

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

-----X  
In the Matter of

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

-----X  
Date: November 25, 2025  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE:  
Michael Henderson,  
Hennessy Architects

-----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. First order of business this evening is the public hearings 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 questions 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.

Roll call, please, Siobhan.

Lillian Parson

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MS. JABLESNIK: Latwan Banks.

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MS. BANKS: Present.

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MS. JABLESNIK: Darrell Bell is

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absent this evening.

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James Eberhart.

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MR. EBERHART: Present.

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MS. JABLESNIK: Greg Hermance.

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MR. HERMANCE: Here.

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MS. JABLESNIK: John Masten.

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MR. MASTEN: Here.

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MS. JABLESNIK: Donna Rein.

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MS. REIN: Here.

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MS. JABLESNIK: Darrin Scalzo.

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CHAIRMAN SCALZO: Here.

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MS. JABLESNIK: Also present is

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our attorney, David Donovan, from

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Code Compliance, Joe Mattina, and our

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stenographer this evening is

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Victoria.

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CHAIRMAN SCALZO: Please rise

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for the Pledge.

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(Pledge of Allegiance.)

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CHAIRMAN SCALZO: Our first

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applicant this evening from the

Lillian Parson

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November 25th agenda is Lillian

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Parson, 5 Woodlawn Terrace, seeking

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an area variance of the minimum front

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yard setback to build a two-story 20

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by 30 addition.

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Do we have mailings on this,

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Siobhan?

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MS. JABLESNIK: This applicant

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sent out 76 letters.

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CHAIRMAN SCALZO: Who do we

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have with us?

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MR. HENDERSON: Michael from

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Hennessy Architects.

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CHAIRMAN SCALZO: Michael, do

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you have a last name?

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MR. HENDERSON: Henderson.

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CHAIRMAN SCALZO: Thank you.

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The floor is yours.

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MR. HENDERSON: The existing

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building is roughly around 1,200

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square feet and was constructed

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around 1920. It's completely located

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in the front yard setback. We are

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looking to put on a -- just a

COPYCAT COURT REPORTING

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one-story 500-square-foot addition,

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20 by 30. It's going to have the

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same height. The ridge will be the

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same height. The width would be the

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same width. Same materials as the

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existing building, so it's going to

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just blend it. It won't stand out.

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CHAIRMAN SCALZO: A pretty

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isolated neighborhood there, isn't

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it?

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MR. HENDERSON: Yeah.

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CHAIRMAN SCALZO: Just looking

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at the application, what happens to

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be my neighborhood, sort of, I am

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going to assume the reason why you

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didn't push the addition back a

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little bit to try and meet the front

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yard setback a little better is you

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would be too close to the pool?

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MR. HENDERSON: Correct.

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CHAIRMAN SCALZO: I really

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don't have anything else, so I'm

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going to start to my right. Ms.

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Banks, do you have any questions or

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comments regarding this application?

MS. BANKS: No questions.

CHAIRMAN SCALZO: Mr. Eberhart?

MR. EBERHART: No issues.

CHAIRMAN SCALZO: Mr. Hermance?

MR. HERMANCE: Only question  
is, are you going to do something  
with the fence? The wooden fence,  
are you going to relocate that?

MR. HENDERSON: Yes. We will  
still enclose the back yard. We  
still have the pool. You have to  
keep it enclosed, so we'll just move  
it and keep it.

MR. HERMANCE: That was my only  
question.

CHAIRMAN SCALZO: Thank you,  
Mr. Hermance.

Siobhan doesn't have comments.

MS. JABLESNIK: No.

Mr. Masten?

CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: No.

CHAIRMAN SCALZO: Ms. Rein?

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MS. REIN: I'm good.

CHAIRMAN SCALZO: At this point, we will open it up to any members of the public that wish to speak about this application.

Mr. Fedder?

MR. FEDDER: Good evening. How are you?

CHAIRMAN SCALZO: I'm very fine, sir.

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

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

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

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

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

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

CHAIRMAN SCALZO: Full first floor above grade?

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

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

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

CHAIRMAN SCALZO: Okay. Well, thank you.

Again, any members of the public?

(No Response.)

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



Lillian Parson

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

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MR. EBERHART: I second.

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

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MS. BANKS: Aye.

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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  
opposed?

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(No Response.)

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CHAIRMAN SCALZO: Very good.  
This is a Type II action under SEQRA.

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

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CHAIRMAN SCALZO: Thank you,  
Counsel.

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

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criteria and discuss the five factors  
we're weighing.

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The first one being whether or  
not the benefit can be achieved by  
other means feasible to the  
applicant. Now, keep in mind, folks,  
that it's an established  
neighborhood. The dwelling is  
pre-existing. They are basically  
just following the front line of the  
house. The house is slightly skewed  
through the property lines, which is  
creating this further encroachment on  
the front yard setback, so I would  
say it is the only way that they can  
do what they want.

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

ALL BOARD MEMBERS: No.

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

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But when you take that into

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consideration with the surrounding

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conditions, I don't think it's

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substantial.

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The fourth, whether the request

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will have adverse physical or

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environmental effects.

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ALL BOARD MEMBERS: No.

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CHAIRMAN SCALZO: Very good.

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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, but even if they

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were putting a rear deck on, they

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would be here because of the front

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yard setback. Anyway, they are just

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making it a little worse.

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Having gone through the

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balancing tests for the area

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variance, does the Board have a

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motion of some sort?

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MR. EBERHART: I motion for

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approval.

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MS. REIN: I second.

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

Can you roll on that, please,  
Siobhan?

MS. JABLESNIK: Ms. Banks.

MS. BANKS: Approved.

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, variance  
approved. Good luck.

MR. HENDERSON: Thank you.

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

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

Lillian Parson

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

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

I further certify that I am not  
related to any of the parties to this  
action 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 14th day of December 2025.



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VICTORIA CHUMAS ARIAS

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

-----X  
In the Matter of

Maria Hanley  
29 Dandelion Lane, Wallkill  
2-1-94  
AR Zone

-----X

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

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

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

APPLICANT'S REPRESENTATIVE:  
Justina Trainor

-----X

Victoria Chumas Arias  
Court Reporter

Maria Hanley

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

Do we have mailings on this, Siobhan?

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

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

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

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

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

CHAIRMAN SCALZO: So, we are

Maria Hanley

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going to let that one be.

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Who do we have with us?

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MS. HANLEY: Maria Hanley.

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CHAIRMAN SCALZO: And with that  
very short sentence of what it is

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that you are looking for, if I have

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captured everything that it is that

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you are seeking with us, we can move

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forward. If you would like to add

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any of your own commentary, now is

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the time.

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MS. HANLEY: No. Is there

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anything you need to know?

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CHAIRMAN SCALZO: That is what

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we're about to find out. I also saw

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on Zillow the house is currently for

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sale?

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MS. HANLEY: It's in contract.

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CHAIRMAN SCALZO: This is quite

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interesting. We get a lot of these,

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I will say, folks coming in either

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asking for permission or forgiveness.

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Who knows what order that ends up in?

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But seeing -- I took the benefit of



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taking a look at the original file

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maps. The home was designed for a

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six-bedroom septic size, which is,

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you know, it's pretty big. Which is,

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you know, that made me feel a little

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better about what I was looking at.

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Looking in the AR district,

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obviously, the two-family dwelling

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here is the issue. I saw on the

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application that you outed your

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neighbors. They happen to also have

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MS. HANLEY: I didn't even

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know. They didn't tell me. I saw a

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sign. That's when I found out.

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CHAIRMAN SCALZO: When they all

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get their letters, they're going to

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thank you a lot.

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MS. HANLEY: I thought you're

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referring to my next-door neighbor

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who moved. They just sold.

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CHAIRMAN SCALZO: Oh, alright.

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Well then, they must not have had a

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survey or had a side yard or front

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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

1  
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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Unfortunately, some of the vendors did apply for the, you know, the things that they were supposed to. Others did not. And in the rush of trying to get everything working again -- and then she, you know, when I got to know her is a year ago June. And she said to me I think there is problems with the town. She was like, I have been trying to address it. I'm on my own, Justina. When she bought, she retired. She is now working back full-time. The reason she is selling is she is just overwhelmed with this house. It's been really, really a terrible experience, unfortunately, for her.

We are in contact, and, you know, she is hoping to get this all up to code, and everybody proceed, and everything goes smoothly. Again, she did not change the footprint of the house.

CHAIRMAN SCALZO: No, no. That

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I understand.

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

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MS. HANLEY: They are all two-family.

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

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

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

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

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MS. TRAINOR: I --

MS REIN: I'm talking to her.

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

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situation.

MS. HANLEY: Well, what happened was only one -- the first contractor didn't do the permit, so everybody else that applied, they kept getting denied. I was trying to go clear them up, but I didn't understand about the -- I thought I had a two-family. I didn't understand one-family with an accessory apartment, and there's certain specifications with that. I didn't understand all of that. I just thought I had a two-family. Everybody starts denying. And I started working on it, and they told me go get an architect, go get this, go do this. And I was running out of money. I spent so much money on this house. When I had money, I would work on it. Then, I would get frustrated, and I stopped because they kept -- I would do this, and they said do that. So, it just was a

Maria Hanley

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

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MS. TRAINOR: Then the pipes  
froze.

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

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

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MR. MATTINA: Yes.

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

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

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1  
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.

14 MR. MATTINA: Seven or eight  
15 years later, there was a permit and a  
16 CO issued for an accessory apartment  
17 on the second floor. It was less  
18 than the 700 square feet. Between 10  
19 years after it was built and today,  
20 that apartment is gone, and it has  
21 become a two-family. So, there is a  
22 permit and CO for an accessory  
23 apartment already for this building.  
24 Where it went, we don't know.

25 MR. DONOVAN: Not to make it

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more complicated, but when I look at

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both tables for AR, it says

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two-family dwellings are allowed, but

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they need site plan review by the

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Planning Board.

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MR. MATTINA: If she gets her

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variances, we are going there next.

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MR. DONOVAN: Because on the

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chart, it just said they're getting

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an ARB review by the Planning Board.

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MR. MATTINA: That's what it's

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going to be, ARB from the Planning

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Board, correct.

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MR. DONOVAN: According to both

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tables, they need site plan, too.

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MR. MATTINA: Well, it will be.

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They combine it together. They make

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it all ARB, site plan.

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MR. DONOVAN: Okay.

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MR. MATTINA: We're going to

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take care of that after they get the

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variances -- if the variances are

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approved.

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CHAIRMAN SCALZO: Boy, that was

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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. HERMANCE: 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.

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

MR. DONOVAN: But it's still going to be okay.

CHAIRMAN SCALZO: The history of the property is very interesting to me because the fellows that subdivided it, they ended up getting foreclosed on. The folks that you purchased it from, it has been in their family until you. So, it all is very interesting. Anyway, that really doesn't matter to me. I just found it interesting.

So, that being said, you know, 25.88 feet on a side yard where you needed 30, so you're not talking about a tremendous amount there. To

1  
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

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2 cul-de-sac.

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

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

(No Response.)

CHAIRMAN SCALZO: Does not appear so.

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

MS. BANKS: I make a motion.

MR. EBERHART: I second.

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

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Mr. Eberhart. All in favor?

MS. BANKS: Aye.

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.

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

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

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



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2

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

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

12

13

14

15

16

17

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19

20

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

21

22

23

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

24

25

Fourth, whether the request  
will have adverse physical or

1  
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 MS. TRAINOR: There were  
12 numerous inspections done by the  
13 buyers, and it passed everything.  
14 They used a reputable --

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

20 MS. TRAINOR: I believe his  
21 company is, and I can provide the  
22 name.

23 CHAIRMAN SCALZO: I don't need  
24 it. You may --

25 MS. TRAINOR: There is a

1  
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

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Board.

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5

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

6

7

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

8

9

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

10

11

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

12

13

14

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16

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

17

MR. MASTEN: Yeah.

18

MS. REIN: I second.

19

20

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

21

22

Can you roll on that, please,  
Siobhan?

23

MS. JABLESNIK: Ms. Banks

24

MS. BANKS: Approved.

25

MS. JABLESNIK: Mr. Eberhart.

Maria Hanley

1

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

Maria Hanley

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

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

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

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11

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13

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

14

15

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

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---

VICTORIA CHUMAS ARIAS

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

-----X  
In the Matter of

Steven Moreau  
50 Old South Plank Road, Newburgh  
52-1-12.2  
R1 Zone

-----X  
Date: November 25, 2025  
Time: 7:27 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE:  
Jonathan Cella,  
Architect

-----X  
  
  
  
Victoria Chumas Arias  
Court Reporter

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

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

MS. JABLESNIK: This applicant sent 38 letters.

CHAIRMAN SCALZO: 38 letters.

MR. EBERHART: Mr. Chairman, one second.

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

MS. JABLESNIK: We have --

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

CHAIRMAN SCALZO: Procedural,



1

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

4

MR. CELLA: I'm Jonathan Cella.  
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

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this applicant, while we can hear

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their presentation, we are not

4

permitted to render a determination

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this evening. And also in this

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instance, not that we're

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anticipating, and I'm going to open

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it up to any members of the public

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that wish to speak, but we can also

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not close the public hearing, or at

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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.

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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?

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CHAIRMAN SCALZO: That's

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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



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additional.

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

5

6

7

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

8

9

10

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

11

12

CHAIRMAN SCALZO: Mr. Masten?

13

MR. MASTEN: I have no  
questions.

14

CHAIRMAN SCALZO: Mr. Hermance?

15

16

17

18

MR. HERMANCE: So, the deck is  
extending towards the other adjacent  
property. Any reason it couldn't  
come the other way?

19

20

21

22

23

24

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

25

MR. HERMANCE: You said this is

1

2 going to be a two-story deck?

3

4

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6

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

7

8

9

MR. HERMANCE: So, which two stories? Because there's three facing --

10

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14

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

15

16

17

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

18

19

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

20

21

22

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

23

(Multiple Speakers.)

24

25

MR. HERMANCE: So, there is no connection to the ground.

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

3

4

MR. MOREAU: Six by six, four  
spots.

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

18

19

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

20

21

22

23

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

24

25

CHAIRMAN SCALZO: Okay.

MR. MOREAU: And the post sits

1  
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?

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CHAIRMAN SCALZO: Because right now the variance was granted for five

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feet. And right now, they are

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looking for an addition of 2/10s to

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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

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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. HERMANCE: Aye.

11

CHAIRMAN SCALZO: Aye.

12

MR. MASTEN: Aye.

13

MS. REIN: Aye.

14

CHAIRMAN SCALZO: Those

15

opposed?

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(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

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for the one side variance, would he

21

also avoid the need for the combined

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side yard because he is going from --

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MR. CELLA: Yes.

24

(Multiple Speakers.)

25

MR. DONOVAN: You'll have what

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2           you had before, though, is my point.

3

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

8

9           MR. CELLA: Yes.  
10          CHAIRMAN SCALZO: So, all we're  
11          looking at is lot coverage after  
12          that, right?

13

14          MR. DONOVAN: And rear yard  
15          setback.

16

17          MR. CELLA: My only question  
18          is, would you like to have a revised  
19          map before the next meeting?

20

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

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

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MR. CELLA: No problem.

5

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

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

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12

CHAIRMAN SCALZO: We give you a  
dimension.

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MR. CELLA: No problem.

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

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

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

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(Time noted: 7:40 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 ARIAS, a Notary  
Public for and within the State of New  
York, do hereby certify:

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

I further certify that I am not  
related to any of the parties to this  
action 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 14th day of December 2025.



---

VICTORIA CHUMAS ARIAS

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

-----X  
In the Matter of

Brooke Dara Parra  
52 Williams Avenue, Newburgh  
101-3-1  
R2 Zone

-----X  
Date: November 25, 2025  
Time: 7:41 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

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

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

APPLICANT'S REPRESENTATIVE: Mr. Addison

-----X  
  
Victoria Chumas Arias  
Court Reporter

Brooke Dara Para

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

Siobhan, mailings on this?

MS. JABLESNIK: This applicant sent 55 letters.

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

MR. ADDISON: I'm Addison. I am going to be the contractor for 52 Williams. This is Brooke. Just to start off, Brooke grew up in the house. There is emotional ties to the house. Now, she is doing well in life. She wants to come back, build the house, re-design it, and she has four kids, five dogs. She needs, you know, a larger space to accommodate for her family.

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

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

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

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

MS. BANKS: Not yet.

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

Mr. Eberhart?

MR. EBERHART: No questions.

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CHAIRMAN SCALZO: Mr. Hermance?

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MR. HERMANCE: Well, that  
answered my question, because I was  
going to ask, are you planning on  
multiple family or renting?

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MS. PARRA: No, just me. I  
mean, my family is large.

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CHAIRMAN SCALZO: The  
explanation we got isn't enough?

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MR. HERMANCE: That pretty much  
answered it, but just out of  
curiosity, why is that arch built in  
there on the property?

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MS. PARRA: That is what I was  
literally just asking him. Because  
the road where the arch is, that's, I  
guess, supposedly the property line.  
But the road is way --

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MR. HERMANCE: It looks like  
the road cuts in.

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CHAIRMAN SCALZO: It probably  
was initially thought to be a  
cul-de-sac, and then they ended up  
probably connecting it to the other

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2 side. But if you were to --

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MS. PARRA: It's supposed to be a huge circle, I guess. And it is almost a circle. And then, where my house is, it just kind of goes errp. I don't know if my grandfather didn't do the grass good enough or ended up adding to it, I don't know. But it's a little off, yeah.

CHAIRMAN SCALZO: Okay. Mr. Masten?

MR. MASTEN: I have no questions.

CHAIRMAN SCALZO: Ms. Rein?

MS. REIN: Well, from what I saw, there seems to be mostly ranch houses over there. There aren't any real two-family -- I mean double stories. Most of them are single stories.

MS. PARRA: In the beginning. Now, there's multiple double stories there.

MR. EBERHART: There is one

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right across the street.

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MS. REIN: There is one across the street, but I didn't see...

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MS. PARRA: There is a brand new barndominium up top, it's gorgeous, that has a double story. There's one, two right in front of me. And then there's one, a beautiful home, right next to me.

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CHAIRMAN SCALZO: Yeah. And Ms. Rein, I am not sure if you remember, we did issue a variance a little further up Williams Street for the new two-story.

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MS. PARRA: The barndominium, yeah. The beautiful one, yeah.

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CHAIRMAN SCALZO: That was a two-story, and I do believe we issued variances for the front and rear yard on that one. Not too far away. And Lakeview, that's all raised ranches there. As far as character, it may not look like the others, but it's just my --

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

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

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

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

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



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2

always get their 700 square foot

3

apartment in there, which you heard

4

earlier.

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MS. PARRA: That's interesting.

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Yeah, I never heard of that.

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CHAIRMAN SCALZO: Anyway, I

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have no comments myself. At this

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point, I'm going to open it up to any

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members of the public who wish to

11

speak about this application.

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(No Response.)

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CHAIRMAN SCALZO: Nothing out

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of Mr. Fedder?

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MR. FEDDER: No.

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CHAIRMAN SCALZO: You are like

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the front-row student. You are like

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the A student sitting in the front,

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not like third or fourth row, the B

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student.

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MS. JABLESNIK: He missed you.

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It's been a while.

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CHAIRMAN SCALZO: Keeps me on

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my toes. At this point, I'll look to

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the Board for a motion to close the

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public hearing.

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MR. EBERHART: I'll make a

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motion to close the public hearing.

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MR. HERMANCE: I'll second it.

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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. Eberhart. We have a second

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from Mr. Hermance. All in favor?

10

MS. BANKS: Aye.

11

MR. EBERHART: Aye.

12

MR. HERMANCE: Aye.

13

CHAIRMAN SCALZO: Aye.

14

MR. MASTEN: Aye.

15

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: We are going

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to go through the balancing tests

21

again. I think one of the things --

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I will just go through it. Again,

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Counsel, Type II action under SEQRA?

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MR. DONOVAN: That is correct,

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Mr. Chairman.

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

MR. MASTEN: No.

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

MS. PARRA: The septic is behind us.

CHAIRMAN SCALZO: Okay, then no.

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

CHAIRMAN SCALZO: The second, if there's an undesirable change in the neighborhood character or a detriment to nearby properties. Well, again, knowing the variance that we granted up the street, I wouldn't say it's a neighborhood character change, undesirable change. That's my opinion. Ms. Rein was on the fence about that.

MS. REIN: I'm good.

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CHAIRMAN SCALZO: Okay. Third, whether the request is substantial. I think it might be substantial, more so because of the way the right-of-way is shaped in that spot with the way it -- if it didn't, I don't know they would be here.

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

And the fifth, whether the alleged difficulty is self-created, which is relevant but not determinative. Of course, it is, but thank you for coming in and asking for permission rather than forgiveness like others.

MS. PARRA: This guy here.

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

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

CHAIRMAN SCALZO: You betcha.

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MR. HERMANCE: How many  
bedrooms are being added?

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MS. PARRA: Four.

5

6

MR. HERMANCE: This may be a  
question for the Building Department.

7

8

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

9

10

MR. HERMANCE: Is the septic  
design sufficient?

11

12

CHAIRMAN SCALZO: Adequate for  
that?

13

14

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

15

16

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

18

19

20

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

21

22

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

23

24

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

3

4

CHAIRMAN SCALZO: Wow. That's something.

5

6

MR. HERMANCE: And they have the property to expand it that much?

7

8

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

10

11

12

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

13

14

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

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MS. BANKS: I don't have anything.

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

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MR. EBERHART: I'll motion for approval.

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MR. HERMANCE: I second.

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

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We have a second from Mr. Hermance.

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Can you roll on that, please, Siobhan?

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MS. JABLESNIK: Ms. Banks.

9

MS. BANKS: Approved

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MS. JABLESNIK: Mr. Eberhart.

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MR. EBERHART: Yes.

12

MS. JABLESNIK: Mr. Hermance.

13

MR. HERMANCE: 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,

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MS. PARRA: Thank you, guys.

23

Happy Thanksgiving.

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CHAIRMAN SCALZO: Folks, we

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have held open from the October 25th,

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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

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some decisions to make. Help me

8

remember, Siobhan. Is the public

9

hearing still open for that?

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MS. JABLESNIK: Yes.

11

CHAIRMAN SCALZO: For the EV

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charging station.

13

MS. JABLESNIK: They were

14

waiting for county.

15

CHAIRMAN SCALZO: There was

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other variances that they did not

17

mention in their application.

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MS. JABLESNIK: Right, they

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needed to redo their map and

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resubmit. And I have not received

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them.

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CHAIRMAN SCALZO: Again, help

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me remember, Siobhan. What month was

24

the application here last?

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MS. JABLESNIK: September.



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

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

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CHAIRMAN SCALZO: Okay.

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MR. DONOVAN: Is that we -- the  
Board deems their application  
withdrawn. Because if you vote no,  
then they have to come back, and it  
has to be a unanimous vote to reopen  
it and have a hearing. Plus, there  
has been a no vote. If it's  
withdrawn, they still have to come  
back and have a new public hearing,  
so if any he neighborhoods want to  
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

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with regards to the application?

MS. REIN: Do we have to close  
the public hearing first?

MR. DONOVAN: No.

MS. REIN: No. Okay, then what  
he said. I make that motion.

MR. DONOVAN: A motion to deem  
the application withdrawn as a result  
of non-appearance of the applicant.

MS. REIN: Exactly.

CHAIRMAN SCALZO: So, we have a  
motion from Ms. Rein.

MR. EBERHART: I second.

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

MS. BANKS: Aye.

MR. EBERHART: Aye.

MR. HERMAN: Aye.

CHAIRMAN SCALZO: Aye.

MR. MASTEN: Aye.

MS. REIN: Aye.

CHAIRMAN SCALZO: Those  
opposed?

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(No Response.)

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CHAIRMAN SCALZO: Very good.

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Second, same as the first. We are going to talk about Joseph and Bridget Zappone, 35 and 41 Lattintown Road. They were in here for area variances. If you recall, they had their cabana out back, was a little too close to the property line. Their representative was Brian Babcock. We expected to hear back from him by now, but we have not. Therefore, we have given them plenty of time.

MS. REIN: They are ignoring us.

CHAIRMAN SCALZO: Must be my cologne. Does the Board have a motion of some sort with that application? Ms. Rein? You spoke so eloquently before.

MS. REIN: Thank you. I agree.

CHAIRMAN SCALZO: Would you say the same thing?

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

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

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MS. REIN: You got it.

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

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MR. HERMANCE: I'll second it.

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

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CHAIRMAN SCALZO: All in favor?

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MS. BANKS: Aye.

14

MR. EBERHART: Aye.

15

MR. HERMANCE: Aye.

16

CHAIRMAN SCALZO: Aye.

17

MR. MASTEN: Aye.

18

MS. REIN: Aye.

19

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CHAIRMAN SCALZO: Those  
opposed?

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(No Response.)

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

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MS. REIN: One thing. Now that

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

CHAIRMAN SCALZO: They have to --

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

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

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

MR. EBERHART: I second.

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

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MS. BANKS: Aye.

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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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And I look to the Board for a motion

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to adjourn.

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MR. MASTEN: I make a motion to

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adjourn.

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MS. REIN: And I second.

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CHAIRMAN SCALZO: We have a

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motion to adjourn from Mr. Masten.

19

We have a second from Ms. Rein. All

20

in favor?

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MS. BANKS: Aye.

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MR. EBERHART: Aye.

23

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  
opposed?

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(No Response.)

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CHAIRMAN SCALZO: Thank you.

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



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

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

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

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13

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

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

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---

VICTORIA CHUMAS ARIAS