO: No, Mr.

4 Fedder, great comments, and they are  
5 part of the public record. I'm not  
6 sure if the Planning Board will end  
7 up reviewing them prior to the  
8 meeting, but you can certainly bring  
9 those comments to them. And much  
10 like I had a question myself, because  
11 I see something here that says a pipe  
12 not installed between the septic tank  
13 and the pickup chamber, so how does  
14 the effluent get from the tank to the  
15 pump chamber to get down to the leach  
16 field? That's why they have a dosing  
17 chamber. I don't know if you are  
18 familiar with why they have that, but  
19 once you get up 500 linear feet of  
20 effluent septic field, you need a  
21 dosing chamber.

22 So, I don't know if when you  
23 say you've seen overland flow if it  
24 was on this particular lot or not.

25 MR. FEDDER: In that

Maria Hanley

1

2 cul-de-sac.

3 CHAIRMAN SCALZO: In that  
4 cul-de-sac. Well, somebody's septic  
5 is probably not working as it should  
6 be. That's not what we are here for.  
7 We are here for area variances that  
8 the applicant has prepared for. So,  
9 Mr. Fedder, thank you for your  
10 comments. As I say, they're very  
11 important. I'm glad you made it out  
12 here just to give us those, as well  
13 as the others.

14 Anyone else from the public  
15 wish to comment on this application?

16 (No Response.)

17 CHAIRMAN SCALZO: Does not  
18 appear so.

19 I look for a motion from the  
20 Board to close the public hearing.

21 MS. BANKS: I make a motion.

22 MR. EBERHART: I second.

23 CHAIRMAN SCALZO: We have a  
24 motion to close the public hearing  
25 from Ms. Banks. We have a second by

Maria Hanley

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2                   Mr. Eberhart. All in favor?

3                   MS. BANKS: Aye.

4                   MR. EBERHART: Aye.

5                   MR. HERMANC: Aye.

6                   CHAIRMAN SCALZO: Aye.

7                   MR. MASTEN: Aye.

8                   MS. REIN: Aye.

9                   CHAIRMAN SCALZO: Those  
10                  opposed?

11                  (No Response.)

12                  CHAIRMAN SCALZO: Very good.

13                  This is also, now that we've  
14                  kind of -- well, it is a two-family  
15                  that's going to make its way via the  
16                  Planning Board, so they have the  
17                  ultimate call on whether or not that  
18                  gets there. But what the applicant  
19                  is in front of us here for are the  
20                  area variances, which is a Type II  
21                  action under SEQRA.

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

24                  CHAIRMAN SCALZO: Thank you,  
25                  Counsel. So, we are going to go

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2                   through, again, the five factors that  
3                   we heard from the last application.

4                   The first being whether or not  
5                   the benefit can be achieved by other  
6                   means feasible to the applicant,  
7                   keeping in mind this is now a  
8                   pre-existing condition, which she  
9                   purchased it as. I would say no, she  
10                  is not changing the footprint of the  
11                  home.

12                  Second, if there's an  
13                  undesirable change in the  
14                  neighborhood character or a detriment  
15                  to nearby properties. I would say  
16                  no. Everything is staying the same.  
17                  Unless, when Mr. Fedder shows up at  
18                  the Planning Board he says there  
19                  might be -- well, that's going to be  
20                  on the next one. Pardon me.

21                  Third, whether the request is  
22                  substantial. It's pre-existing,  
23                  again.

24                  Fourth, whether the request  
25                  will have adverse physical or

Maria Hanley

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2                   environmental effects. Well, that  
3                   one we are not sure of. I did not  
4                   personally investigate. It could be  
5                   a condition of the Planning Board  
6                   site approval, Mr. Fedder, when you  
7                   are there to ask them to investigate  
8                   that or make it a condition that  
9                   someone verifies that the septic is  
10                  functioning as designed.

11

12                  MS. TRAINOR: There were  
13                  numerous inspections done by the  
14                  buyers, and it passed everything.  
15                  They used a reputable --

16

17                  CHAIRMAN SCALZO: That's a very  
18                  general statement. When you say  
19                  that, was there an engineer, a  
20                  professional engineer that came out  
21                  and certified that --

22

23                  MS. TRAINOR: I believe his  
24                  company is, and I can provide the  
25                  name.

26                  CHAIRMAN SCALZO: I don't need  
27                  it. You may --

28                  MS. TRAINOR: There is a

Maria Hanley

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2 report.

3 CHAIRMAN SCALZO: What most  
4 people don't know is the New York  
5 State Health Department manual  
6 recommends that you get your septic  
7 pumped between every two and  
8 five years, so that is a little extra  
9 info for you.

10 And the fifth, whether the  
11 alleged difficulty is self-created,  
12 which is relevant but not  
13 determinative. In this case, we  
14 understand that she purchased the  
15 house in this condition in this  
16 footprint.

17 So, having gone through the  
18 balancing tests, Counsel, do we need  
19 to address the two-family aspect, or  
20 how do we defer that to the Planning  
21 Board?

22 MR. DONOVAN: If the Board is  
23 inclined to issue an approval, it  
24 would be subject to any and all  
25 required reviews by the Planning

Maria Hanley

1

2 Board.

3 CHAIRMAN SCALZO: Okay. So,  
4 having counsel helped us right out  
5 there --

6 MR. DONOVAN: I try to be  
7 direct, Mr. Chairman.

8 CHAIRMAN SCALZO: I'll look to  
9 the Board for a motion of some sort.

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

12 CHAIRMAN SCALZO: Well, that's  
13 closed. But you can make a motion  
14 for approval with the conditions that  
15 the Planning Board has final say in  
16 this.

17 MR. MASTEN: Yeah.

18 MS. REIN: I second.

19 CHAIRMAN SCALZO: And then we  
20 have a second from Ms. Rein.

21 Can you roll on that, please,  
22 Siobhan?

23 MS. JABLESNIK: Ms. Banks

24 MS. BANKS: Approved.

25 MS. JABLESNIK: Mr. Eberhart.

Maria Hanley

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2 MR. EBERHART: Yes.

3 MS. JABLESNIK: Mr. Hermance.

4 MR. HERMANCE: Yes.

5 MS. JABLESNIK: Mr. Masten.

6 MR. MASTEN: Yes.

7 MS. JABLESNIK: Ms. Rein.

8 MS. REIN: Yes.

9 MS. JABLESNIK: Mr. Scalzo.

10 CHAIRMAN SCALZO: Yes.

11 Motion is carried. Good luck

12 to you. Variances are approved.

13 MS. HANLEY: Thank you. Happy  
14 holidays.

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25 (Time noted: 7:26 p.m.)

Maria Hanley

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# 2 C E R T I F I C A T E

3

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

6

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

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and  
12 that such examination is a true record of  
13 the testimony given by that witness.

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 14th day of December 2025.

21

22

23

24

✓ *John*

VICTORIA CHUMAS ARIAS

1

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

In the Matter of

11

12

13 LATWAN BANKS  
14 JAMES EBERHART, JR.  
15 GREGORY M. HERMANE  
15 JOHN MASTEN  
15 DONNA REIN

16

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

19

APPLICANT'S REPRESENTATIVE:

20

Jonathan Cella,  
Architect

21

22

23

24

25

Victoria Chumas Arias  
Court Reporter

Steven Moreau

1

2                   CHAIRMAN SCALZO: The next  
3                   applicant is Steve Moreau, 50 Old  
4                   South Plank Road, Newburgh, for area  
5                   variances of the rear yard, one side  
6                   yard, combined side yards, maximum  
7                   lot building coverage, and lot  
8                   surface coverage to construct double  
9                   two-story decks 5 by 20 for each  
10                  deck.

11                  MS. JABLESNIK: Siobhan, do we  
12                  have mailings on this?

13                  MS. JABLESNIK: This applicant  
14                  sent 38 letters.

15                  CHAIRMAN SCALZO: 38 letters.

16                  MR. EBERHART: Mr. Chairman,  
17                  one second.

18                  CHAIRMAN SCALZO: You know  
19                  what? We will wait, but we can still  
20                  do some procedural things. GML 239.

21                  MS. JABLESNIK: We have --

22                  CHAIRMAN SCALZO: We are going  
23                  to give Ms. Banks a moment to come  
24                  back and hear that.

25                  CHAIRMAN SCALZO: Procedural,

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2                   the stenographer doesn't know who you  
3                   are.

4                   MR. CELLA: I'm Jonathan Cellia.

5                   I'm an engineer representing the  
6                   homeowner.

7                   CHAIRMAN SCALZO: While I did  
8                   announce that this is for a whole  
9                   bunch of variances, if I have  
10                  captured what exactly it is in that  
11                  two sentences, one run-on sentence,  
12                  then, you know, if you would like to  
13                  add some commentary to that, that's  
14                  fine.

15                  MR. CELLA: No.

16                  CHAIRMAN SCALZO: Perfect.

17                  MR. CELLA: The proposed  
18                  two-tier deck will be for the main  
19                  floor and the master bedroom. And it  
20                  will be constructed over a presently  
21                  impervious area, so we are not  
22                  increasing the impervious coverage of  
23                  the lot.

24                  CHAIRMAN SCALZO: What Mr.  
25                  Cella is not telling you is that the

1

2           only thing we are really looking at  
3           here are the decks. Because all of  
4           the other variances that are included  
5           in this application were handled  
6           before the building was actually  
7           constructed. So, we are really only  
8           focusing in on the decks that are  
9           looking out onto the lake. Is that  
10           correct, Mr. Cella?

11                    MR. CELLA: Yes. We are just  
12                   decreasing the rear yard setback by  
13                   five feet.

14                    CHAIRMAN SCALZO: Rear yard  
15                   being the lake side.

16                    MR. CELLA: Lake side.

17                    CHAIRMAN SCALZO:  
18                   Unfortunately, Ms. Banks, you had  
19                   just stepped out, but this is within  
20                   500 feet of a state or county road;  
21                   so, therefore, the county needs to  
22                   weigh in. They have 30 days to do  
23                   that. It's called GML 239, General  
24                   Municipal Law 239, and they have not  
25                   responded. So, unfortunately, for

1

2           this applicant, while we can hear  
3           their presentation, we are not  
4           permitted to render a determination  
5           this evening. And also in this  
6           instance, not that we're  
7           anticipating, and I'm going to open  
8           it up to any members of the public  
9           that wish to speak, but we can also  
10           not close the public hearing, or at  
11           least I think we can't close the  
12           public hearing.

13

                  MR. DONOVAN: That's correct.

14

                  You cannot until they either time out  
15           or they send a report, which will  
16           undoubtedly say local determination.  
17           But it is what it is.

18

                  MS. REIN: Darrin, quick  
19           question.

20

                  CHAIRMAN SCALZO: Sure.

21

                  MS. REIN: So, you're saying  
22           that all other variances that they  
23           are looking for are already  
24           pre-existing?

25

                  CHAIRMAN SCALZO: That's

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2                   correct, and we approved them. I  
3                   believe you were on the Board.

4                   MS. REIN: I don't remember.

5                   CHAIRMAN SCALZO: You know,  
6                   perhaps one of the few occasions that  
7                   you were away. Perhaps we did on one  
8                   of those, but we did have, you know,  
9                   a public hearing for that previously.

10                  MS. REIN: Then, why is it  
11                  resurfacing?

12                  CHAIRMAN SCALZO: Because any  
13                  time they change anything, even  
14                  though they have variances that are  
15                  in place and approved, if they are  
16                  increasing the degree of  
17                  nonconformity by putting these decks  
18                  up, then they have to come in and  
19                  tell us about it all.

20                  MS. REIN: Even though they are  
21                  not related and they're already  
22                  approved?

23                  CHAIRMAN SCALZO: I didn't make  
24                  the rules.

25                  MS. REIN: Just asking,

1

2 clearing it up.

3 MR. DONOVAN: Well, it's not  
4 that they're not related, right? So,  
5 you are increasing the degree by  
6 virtue of the fact there's a greater  
7 mass now as a result of the decks.

8 CHAIRMAN SCALZO: Joe Mattina  
9 from Newburgh --

10 MR. MATTINA: No. The five  
11 variances he's requesting are all new  
12 variances. If you look at my little  
13 chart, I have the previous variances  
14 listed and the requesting variances  
15 now. They're all five new ones.

16 MR. CELLA: The previous  
17 variances obtained were for  
18 construction of the residence there,  
19 and didn't include a deck. That's  
20 why we are coming back, to make the  
21 house more desirable.

22 MR. DONOVAN: But it's just in  
23 the rear yard; so the house is COed?

24 MR. CELLA: Yes.

25 MR. MATTINA: I don't know if

1

2 it has a CO or not.

3 MR. CELLA: Yes.

4 MR. DONOVAN: The decks would  
5 affect the rear yard, but how would  
6 they affect the side yard?7 MR. MATTINA: It's down to 4.8  
8 now instead of 5 on the right side,  
9 on the north side.10 CHAIRMAN SCALZO: You know  
11 what? I am going to ask the question  
12 of Mr. Moreau here. A lot of times,  
13 the surveyor will locate the  
14 foundation, and the foundation will  
15 be what the measuring distance is off  
16 the side. And when you have  
17 something like a 10 or 1,500 plus or  
18 minus, I am wondering if that is  
19 where this additional...20 MR. MOREAU: Well, the existing  
21 required side yard is a much larger  
22 amount. So, no matter what amount  
23 the impact, we have to get the  
24 clearance no matter what because we  
25 are putting the decks there. Does

1

2                   that make sense? Because the deck  
3                   does run along the sides of the  
4                   house. So, the rear and then the  
5                   sides also need it because it does  
6                   run like that.

7                   MR. CELLA: And the house is  
8                   not perfectly parallel to the  
9                   property line, so that's why it  
10                  decreases the existing side yard  
11                  setback slightly.

12                  CHAIRMAN SCALZO: So, what you  
13                  are saying is the deck sticks out a  
14                  little further than the house.

15                  MR. CELLA: It doesn't stick  
16                  out further than the house. It just  
17                  encroaches closer to the property  
18                  line because they are not  
19                  perpendicular.

20                  CHAIRMAN SCALZO: They  
21                  converge.

22                  MR. MATTINA: They start to  
23                  converge.

24                  CHAIRMAN SCALZO: 4'8" as  
25                  opposed to the 5 that was there

1

2 before.

3 MR. MATTINA: Correct.

4 MR. DONOVAN: How do we get  
5 such a large increase in lot service?  
6 Because it says previous variance was  
7 49 percent. Now it's 92 percent.8 MR. MOREAU: I think because we  
9 put pavers here; is that correct?10 MR. CELLA: The pavers in the  
11 front driveway were slightly larger  
12 than what was on the --13 MR. DONOVAN: The driveway  
14 wasn't shown in the original plan?15 MR. CELLA: It was shown on the  
16 original plan, but it wasn't shown as  
17 wide.18 CHAIRMAN SCALZO: Okay. I  
19 didn't pick it up when I was there.  
20 Sand joints in the pavers?

21 MR. MOREAU: Yes.

22 CHAIRMAN SCALZO: Let me throw  
23 this down to Ms. Rein now that I have  
24 been corrected as to what is going on  
25 here. The deck sticks out two

Steven Moreau

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2 additional.

3 MR. CELLA: Here you go. They  
4 are in the pictures.

5 CHAIRMAN SCALZO: Typically, if  
6 I visit it, I don't look at the  
7 pictures.

8 Okay, Ms. Rein, your questions  
9 have been answered or you have more?  
10 I will come back to you.

11 CHAIRMAN SCALZO: Mr. Masten?

12 MR. MASTEN: I have no  
13 questions.

14 CHAIRMAN SCALZO: Mr. Hermance?

15 MR. HERMANC: So, the deck is  
16 extending towards the other adjacent  
17 property. Any reason it couldn't  
18 come the other way?

19 MR. CELLA: We had to hold the  
20 deck in a half a foot or so, so it  
21 doesn't go corner-to-corner, so we  
22 don't increase -- decrease the side  
23 yard setback. We would be fine with  
24 that.

25 MR. HERMANC: You said this is

1

2 going to be a two-story deck?

3 MR. CELLA: Two-tear. There  
4 will be no stairs on it, so it will  
5 just be accessible from inside of the  
6 house.

7 MR. HERMANE: So, which two  
8 stories? Because there's  
9 three facing --

10 MR. CELLA: It's a two-story  
11 residence with a walkout basement, so  
12 it will be accessible from the first  
13 floor, the main floor, and master  
14 bedroom, which is directly above.

15 MR. HERMANCE: So, you are just  
16 going to have six by sixes or  
17 whatever?

18 MR. CELLA: A couple chairs,  
19 and that's about it.

20 CHAIRMAN SCALZO: I think what  
21 -- Mr. Hermance, were you asking is  
22 there connection to the --

## 23 (Multiple Speakers.)

24 MR. HERMANE: So, there is no  
25 connection to the ground.

1

2                   MR. CELLA: There will be posts  
3                   down to the ground.

4                   MR. MOREAU: Six by six, four  
5                   spots.

6                   CHAIRMAN SCALZO: If you recall  
7                   way back when, and I recall that you  
8                   did a lot line change, so you could  
9                   get a couple extra feet here because  
10                  we had some concerns with emergency  
11                  access folks getting to the back,  
12                  these decks, are they going to be  
13                  elevated enough that if emergency  
14                  responders were running into the lake  
15                  side of the road, they are not going  
16                  to smack their helmets on the deck,  
17                  right?

18                  MR. MOREAU: No, the height is  
19                  about nine feet there.

20                  MR. CELLA: So, the basement is  
21                  eight feet with a foot of floor  
22                  system, so the deck is minimum of 9  
23                  to 10 feet off the ground.

24                  CHAIRMAN SCALZO: Okay.

25                  MR. MOREAU: And the post sits

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2 sort of inside the corner, more so  
3 than it shows as the corner.

4 MR. CELLA: The posts are in  
5 more, so there is a beam standing  
6 side-to-side. So, the post is not at  
7 the corner of the house.

8 CHAIRMAN SCALZO: Okay. Well,  
9 what is nice is we are going to have  
10 a month to think about this one.

11 MR. CELLA: Right.

12 CHAIRMAN SCALZO: Mr. Eberhart,  
13 any questions on this?

14 MR. EBERHART: No. I just  
15 wanted to confirm that you said that  
16 you are willing to make an adjustment  
17 for a foot in, right?

18 MR. CELLA: We can do that so  
19 we maintain the existing side yard  
20 setback.

21 MS. REIN: What did you say,  
22 Jim? I didn't hear you.

23 MR. EBERHART: I just wanted to  
24 confirm that he had mentioned that  
25 they would be willing to concede to

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2                   bring it in, a modification for one  
3                   foot in, right?

4                   CHAIRMAN SCALZO: Because right  
5                   now the variance was granted for five  
6                   feet. And right now, they are  
7                   looking for an addition of 2/10s to  
8                   go to 4.8. I think that's a  
9                   wonderful concession by the applicant  
10                  here.

11                  MR. CELLA: We could do that.

12                  CHAIRMAN SCALZO: Ms. Banks,  
13                  questions or comments?

14                  MS. BANKS: No.

15                  CHAIRMAN SCALZO: Public  
16                  hearing is open, and it will remain  
17                  open in the next month. But is there  
18                  anyone here from the public who  
19                  wishes to comment regarding this  
20                  application?

21                  (No Response.)

22                  CHAIRMAN SCALZO: I'll look to  
23                  the Board for a motion to keep the  
24                  public hearing open to December 23rd.

25                  MR. MASTEN: I make a motion to

1

2                   keep the public hearing open to the  
3                   23rd of December.

4                   MS. REIN: I second.

5                   CHAIRMAN SCALZO: We have a  
6                   motion from Mr. Masten. We have a  
7                   second from Ms. Rein. All of favor?

8                   MS. BANKS: Aye.

9                   MR. EBERHART: Aye.

10                  MR. HERMANC: Aye.

11                  CHAIRMAN SCALZO: Aye.

12                  MR. MASTEN: Aye.

13                  MS. REIN: Aye.

14                  CHAIRMAN SCALZO: Those  
15                  opposed?

16                  (No Response.)

17                  MR. DONOVAN: Can I pause for  
18                  just one second? Joe, if he does  
19                  that, which would now avoid the need  
20                  for the one side variance, would he  
21                  also avoid the need for the combined  
22                  side yard because he is going from --

23                  MR. CELLA: Yes.

24                  (Multiple Speakers.)

25                  MR. DONOVAN: You'll have what

1

2                   you had before, though, is my point.

3                   MR. MATTINA: He already had a  
4                   combined side yard of 10 feet. If he  
5                   gets away -- gives me that 0.2, then  
6                   we're fine.

7                   MR. CELLA: Yes.

8                   CHAIRMAN SCALZO: So, all we're  
9                   looking at is lot coverage after  
10                   that, right?

11                   MR. DONOVAN: And rear yard  
12                   setback.

13                   MR. CELLA: My only question  
14                   is, would you like to have a revised  
15                   map before the next meeting?

16                   CHAIRMAN SCALZO: No, if as you  
17                   walk away the indication is that the  
18                   applicant would be willing to reduce  
19                   the deck width by 2/10s to meet that.  
20                   We only issue the variance. We don't  
21                   need this. That is going to be  
22                   something the Building Department  
23                   would require out of you. I don't  
24                   know that -- Counsel, I don't believe  
25                   we need that, correct?

1

2                   MR. DONOVAN: You are going to  
3                   have to do it anyway, right?

4                   MR. CELLA: No problem.

5                   MR. DONOVAN: It would be  
6                   better if you did because everyone  
7                   will forget what we said after  
8                   Thanksgiving.

9                   MR. MOREAU: Because you're  
10                   going to grant a specific side, so we  
11                   have to --

12                   CHAIRMAN SCALZO: We give you a  
13                   dimension.

14                   MR. CELLA: No problem.

15                   CHAIRMAN SCALZO: You know, if  
16                   we grant you the variances, is what  
17                   you meant to say.

18                   MR. MOREAU: I am optimistic,  
19                   just keep positive.

20                   CHAIRMAN SCALZO: Very good.  
21                   We will see you two days before  
22                   Christmas. Thank you.

23

24

25                   (Time noted: 7:40 p.m.)

Steven Moreau

1

# 2 C E R T I F I C A T E

3

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

6

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

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and  
12 that such examination is a true record of  
13 the testimony given by that witness.

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 14th day of December 2025.

21

22

23

24

✓ *John*

VICTORIA CHUMAS ARIAS

1

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

In the Matter of

7

1

12

13       BOARD MEMBERS:       DARRIN SCALZO, CHAIRMAN  
                                  LATWAN BANKS  
14                                JAMES EBERHART, JR.  
15                                GREGORY M. HERMANCE  
                                  JOHN MASTEN  
                                  DONNA REIN

16

17

18 JOSEPH MATTINA  
SIOBHAN JABLESNIK

19

APPLICANT'S REPRESENTATIVE: Mr. Addison

20

21

22

23

24

25

Victoria Chumas Arias  
Court Reporter

1

2 CHAIRMAN SCALZO: Our final  
3 applicant for the evening is Brooke  
4 Dara Parra, 52 Williams Avenue,  
5 seeking an area variance of the  
6 minimum front yard setback to build a  
7 two-story addition.

8

Siobhan, mailings on this?

9

MS. JABLESNIK: This applicant sent 55 letters.

11

CHAIRMAN SCALZO: It was a very short narrative there. So, please, if you would like to add some commentary to it.

15

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COURT REPORTING

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2                   MS. PARRA: Two foster  
3                   children, so there's six in total.  
4                   They're soon to be adopted. They're  
5                   my niece and nephew, but they're  
6                   still...

7                   CHAIRMAN SCALZO: I'm very  
8                   familiar with Williams. You're right  
9                   at the end. Not a lot of action  
10                  going on. You only need to be down  
11                  there if you need to be down there.

12                  MS. PARRA: There used to be a  
13                  lot of action going on down there,  
14                  but not anymore.

15                  CHAIRMAN SCALZO: Okay.  
16                  Myself, I don't have any questions or  
17                  comments. I am going to start with  
18                  Ms. Banks. Do you have any comments  
19                  or questions, Ms. Banks?

20                  MS. BANKS: Not yet.

21                  CHAIRMAN SCALZO: Okay. I will  
22                  come back to you because you said  
23                  "yet."

24                  Mr. Eberhart?

25                  MR. EBERHART: No questions.

1

2 CHAIRMAN SCALZO: Mr. Hermance?

3 MR. HERMANCE: Well, that

4 answered my question, because I was  
5 going to ask, are you planning on  
6 multiple family or renting?7 MS. PARRA: No, just me. I  
8 mean, my family is large.9 CHAIRMAN SCALZO: The  
10 explanation we got isn't enough?11 MR. HERMANCE: That pretty much  
12 answered it, but just out of  
13 curiosity, why is that arch built in  
14 there on the property?15 MS. PARRA: That is what I was  
16 literally just asking him. Because  
17 the road where the arch is, that's, I  
18 guess, supposedly the property line.  
19 But the road is way --20 MR. HERMANCE: It looks like  
21 the road cuts in.22 CHAIRMAN SCALZO: It probably  
23 was initially thought to be a  
24 cul-de-sac, and then they ended up  
25 probably connecting it to the other

1

2 side. But if you were to --

3 MS. PARRA: It's supposed to be

4 a huge circle, I guess. And it is

5 almost a circle. And then, where my

6 house is, it just kind of goes errp.

7 I don't know if my grandfather didn't

8 do the grass good enough or ended up

9 adding to it, I don't know. But it's

10 a little off, yeah.

11 CHAIRMAN SCALZO: Okay. Mr.

12 Masten?

13 MR. MASTEN: I have no

14 questions.

15 CHAIRMAN SCALZO: Ms. Rein?

16 MS. REIN: Well, from what I

17 saw, there seems to be mostly ranch

18 houses over there. There aren't any

19 real two-family -- I mean double

20 stories. Most of them are single

21 stories.

22 MS. PARRA: In the beginning.

23 Now, there's multiple double stories

24 there.

25 MR. EBERHART: There is one

1

2 right across the street.

3 MS. REIN: There is one across

4 the street, but I didn't see...

5 MS. PARRA: There is a brand

6 new barndominium up top, it's

7 gorgeous, that has a double story.

8 There's one, two right in front of

9 me. And then there's one, a

10 beautiful home, right next to me.

11 CHAIRMAN SCALZO: Yeah. And

12 Ms. Rein, I am not sure if you

13 remember, we did issue a variance a

14 little further up Williams Street for

15 the new two-story.

16 MS. PARRA: The barndominium,

17 yeah. The beautiful one, yeah.

18 CHAIRMAN SCALZO: That was a

19 two-story, and I do believe we issued

20 variances for the front and rear yard

21 on that one. Not too far away. And

22 Lakeview, that's all raised ranches

23 there. As far as character, it may

24 not look like the others, but it's

25 just my --

1

2                   MS. REIN: It was just my  
3                   concern, you know, all of the  
4                   ranches, raised ranches as well, and  
5                   the one two-story across from the  
6                   property. But it didn't seem to me  
7                   like it was going to be conforming  
8                   with the neighborhood, but that's  
9                   just my opinion.

10

                  CHAIRMAN SCALZO: That's why --  
11                   tonight we have a six-member board,  
12                   not a seven, but all of that stuff  
13                   plays in.

14

                  MS. REIN: And that is not  
15                   going to turn into a two-family home?

16

                  MS. PARRA: No. No. No.  
17                   There's too many of us. We couldn't  
18                   if we tried.

19

                  CHAIRMAN SCALZO: Well,  
20                   sometimes we try to look out for the  
21                   next step, if you will, like, you  
22                   know, when you decide to move to  
23                   Florida and whoever moves in. It  
24                   will be incumbent upon them if they  
25                   wanted to convert it. They can

1

2                   always get their 700 square foot  
3                   apartment in there, which you heard  
4                   earlier.

5                   MS. PARRA: That's interesting.

6                   Yeah, I never heard of that.

7                   CHAIRMAN SCALZO: Anyway, I  
8                   have no comments myself. At this  
9                   point, I'm going to open it up to any  
10                  members of the public who wish to  
11                  speak about this application.

12                  (No Response.)

13                  CHAIRMAN SCALZO: Nothing out  
14                  of Mr. Fedder?

15                  MR. FEDDER: No.

16                  CHAIRMAN SCALZO: You are like  
17                  the front-row student. You are like  
18                  the A student sitting in the front,  
19                  not like third or fourth row, the B  
20                  student.

21                  MS. JABLESNIK: He missed you.  
22                  It's been a while.

23                  CHAIRMAN SCALZO: Keeps me on  
24                  my toes. At this point, I'll look to  
25                  the Board for a motion to close the

1

2                   public hearing.

3                   MR. EBERHART: I'll make a

4                   motion to close the public hearing.

5                   MR. HERMANC: I'll second it.

6                   CHAIRMAN SCALZO: We have a

7                   motion to close the public hearing

8                   from Mr. Eberhart. We have a second

9                   from Mr. Hermance. All in favor?

10                  MS. BANKS: Aye.

11                  MR. EBERHART: Aye.

12                  MR. HERMANC: 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: We are going

20                  to go through the balancing tests

21                  again. I think one of the things --

22                  I will just go through it. Again,

23                  Counsel, Type II action under SEQRA?

24                  MR. DONOVAN: That is correct,

25                  Mr. Chairman.

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2                   CHAIRMAN SCALZO: The five  
3                   criteria, first one being whether or  
4                   not the benefit can be achieved by  
5                   other means feasible to the applicant

6                   MR. MASTEN: No.

7                   CHAIRMAN SCALZO: I never  
8                   thought about shifting it back --

9                   MS. PARRA: The septic is  
10                  behind us.

11                  CHAIRMAN SCALZO: Okay, then  
12                  no.

13                  MS. PARRA: It's in a weird  
14                  spot.

15                  CHAIRMAN SCALZO: The second,  
16                  if there's an undesirable change in  
17                  the neighborhood character or a  
18                  detriment to nearby properties.

19                  Well, again, knowing the variance  
20                  that we granted up the street, I  
21                  wouldn't say it's a neighborhood  
22                  character change, undesirable change.

23                  That's my opinion. Ms. Rein was on  
24                  the fence about that.

25                  MS. REIN: I'm good.

1

2 CHAIRMAN SCALZO: Okay. Third,  
3 whether the request is substantial.

4 I think it might be substantial, more  
5 so because of the way the  
6 right-of-way is shaped in that spot  
7 with the way it -- if it didn't, I  
8 don't know they would be here.

9                          Fourth, whether the request  
10                        will have adverse physical or  
11                        environmental effects. Does not  
12                        appear so.

20 MS. PARRA: This guy here.

21 CHAIRMAN SCALZO: So, having  
22 gone through the balancing tests --

23 MR. HERMANCE: Can I ask a  
24 question before you do?

25 CHAIRMAN SCALZO: You betcha.

1

2                   MR. HERMANC: How many  
3                   bedrooms are being added?

4                   MS. PARRA: Four.

5                   MR. HERMANC: This may be a  
6                   question for the Building Department.

7                   CHAIRMAN SCALZO: I hadn't even  
8                   thought of it, but I know where  
9                   you're going with this.

10                  MR. HERMANC: Is the septic  
11                  design sufficient?

12                  CHAIRMAN SCALZO: Adequate for  
13                  that?

14                  MS. PARRA: We have to add to  
15                  it, I believe.

16                  MR. MATTINA: If the variances  
17                  are granted, when I do my plan  
18                  review, that's going to be one of the  
19                  requirements, engineer septic design.

20                  MS. PARRA: We're already  
21                  talking to an engineer, so...

22                  CHAIRMAN SCALZO: That's great.  
23                  You are going to have to upsize the  
24                  tank and everything. It's basically  
25                  a full build-out.

1

2                   MR. MATTINA: Yeah, it's going  
3                   to be double the size.

4                   CHAIRMAN SCALZO: Wow. That's  
5                   something.

6                   MR. HERMANC: And they have  
7                   the property to expand it that much?

8                   MS. PARRA: I believe so, yeah.  
9                   I mean, the one that came said yeah,  
10                   but we are going to look at more  
11                   because he was a little expensive.

12                  MR. MATTINA: With the Eljen  
13                  systems, it cuts down on a lot --

14                  CHAIRMAN SCALZO: Okay, very  
15                  good. So, having gone through the  
16                  balancing tests, I was just about  
17                  there and Mr. Hermance stopped me,  
18                  does the Board have a motion of some  
19                  sort? Wait, she said --

20                  MS. BANKS: I don't have  
21                  anything.

22                  CHAIRMAN SCALZO: So, does the  
23                  Board have a motion of some sort?

24                  MR. EBERHART: I'll motion for  
25                  approval.

1

2 MR. HERMANC: I second.

3 CHAIRMAN SCALZO: We have a  
4 motion for approval by Mr. Eberhart.

5 We have a second from Mr. Hermance.

6 Can you roll on that, please,

7 Siobhan?

8 MS. JABLESNIK: Ms. Banks.

9 MS. BANKS: Approved

10 MS. JABLESNIK: Mr. Eberhart.

11 MR. EBERHART: Yes.

12 MS. JABLESNIK: Mr. Hermance.

13 MR. HERMANC: Yes.

14 MS. JABLESNIK: Mr. Masten.

15 MR. MASTEN: Yes.

16 MS. JABLESNIK: Ms. Rein.

17 MS. REIN: Yes.

18 MS. JABLESNIK: Mr. Scalzo.

19 CHAIRMAN SCALZO: Yes.

20 Motion is carried. Variances  
21 are approved. Good luck,

22 MS. PARRA: Thank you, guys.

23 Happy Thanksgiving.

24 CHAIRMAN SCALZO: Folks, we  
25 have held open from the October 25th,

1  
2 meeting, we have Woodhollow  
3 Contracting Corp for First Prestige  
4 Properties Inc., 5306 Route 9W. We  
5 have gotten zero correspondence from  
6 the applicant. Therefore, we have  
7 some decisions to make. Help me  
8 remember, Siobhan. Is the public  
9 hearing still open for that?

10 MS. JABLESNIK: Yes.

11 CHAIRMAN SCALZO: For the EV  
12 charging station.

13 MS. JABLESNIK: They were  
14 waiting for county.

15 CHAIRMAN SCALZO: There was  
16 other variances that they did not  
17 mention in their application.

18 MS. JABLESNIK: Right, they  
19 needed to redo their map and  
20 resubmit. And I have not received  
21 them.

22 CHAIRMAN SCALZO: Again, help  
23 me remember, Siobhan. What month was  
24 the application here last?

25 MS. JABLESNIK: September.

1

2 CHAIRMAN SCALZO: Counsel, what  
3 are we -- typically what are we --

4 MR. DONOVAN: So, I think what  
5 I suggested last time was that you  
6 have me write them a letter. They  
7 haven't contacted us, though. I said  
8 you could vote or deem the  
9 application withdrawn. My suggestion  
10 is, for both of these folks, because  
11 I reached out to Siobhan today. We  
12 haven't heard anything from Joe and  
13 Bridget Zappone.

14 CHAIRMAN SCALZO: Okay.

15 MR. DONOVAN: Is that we -- the  
16 Board deems their application  
17 withdrawn. Because if you vote no,  
18 then they have to come back, and it  
19 has to be a unanimous vote to reopen  
20 it and have a hearing. Plus, there  
21 has been a no vote. If it's  
22 withdrawn, they still have to come  
23 back and have a new public hearing,  
24 so if any he neighborhoods want to  
25 comment, they get their opportunity

1

2 to. But you know, there is a little  
3 due process thing that I think we  
4 should exercise before we turn them  
5 down. But yet, they haven't come.  
6 They haven't told us why they are not  
7 here. They just haven't showed up.  
8 So, again, the neighbors who are  
9 interested in the application, they  
10 are going to forget.

11 I suggest that the Board just  
12 votes on both of them, deem the  
13 application withdrawn. Siobhan can  
14 send them a note, and if they want to  
15 come back, they can make a new  
16 application. That's my suggestion.

17 MS. REIN: Yeah, that sounds  
18 fair.

19 MR. MASTEN: Sounds good.

20 CHAIRMAN SCALZO: Very good.

21 Let's take them one at a time here.  
22 Woodhollow Contracting Corp for First  
23 Prestige Properties at 5306 Route 9W,  
24 that's the EV charging station. Does  
25 the Board have a motion of some sort

1

2 with regards to the application?

3 MS. REIN: Do we have to close

4 the public hearing first?

5 MR. DONOVAN: No.

6 MS. REIN: No. Okay, then what

7 he said. I make that motion.

8 MR. DONOVAN: A motion to deem

9 the application withdrawn as a result

10 of non-appearance of the applicant.

11 MS. REIN: Exactly.

12 CHAIRMAN SCALZO: So, we have a

13 motion from Ms. Rein.

14 MR. EBERHART: I second.

15 CHAIRMAN SCALZO: We have a

16 second from Mr. Eberhart. All in

17 favor?

18 MS. BANKS: Aye.

19 MR. EBERHART: Aye.

20 MR. HERMANCE: Aye.

21 CHAIRMAN SCALZO: Aye.

22 MR. MASTEN: Aye.

23 MS. REIN: Aye.

24 CHAIRMAN SCALZO: Those

25 opposed?

1

2 (No Response.)

3 CHAIRMAN SCALZO: Very good.

4 Second, same as the first. We  
5 are going to talk about Joseph and  
6 Bridget Zappone, 35 and 41 Lattintown  
7 Road. They were in here for area  
8 variances. If you recall, they had  
9 their cabana out back, was a little  
10 too close to the property line.11 Their representative was Brian  
12 Babcock. We expected to hear back  
13 from him by now, but we have not.14 Therefore, we have given them plenty  
15 of time.16 MS. REIN: They are ignoring  
17 us.18 CHAIRMAN SCALZO: Must be my  
19 cologne. Does the Board have a  
20 motion of some sort with that  
21 application? Ms. Rein? You spoke so  
22 eloquently before.

23 MS. REIN: Thank you. I agree.

24 CHAIRMAN SCALZO: Would you say  
25 the same thing?

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2 MS. REIN: Yes, I make that  
3 same motion again.

4 CHAIRMAN SCALZO: Just with  
5 different names in front of it.

6 MS. REIN: You got it.

7 CHAIRMAN SCALZO: We have a  
8 motion from Ms. Rein.

9 MR. HERMANCE: I'll second it.

10 CHAIRMAN SCALZO: A second from  
11 Mr. Hermance this time.

12 CHAIRMAN SCALZO: All in favor?

13 MS. BANKS: Aye.

14 MR. EBERHART: Aye.

15 MR. HERMANCE: Aye.

16 CHAIRMAN SCALZO: Aye.

17 MR. MASTEN: Aye.

18 MS. REIN: Aye.

19 CHAIRMAN SCALZO: Those  
20 opposed?

21 (No Response.)

22 CHAIRMAN SCALZO: That  
23 concludes all of the application  
24 business this evening.

25 MS. REIN: One thing. Now that

1

2           we've done that with these two  
3           applications, we can just discard  
4           this because when they come back,  
5           they are going to have to come --

6                   CHAIRMAN SCALZO: They have to

7           --

8                   MR. DONOVAN: Unless you want  
9           to examine it to see if there's any  
10           differences between the new submittal  
11           and the old submittal. That's a  
12           joke.

13                   CHAIRMAN SCALZO: So, the last  
14           order of business is approval for the  
15           meeting minutes for the month of  
16           October. I look for the Board for a  
17           motion to approve the meeting minutes  
18           for the month of October.

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

21                   MR. EBERHART: I second.

22                   CHAIRMAN SCALZO: We have a  
23           motion for approval from Ms. Banks.  
24           We have a second from Mr. Eberhart.  
25           All in favor?

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2 MS. BANKS: Aye.

3 MR. EBERHART: Aye.

4 MR. HERMANC: Aye.

5 CHAIRMAN SCALZO: Aye.

6 MR. MASTEN: Aye.

7 MS. REIN: Aye.

8 CHAIRMAN SCALZO: Those

9 opposed?

10 (No Response.)

11 CHAIRMAN SCALZO: Very good.

12 And I look to the Board for a motion

13 to adjourn.

14 MR. MASTEN: I make a motion to  
15 adjourn.

16 MS. REIN: And I second.

17 CHAIRMAN SCALZO: We have a  
18 motion to adjourn from Mr. Masten.19 We have a second from Ms. Rein. All  
20 in favor?

21 MS. BANKS: Aye.

22 MR. EBERHART: Aye.

23 MR. HERMANC: Aye.

24 CHAIRMAN SCALZO: Aye.

25 MR. MASTEN: Aye.

1

2 MS. REIN: Aye.

3 CHAIRMAN SCALZO: Those

4 opposed?

5 (No Response.)

6 CHAIRMAN SCALZO: Thank you.

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25 (Time noted: 7:54 p.m.)

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2 C E R T I F I C A T E

3

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

6

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

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and  
12 that such examination is a true record of  
13 the testimony given by that witness.

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 14th day of December 2019.

21

22

23

24

✓ *John Doe*

VICTORIA CHUMAS ARIAS