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

----- X

In the Matter of

LEON ORZECHOWSKI

106 & 108 Patton Road, Newburgh  
Section 47; Block 1; Lots 127 & 126  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: LEON ORZECHOWSKI

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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MR. DONOVAN: Good evening, and welcome to the October 22nd meeting of the Town of Newburgh Zoning Board of Appeals. My name is Dave Donovan, I'm the Attorney for the ZBA. In the absence of our Board Chairman, Darrin Scalzo, I will act as master of ceremonies tonight.

The procedure before the Board is that when your application is called; you'll come up to the front, and you will explain your application to the Board, and give reasons why you believe the application should be granted.

The procedure of the Board has recently been modified to a hybrid of applicants and representatives who are in person, while it's a Zoom video format for the members of the public, to the extent there's going to be any public comment for tonight's public hearings.

For anyone who is on Zoom in the public, you know that you can go to the Town website and you can view all the records, and applications, and maps that are submitted for the applications.

The Board will consider each application in the order heard tonight, and the

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Board will endeavor to reach a determination.  
Just be aware, by law the Board has 62 days from  
the close of the public hearing to render a  
decision.

The public will be muted during the  
Board period, and then will be unmuted -- Siobhan  
will take care of that -- to the extent we have  
any public comment.

I would ask Siobhan for roll call.

MS. JABLESNIK: Darrell Bell.

MR. BELL: Here.

MS. JABLESNIK: Greg Hermance.

MR. HERMANCE: Here.

MS. JABLESNIK: Richard Levin.

MR. LEVIN: Yes.

MS. JABLESNIK: Anthony Marino.

MR. MARINO: Here.

MS. JABLESNIK: John Masten.

MR. MASTEN: Here.

MS. JABLESNIK: John McKelvey.

MR. MCKELVEY: Here.

MS. JABLESNIK: Our Chairman, Darrin  
Scalzo, is absent tonight. We also have present  
Dave Donovan, our Attorney, and our Stenographer,

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LEON ORZECZOWSKI

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Michelle Conero.

MR. DONOVAN: If everyone could please rise for the Pledge. I would ask the new Board Member, Mr. Hermance, to lead us in the Pledge of Allegiance.

(Pledge of Allegiance.)

MR. DONOVAN: The first application this evening is the application of Leon Orzechowski.

Mr. Orzechowski, you can come forward.

MR. ORZECZOWSKI: Come forward here?

MS. JABLESNIK: If you got in a little late, if any applicants can kind of stand over here by me. You can speak to the Board but kind of just stand around here.

MR. DONOVAN: If I can, just to introduce Mr. Orzechowski, there's two vacant lots that received a variance, I believe, back in 2006. Time flies. We're looking at area variances for minimum lot area, minimum lot width and combined side yards. You seek to build single-family homes on each lot. Correct?

MR. ORZECZOWSKI: Yes.

MR. DONOVAN: So tell us your story.

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LEON ORZECZOWSKI

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MR. ORZECZOWSKI: Explain my story?

MR. DONOVAN: I shouldn't be so open ended. Tell us what you want to do.

MS. ORZECZOWSKI: We'd like to sell the two lots so we can downsize.

MR. ORZECZOWSKI: I had final approval in 2009 for the three-lot subdivision, but the housing market went down and there was no buyers. Since 2009 until today, the housing market is starting to come back. I didn't qualify for some of the regulations that the Town had with the perc test and things like that. In the meantime I did get all those requirements that the Town needed, and they qualified. That was good. So now I'm asking for the variance for my three-lot subdivision again, which I had -- I had a final approval in 2009.

MR. DONOVAN: In 2009, Mr. Orzechowski -- am I pronouncing your name correctly?

MS. ORZECZOWSKI: Yes. Very good.

MR. DONOVAN: Goshen is not far from the black dirt. When the lots were created in 2009, did they conform to the zoning at that time?

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LEON ORZECOWSKI

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MS. ORZECOWSKI: Yes.

MR. DONOVAN: They were rendered nonconforming as a result of a subsequent change in the Town Zoning Ordinance?

MS. ORZECOWSKI: No. They didn't change.

MR. ORZECOWSKI: No. Nothing changed, Your Honor.

MR. DONOVAN: Not even close to Your Honor.

MR. ORZECOWSKI: I'm going to call you that anyway.

MS. ORZECOWSKI: I guess it did. We were in under the wire, so they said we were fine.

MR. DONOVAN: Turning to the Board Members. I'll start with Mr. Bell. Any comments?

MR. BELL: No. I don't have any at this time. I'm good.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCENCE: I was out. I visited all the properties and I took a look at, I believe it's 106 where it shows the swale area on

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LEON ORZECOWSKI

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the map, S-1.

MR. ORZECOWSKI: Yes.

MR. HERMANCE: I was just wondering, because it's level with the road, where would that drain off to? Would you know?

MS. ORZECOWSKI: The drainage. Where would it drain off to because it's level with the road. There's drainage right there.

MR. HERMANCE: There's a swale area located to the right of the --

MR. ORZECOWSKI: It drains towards Lakeside Road. Very little. Very little.

MR. HERMANCE: Okay.

MR. DONOVAN: Mr. Marino?

MR. MARINO: Just a question so I understand exactly what's happening. You have three building lots. They were approved back in, I believe it was 2006 or '09. The Board at that time voted unanimously. It's in the minutes. You're asking for a variance to build three houses?

MS. ORZECOWSKI: Two. We're in the first --

MR. MARINO: On the corner there?

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LEON ORZECOWSKI

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MS. ORZECOWSKI: Right.

MR. MARINO: Two houses, two lots.

Thank you.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: I have no questions.

MR. DONOVAN: Mr. McKelvey?

MR. MCKELVEY: No questions.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: It's a two-lot subdivision?

MR. DONOVAN: It's actually not a subdivision. The lots have been created. They received a variance from this Board, I believe back in 2006. With the passage of time, the variances have expired, and that's what brings you back here.

MS. ORZECOWSKI: Exactly.

MR. DONOVAN: Siobhan, any members of the public?

MS. JABLESNIK: It doesn't look like it. Nobody is speaking. No.

MR. DONOVAN: If there are no more comments from the Members of the Board, does anybody have a motion to make?

MR. ORZECOWSKI: Could I make one more



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LEON ORZECOWSKI

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statement?

MR. DONOVAN: Don't screw it up.

MR. ORZECOWSKI: Fifteen years.  
Fifteen years of paper that I've been going  
through with the Town and the Zoning Board and  
everything. Look. My engineer. Five pounds of  
papers.

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

MR. MASTEN: I'll second it.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: The public hearing is

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closed.

In keeping with the practice we've been having since Zoom, if it's okay with the Board we'll go with the five-part balancing test and then we can vote on the application.

The first question for the Board's consideration is whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created if the variances are granted.

MR. BELL: No.

MR. HERMANCE: No.

MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. DONOVAN: The second is whether the benefit sought by the applicant can be achieved by some other method feasible to pursue other than the requested variances.

MR. McKELVEY: He already had approval.

MR. DONOVAN: The third is whether or not the requested area variances are substantial.

MR. BELL: No.

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MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. HERMANCE: No.

MR. DONOVAN: The fourth is whether issuance of a variance will have an adverse impact on the physical or environmental conditions of the neighborhood.

MR. BELL: No.

MR. HERMANCE: No.

MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. DONOVAN: The last is whether the difficulty is self-created, which consideration shall be relevant but not determinative.

I think in this case the variance has lapsed. So they are self-created but it doesn't stop the Board from acting.

Does anybody have a motion?

MR. MARINO: I would make a motion we approve the variances.

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LEON ORZECOWSKI

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MR. MASTEN: I'll second it.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: All right. Don't wait  
ten years ago.

MS. ORZECOWSKI: Thank you so much.  
Have a good holiday, everybody.

(Time noted: 7:10 p.m.)

(Time resumed: 7:11 p.m.)

MR. DONOVAN: I forgot to ask the  
last time --

MS. JABLESNIK: The mailings. The  
mailings for the first two applications, 106

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LEON ORZECOWSKI

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Patton Road had 15 mailings and 108 had 14  
mailings.

(Time noted: 7:11 p.m.)

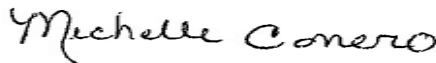
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.



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MICHELLE CONERO

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

----- X

In the Matter of

CHARLES BISSINGER

43 Windwood Drive, Newburgh  
Section 95; Block 5; Lot 10  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: SHAWN ARNOTT

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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CHARLES BISSINGER

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MR. DONOVAN: The second application this evening is the application of Charles Bissinger. This relates to property at 43 Windwood Drive in Newburgh, area variances for the front yard, combined side yards, maximum lot surface coverage, maximum building lot coverage, increasing the degree of nonconformity to allow the construction of a 24 x 30 and a 10 x 16.2 addition with a 12 x 26 foot rear deck.

I forgot to ask the last time --

MS. JABLESNIK: The mailings. The mailings for the first two applications, 106 Patton Road had 15 mailings and 108 had 14 mailings.

This application had 29.

MR. DONOVAN: Sorry about that. The Chairman will chastise me for that.

Do I have a spokesman for the group?

MR. ARNOTT: Yes. My name is Shawn Arnott, A-R-N-O-T-T, for the applicants, the Bissinger family.

They're proposing, as you already stated Mr. Donovan, the proposed two additions and deck. It will be a three-phased approach.

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They're proposing the additions to create a mother/daughter house due to some health complications of Mr. Bissinger, so that there's family in the house, you know, to aid in his health conditions.

The proposed additions are to the side, that's the 24 x 30, and that will house a master bedroom as well as a kitchen. The one on the rear will be an extension of the existing kitchen. Then a proposed deck in between both of them in the rear.

The proposed water and electric services will remain. There won't be two for the dwelling. So it will remain a single-family dwelling.

Other than that, I'll send it back to you.

MR. DONOVAN: Turning to the Members of the Board. Mr. Levin, any questions?

MR. LEVIN: No.

MR. DONOVAN: Mr. McKelvey?

MR. MCKELVEY: No.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: No.



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CHARLES BISSINGER

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MR. DONOVAN: Mr. Marino?

MR. MARINO: Just one question. You have two extra buildings on the property now?

MR. ARNOTT: That's correct.

MR. MARINO: Are they livable now or are they just storage?

MR. ARNOTT: No. Just storage sheds.

MR. MARINO: They're going to remain, the two of them?

MR. ARNOTT: One has to be relocated to accommodate the proposed addition out the back. Otherwise they're going to remain on the property.

MR. McKELVEY: It's a fairly big lot compared to --

MR. ARNOTT: Colden Park.

MR. McKELVEY: I live in Colden Park.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCE: I have no questions.

MR. DONOVAN: Mr. Bell?

MR. BELL: It's my understanding that the shed that's facing the back of the house in the rear, it's starting to deteriorate. Once it does, you're going to go ahead and remove that

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CHARLES BISSINGER

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one shed?

MR. BISSINGER: Correct.

MR. BELL: Are you looking for a permit to get another?

MR. BISSINGER: No. It will be gone. Hopefully with the expansion of the house, there will be enough room to put all the junk inside.

MR. BELL: Got you. I'm good. Thank you.

MR. DONOVAN: Siobhan, any members of the public?

MS. JABLESNIK: No.

MR. DONOVAN: If I could just ask one question. The property that's shown on Mr. Rinaldi's map now, or formerly Tagliaferri, do you know how far their house is from the property line?

MR. ARNOTT: Unfortunately not based on the survey. I'd say --

MR. BISSINGER: Gary's house. It's down here. They're about 45 feet to here and he's about another 20 to 30 feet over. We're 60, 70 feet away from him.

MR. ARNOTT: From the property line,

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CHARLES BISSINGER

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probably 30 to 40 feet.

MR. DONOVAN: Turning back to the Board. Does anybody else on the Board have any questions?

MR. BELL: No.

MR. HERMANCE: No.

MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. DONOVAN: Does anybody on the Board have any motions?

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

MR. BELL: I'll second.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

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MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: And Siobhan, not being  
versed, I should mention the first application  
was a Type 2 action under SEQRA.

This application is a Type 2 action  
under SEQRA.

We'll go through the five-part  
balancing test. The first factor is whether an  
undesirable change will be produced to the  
character of the neighborhood.

MR. BELL: I don't believe so.

MR. McKELVEY: I don't think so.

MR. DONOVAN: The second factor is  
whether the benefit sought by the applicant can  
be achieved by some other method other than this  
variance.

MR. MASTEN: No.

MR. MARINO: No.

MR. BELL: No.

MR. LEVIN: No.

MR. DONOVAN: The third factor is  
whether the requested variance is substantial.

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CHARLES BISSINGER

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You consider the neighborhood, obviously, in reaching your conclusion.

MR. BELL: Yup.

MR. McKELVEY: It's one of the bigger lots.

MR. DONOVAN: The next is whether or not the proposed variance would have an adverse impact on the neighborhood.

MR. BELL: No.

MR. HERMANCE: No.

MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. DONOVAN: The last is whether the variance is self-created, which it is but it's not a bar to you granting the relief.

Based upon that, does anybody have a motion?

MR. BELL: I'll make a motion for approval.

MR. McKELVEY: I'll second.

Roll call.

MS. JABLESNIK: Mr. Bell?

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MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. ARNOTT: Thank you very much.

MR. DONOVAN: Good luck.

(Time noted: 7:16 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

  
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MICHELLE CONERO

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

----- X  
In the Matter of

FRANK LISI

10 June Road, Newburgh  
Section 94; Block 1; Lot 29.1  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 7:16 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: FRANK LISI

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163



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FRANK LISI

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MR. DONOVAN: The third application  
this evening is Frank Lisi.

Did I say that correctly.

MR. LISI: Lisi, yeah.

MR. DONOVAN: This is property at 10  
June Road, R-1 Zoning District. Mr. Lisi seeks  
an area variance of the side yard and increasing  
the degree of nonconformity of the front yard to  
build a 14 x 14 addition.

Siobhan, the mailings?

MS. JABLESNIK: This applicant sent out  
40 letters.

MR. DONOVAN: The floor is yours, sir.

MR. LISI: I'd like to put up just a  
14 x 14 side yard addition of a bedroom for my  
daughter. We'd like to take the existing bedroom  
and turn that into a bathroom, closet, hallway.  
It's kind of congested with only one bathroom in  
the morning. So that's another reason. That's  
pretty much it.

MR. DONOVAN: Just let us know your  
name for the record again.

MR. LISI: Frank Lisi, owner.

MR. DONOVAN: Thank you very much.

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FRANK LISI

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I'll start with Mr. McKelvey this time.

Any questions?

MR. MCKELVEY: It's all woods behind  
your house?

MR. LISI: Yeah. To that side, yes.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: I have no questions.

MR. DONOVAN: Mr. Marino?

MR. MARINO: Is that a storage shed in  
the front of your house there? Right out to the  
front?

MR. LISI: Storage shed in the front?  
No. There's a garage to the right. Yes.

MR. MARINO: That's going to remain?

MR. LISI: That's going to stay there.

MR. MARINO: The addition is going on  
the back side of the house?

MR. LISI: The addition is going to go  
to the opposite side, to the left toward the  
woods.

MR. MARINO: Thank you.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCENCE: When we visited you  
indicated you also purchased the property -- that

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FRANK LISI

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strip of property next to you.

MR. LISI: Yeah. A 150 x 100 foot lot. We combined it years ago, so it's all one piece now, the 150 x 100.

MR. HERMANCE: You have 75 feet on that side?

MR. LISI: Yes.

MR. HERMANCE: No further questions.

MR. DONOVAN: Mr. Bell?

MR. BELL: I'm good.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: I didn't think there were any problems. They're putting it up in the back of the house.

MR. DONOVAN: Siobhan, any members of the public?

MS. JABLESNIK: No.

MR. DONOVAN: If there are no further comments from the Board, can we have a motion regarding the public hearing?

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

MR. MARINO: Second.

MR. McKELVEY: Roll call.

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MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DONOVAN: Okay. So we closed the public hearing.

We're going to go through the five-part balancing test.

This is a Type 2 action under SEQRA.

If I am proceeding at a pace that's too quick, please slow me down. I'm getting on a roll here.

MR. BELL: You're doing good, Dave.

MR. DONOVAN: The first factor, whether an undesirable change in the character of the neighborhood will be produced if the variance is

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FRANK LISI

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granted.

MR. McKELVEY: No.

MR. HERMANCE: No.

MR. BELL: No.

MR. LEVIN: No.

MR. DONOVAN: The second factor is whether the benefit can be achieved by some other method other than a variance.

MR. McKELVEY: No.

MR. HERMANCE: No.

MR. BELL: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The third factor is whether the requested area variance is substantial.

MR. BELL: No.

MR. LEVIN: No.

MR. HERMANCE: No.

MR. MARINO: No.

MR. MASTEN: No.

MR. McKELVEY: No.

MR. DONOVAN: The fourth is whether

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FRANK LISI

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there will be an adverse impact on the physical  
or environmental conditions in the neighborhood.

MR. BELL: No.

MR. LEVIN: No.

MR. HERMANCE: No.

MR. MARINO: No.

MR. MASTEN: No.

MR. McKELVEY: No.

MR. DONOVAN: The last factor is  
whether or not the difficulty is self-created,  
which in this case it is, but that's not  
determinative as to whether or not you can grant  
the variance.

So with that said, does anybody have  
any motions relative to the merits of the  
variance?

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

MR. BELL: I'll second.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

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FRANK LISI

31

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DONOVAN: You are approved.

Congratulations.

MR. LISI: Can I ask a question? Can I  
take that sign down now?

MR. DONOVAN: No. You have to keep it  
up until you finish construction. I'm only  
kidding.

MR. LISI: All right.

(Time noted: 7:21 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

SIGN STAR NY, LLC

601 Auto Park Place, Newburgh  
Section 97; Block 2; Lot 44  
IB Zone

----- X

Date: October 22, 2020  
Time: 7:21 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: KATIE WAGNER

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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MR. DONOVAN: Our fourth application this evening is Sign Star NY, LLC, an area variance to install signage at the BJ's gas station canopy.

If you could let us know who you are for the record.

MS. WAGNER: My name is Katie Wagner, I'm here on behalf of Sign Star.

They would like to install four signs around the four sides of a canopy down over by BJ's for a new gas station that they're installing.

The variance for special application is because there is no code currently for a sign such as this.

One thing I would like to bring up that just came to our attention today is that in the submission, the illumination of the signs that are going to go on the canopy was not part of the drawing set that was provided to you. May I submit that now?

MR. DONOVAN: Let me ask you this question: Were they submitted to the Building Department? To Code Compliance?

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MS. WAGNER: Yes, they were. The whole thing was denied because there's no code.

MR. DONOVAN: Was there any indication from Code Compliance that the lighting on the signs would be contrary to any code provision?

MS. WAGNER: No.

MR. DONOVAN: Obviously, typically, there's a time requirement. I don't have an objection if the Board doesn't have any objection, but there is no relief being sought relative to the illumination. Correct? In other words -- I just want to make clear that the Board, to the extent they issue an approval, is giving you an approval for the signage. If there's an issue with the illumination or not --

MS. WAGNER: Absolutely.

MR. DONOVAN: There's been no denial from Code Compliance, so the Board wouldn't have jurisdiction.

MS. WAGNER: Understood.

MR. DONOVAN: If the Board Members wish to have it. I don't think it's germane to your determination. You're free to hand out the paper if you brought copies.

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MS. WAGNER: I just know some boards, the illumination would be an issue and sometimes it's not. I wanted to bring it to your attention.

MR. DONOVAN: I'm answering you like a lawyer because that's what I am. If Code Compliance had denied the application because you violated a code provision relative to illumination, then it would be important to the Board. The Board is not being asked to rule on the illumination, it's only being asked to rule on --

MS. WAGNER: Correct. The signage.

MR. DONOVAN: -- the signage on the canopy.

MS. WAGNER: Yes.

MR. DONOVAN: So then --

MS. WAGNER: Sounds good.

MR. DONOVAN: Unless you want it. There's no need for it.

MR. McKELVEY: It's in an area where there's all kinds of auto dealers.

MS. WAGNER: I also drove by earlier. There a couple of illuminated signs from Honda

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and Chrysler right around in that area. They're ground signs, though.

MR. DONOVAN: I'll turn to the Board. I'll start this time with Mr. Masten.

MR. MASTEN: I have no questions.

MR. DONOVAN: Mr. Marino?

MR. MARINO: No questions.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCE: No questions.

MR. DONOVAN: Mr. Bell?

MR. BELL: No.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: I'm fine.

MR. DONOVAN: Mr. McKelvey?

MR. MCKELVEY: No.

MR. DONOVAN: Siobhan, any members of the public?

MS. JABLESNIK: Nope. Nothing.

MR. DONOVAN: If there are no other comments from the Board, do we have a motion relative to the public hearing?

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

MR. MARINO: I'll second that.

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MR. McKELVEY: Roll call, please.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: The application for a  
sign variance is an Unlisted action under SEQRA,  
so we need a negative declaration.

MR. McKELVEY: I'll make that motion.

MR. DONOVAN: We need a second.

MR. MASTEN: I'll second it.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

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MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DONOVAN: So I'm on a roll but I'm going so fast I'm forgetting. Siobhan, the mailings on this, please?

MS. JABLESNIK: This applicant sent out 38 letters.

MR. DONOVAN: Just when I think I have it down.

MS. JABLESNIK: You're doing really good.

MR. DONOVAN: Applications for sign variances actually go through the same five-part balancing test. I don't know if that makes sense, but that's what the law is.

The first factor is whether an undesirable change will be produced in the character of the neighborhood or a detriment

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caused if the variance is approved.

MR. BELL: No.

MR. HERMANCE: No.

MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. DONOVAN: The second is whether the benefit sought can be achieved by any other method.

The third is whether the variance is substantial.

MR. LEVIN: I don't believe so.

MR. McKELVEY: It's a big building.

MR. DONOVAN: The fourth is whether there would be an adverse impact on the physical or environmental conditions of the neighborhood.

MR. BELL: No.

MR. HERMANCE: No.

MR. LEVIN: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. DONOVAN: The last is whether the



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difficulty is self-created, which it is but that's not a bar to granting relief.

With that said, does anybody have any motions relative to the variance in the application?

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

MR. BELL: I'll second.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MS. WAGNER: Thank you.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

ALYSSA RIGLIONI

127 Rock Cut Road, Newburgh  
Section 48; Block 3; Lot 24  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 7:26 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ALYSSA RIGLIONI

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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ALYSSA RIGLIONI

44

MR. DONOVAN: The next application this evening is Alyssa Riglioni.

Did I say that correctly, ma'am?

MS. RIGLIONI: Yes.

MR. DONOVAN: This is a request for a variance for relief of the minimum setback requirements for a prior built accessory structure.

Tell us who you are and what you want.

MS. RIGLIONI: My name is Alyssa Riglioni. I'm just seeking a variance for an accessory building that we built to attach to an already existing garage. We found out that the structure was too close to the property line. I was just hoping to get a variance to allow that so I could get approval for the building permit.

MR. DONOVAN: Mr. Marino, any questions? Tony?

MR. MARINO: The structure is not up yet?

MS. RIGLIONI: It is.

MR. MARINO: You're realizing now you should have gotten a permit for it?

MS. RIGLIONI: Correct.

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ALYSSA RIGLIONI

45

MR. MARINO: Which side of the house is  
it on?

MS. RIGLIONI: If you're looking at my  
house from the road, it's on the left side.

MR. MARINO: Okay.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCE: I just did notice that  
the fence -- I visited the property -- the fence  
line is actually beyond the property line.

MS. RIGLIONI: Correct.

MR. HERMANCE: So you're aware of that?

MS. RIGLIONI: I'm on the property. I  
didn't comply with the setbacks.

MR. HERMANCE: Was the garage a  
permitted structure?

MS. RIGLIONI: That was grandfathered  
in. That was built in the '50s. That was  
grandfathered in when we had bought the property.  
That's why we didn't give it a thought when we  
put just the little shed up there.

MR. DONOVAN: Mr. Bell?

MR. BELL: You did a real good job.

MS. RIGLIONI: Thank you.

MR. BELL: Like he was saying, I was

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ALYSSA RIGLIONI

46

looking at the fence line when I went there today  
and seeing how close the shed was in line.

On the other side, how much space  
between the property line?

MS. RIGLIONI: I believe it's just  
about a foot at the one corner.

MR. BELL: At the one corner there?

MS. RIGLIONI: Yeah.

MR. BELL: I did go inside, with your  
permission, just to look and see. It was very  
nice.

MS. RIGLIONI: It was just to store  
things that would otherwise be stored outside,  
under a tarp possibly. Just to keep everything  
looking nice.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: I'm okay.

MR. DONOVAN: Mr. Masten?

Mr. McKelvey? I'm so sorry.

MR. McKELVEY: You're so far back you  
can't see it from the road.

MR. BELL: No, you can't.

MR. DONOVAN: Anything, John?

MR. McKELVEY: I have nothing.

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ALYSSA RIGLIONI

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MR. MASTEN: I have nothing.

MR. DONOVAN: Siobhan, any members of the public?

MS. JABLESNIK: No. It looks like we're good.

MR. DONOVAN: Did I remember to do the mailings?

MS. JABLESNIK: No. She sent out 24 letters.

MR. DONOVAN: Thank you.

If there are no further questions from the Board, no members of the public, do we have a motion relative to the public hearing?

MR. BELL: I'll make a motion relative for approval.

MR. DONOVAN: Did you mean close the public hearing?

MR. BELL: To close the public hearing first. I'm very sorry. I apologize.

MR. DONOVAN: Do I have a second?

MR. MARINO: I'll second that.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

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MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DONOVAN: This is a Type 2 action  
under SEQRA.

We'll just go through the balancing  
test now. The first factor is whether an  
undesirable change would be produced to the  
character of the neighborhood.

MR. BELL: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. MCKELVEY: No.

MR. HERMANCE: No.

MR. DONOVAN: The second is whether the  
applicant can pursue another method other than



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ALYSSA RIGLIONI

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the variance.

MR. BELL: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

MR. LEVIN: No.

MR. HERMANCENCE: No.

MR. DONOVAN: The third is whether  
or not the area variance request is  
substantial.

MR. BELL: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

MR. LEVIN: No.

MR. HERMANCENCE: No.

MR. DONOVAN: The fourth factor is  
whether or not the proposed variance would have  
an adverse impact on the physical or  
environmental conditions of the neighborhood.

MR. BELL: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

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ALYSSA RIGLIONI

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MR. LEVIN: No.

MR. HERMANCE: No.

MR. DONOVAN: The last is whether or not the variance was self-created, which it is but that's not a bar from granting relief.

Does anybody wish to make a motion?

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

MR. MARINO: I'll second.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MS. RIGLIONI: I do have one question.

Now I need to get the permit, right, or am I

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ALYSSA RIGLIONI

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finished?

MS. JABLESNIK: Your application will go back to the Building Department. If you're missing anything else, if there was anything else on your plan review that you still have to get to the Building Department, they'll probably set up a site inspection and then give you your permit.

MS. RIGLIONI: Thank you so much. Have a great night.

(Time noted: 7:30 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

JAN KADNAR

275 Pressler Road, Wallkill  
Section 6; Block 1; Lot 10.5  
AR Zone

----- X

Date: October 22, 2020  
Time: 7:30 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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JAN KADNAR

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MR. DONOVAN: The next application is  
Jan Kadnar.

MR. DOCE: I'm Darren Doce. I did the  
engineering for Mr. Kadnar.

The main parcel was a parcel that was  
subdivided, a lot from a subdivision done in  
2009. At that time the building on that lot  
received a variance for the front yard setback.

Mr. Kadnar's subdividing that building  
from the 42-acre parcel to create a separate  
2-acre lot that the building is going to be  
located on.

The Planning Board referred us back  
here to get the previous variance reaffirmed or  
reissued.

We believe it's not going to be a  
detriment to the neighborhood. I mean it's an  
existing building and it has existed predating  
zoning. Once Mr. Kadnar renovates the building,  
it will actually like enhance the area.

MR. DONOVAN: Just for clarification,  
so this is not the same lot that got the variance  
back in 2009?

MR. DOCE: It is the building that got

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JAN KADNAR

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the variance back in 2009. It was on a 42-acre parcel. Now we're going to re-subdivide that 42-acre parcel, creating a 2-acre lot that the building is going to be located on.

MR. DONOVAN: The reason I ask is the 2009 variance, in addition to having the front yard setback at 10 feet, had an additional setback of 21.7 feet and a variance for --

MR. DOCE: That's the cottage on a separate lot.

MR. DONOVAN: So we don't need to worry about that. Just for clarification.

MR. DOCE: That was on lot 4. This is on lot 5.

MR. DONOVAN: Thank you.

Mr. Hermance, any questions?

MR. HERMANCE: There's two dwellings listed on there. I noticed one was a garage. So technically there's one dwelling?

MR. DOCE: Yeah. It's the stone --

MR. HERMANCE: There's no plan for -- it's only approved for a one-family house?

MR. DOCE: Right.

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JAN KADNAR

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MR. HERMANCE: Maybe that should be worded differently on the plans instead of the dwelling.

MR. DOCE: Okay. Right. The stone structure is going to be renovated.

MR. HERMANCE: Is the garage going to be renovated also?

MR. DOCE: Most likely removed.

MR. HERMANCE: Removed. Okay. That's all I had.

MR. DONOVAN: Mr. Bell?

MR. BELL: I don't have any questions. I'm good.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: No.

MR. DONOVAN: Mr. McKelvey?

MR. MCKELVEY: Nothing.

The mailing.

MS. JABLESNIK: 29 letters.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: I have nothing.

MR. DONOVAN: Mr. Marino?

MR. MARINO: I'm good.

MR. DONOVAN: Any members of the



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JAN KADNAR

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public, Siobhan?

MS. JABLESNIK: It doesn't look like  
it, no.

MR. DONOVAN: If there are no other  
questions from the Board, is there a motion  
relative to the public hearing?

MR. McKELVEY: I'll make a motion to  
close.

MR. MASTEN: I'll second it.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: The public hearing is  
closed.

This is a Type 2 action under SEQRA.

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We'll go through the balancing test.  
The first factor is whether an undesirable  
change will be produced in the character of  
the neighborhood if the variance is granted.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The second is can the  
benefit be sought by some other method other than  
the variance.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The house is there.

MR. BELL: The house is already  
standing.

MR. DONOVAN: The third is whether the  
variance is substantial.

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MR. McKELVEY: No.

MR. MASTEN: No.

MR. DONOVAN: The fourth, whether or not the variance will have an adverse effect on the physical or environmental conditions of the neighborhood.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The last is whether or not the variance was self-created, which it is but that's not a determinative factor.

Based upon that, any motions from the Board relative to the merits of the application?

MR. MARINO: I'll make a motion we approve the application.

MR. LEVIN: I'll second that.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

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JAN KADNAR

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MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DOCE: Thank you.

(Time noted: 7:36 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

*Michelle Conero*

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MICHELLE CONERO

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

----- X  
In the Matter of

3 KIDDS NEWBURGH, LLC

2 Plainview Lane, Newburgh  
Section 75; Block 1; Lot 21.12  
R-3 Zone

----- X

Date: October 22, 2020  
Time: 7:36 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: STANLEY SCHUTZMAN

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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MR. DONOVAN: The next application this evening is 3 Kidds Newburgh, LLC, seeking area variances for height, area and maximum allowed free-standing signs, to install two free-standing signs on the property.

If you could tell us who you are for the record, please.

MR. SCHUTZMAN: Good evening. My name is Stanley Schutzman, I'm a local attorney. I'm here to represent 3 Kidds Newburgh, LLC. With me is Mr. Umberto Balducci from JMC, site plan consultants, also on behalf of the applicant.

MR. McKELVEY: Mailings?

MS. JABLESNIK: 82 letters.

MR. SCHUTZMAN: So what we have here is that the client had gone through site plan approval, got approval in 2017. The two stone monument signs were part of the approval, and all the specs were filed as part of that. The client filed for a building permit, has fully built out the project, including the two masonry stone monuments at the entrance. In the process of just filing for the sign that goes in the oval that's depicted in the empty space that you have

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in your submission, we were denied on the basis that they say only one sign is permitted.

There are two lanes into the site. The maximum area is the 20 square feet on the sign. When we mathematically calculated the oval, we came out under, but the Building Department came out at 24 square feet. So we're here for 24 square feet.

Also, that the height of the sign rises to 5 feet and what's permissible is 4 feet.

So we're here for those three requested variances.

MR. DONOVAN: Where did I start last time? Did I start with you?

MR. HERMANCE: Yes.

MR. DONOVAN: Mr. Bell, any questions?

MR. BELL: So the sign, we're saying that it's supposed to be 4 feet and it's 5. Correct?

MR. SCHUTZMAN: Yes. The top of the masonry is at that.

MR. BELL: You're saying there's two entrances. You have one sign?

MR. SCHUTZMAN: There's two lanes in.



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The reason that there are two signs was because from each direction of the road. The way you read it, it would be a matter of -- we feel as a matter of traffic safety, ease of access.

MR. BELL: Okay. I'm good.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: I know it goes by the amount of road frontage. It seems to me you've got a lot of road frontage. I don't know why this came up.

MR. DONOVAN: They actually changed the code a couple years ago. It was by road frontage. Now there's a different methodology.

MR. LEVIN: Okay.

MR. DONOVAN: Anything else?

MR. LEVIN: No.

MR. DONOVAN: Mr. McKelvey?

MR. MCKELVEY: I think the sign is very nice. It's going to look good. I think your problem is you're on that big hill -- coming up the hill.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: No.

MR. DONOVAN: Mr. Marino?

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MR. MARINO: The signs you have up now, will they remain?

MR. SCHUTZMAN: There's just a banner there. That will come down.

MR. MARINO: Will these signs have lighting on them?

MR. SCHUTZMAN: There will be indirect lighting in compliance with code. We're not here on a variance for illumination.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCE: I have no questions.

MR. DONOVAN: Siobhan, any members of the public?

MS. JABLESNIK: No.

MR. DONOVAN: If there are no further questions from the Board, does anybody have a motion relative to the public hearing?

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

MR. MARINO: I'll second that.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

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MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DONOVAN: This is an Unlisted  
action under SEQRA for the sign variance. I'd  
ask for a negative declaration.

MR. MASTEN: I'll make that motion.

MR. DONOVAN: We need a second.

MR. BELL: I'll second.

MS. JABLESNIK: Roll call for that.

Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

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MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: So with the request for the sign variance, that also goes through the five-part balancing test. We'll do that now.

The first is whether an undesirable change will be produced in the character of the neighborhood if the variances are granted.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. BELL: It looks good.

MR. DONOVAN: The second is whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the requested variances.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

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MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The third factor is whether the requested variances are substantial.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The fourth is whether issuance of the variances would have an adverse physical or environmental effect.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The last is whether or not the difficulty was self created, which it was, but that's not a bar to granting relief.

That said, does anybody have a motion relative to the merits of the application?

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MR. MARINO: I'll make a motion we  
approve the application.

MR. BELL: I'll second.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. SCHUTZMAN: Thank you all for your  
time.

(Time noted: 7:42 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

  
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MICHELLE CONERO

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

----- X

In the Matter of

JOHN O'BRIEN

21 Greenshire Way, Walden  
Section 11; Block 1; Lot 92.42  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 7:42 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: JAY SAMUELSON

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163



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JOHN O'BRIEN

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MR. DONOVAN: After Orzechowski and Riglioni, I'm happy to have Mr. O'Brien, as any good Irish person would. That's our next application this evening,

Is Mr. O'Brien here?

MR. O'BRIEN: Right here, sir.

MR. SAMUELSON: Can I speak through Zoom, please?

MS. JABLESNIK: When we open the public hearing you can speak. Just wait for that.

MR. DONOVAN: Is that your representative?

MR. O'BRIEN: Yes, sir.

MS. JABLESNIK: Never mind. Sorry.

MR. DONOVAN: If I can, just before that gentleman speaks, this is property located at 21 Greenshire Way. This is a referral from the Planning Board. This is a request for an area variance for the front for an existing nonconforming residence.

Siobhan, before Mr. McKelvey reminds me --

MS. JABLESNIK: 19 letters.

MR. DONOVAN: Thank you very much.

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JOHN O'BRIEN

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Sir on Zoom, if you could identify yourself and proceed.

MR. SAMUELSON: Good evening. My name is Jay Samuelson of Engineering Properties. I apologize --

MR. DONOVAN: You look much better on zoom, Jay.

MR. SAMUELSON: -- but my partner, Ross Winglovitz, to intending to attend this evening in person but an emergency popped up. I did jump on Zoom to hopefully represent Mr. O'Brien in this fashion. I hope that's okay with the Board.

MR. DONOVAN: Go ahead, Jay.

MR. SAMUELSON: Mr. O'Brien is pursuing a two-lot subdivision through the Planning Board. His current residence was built on Greenshire Way. At that point in time it was a cul-de-sac with a flag lot to the rear that had a 60-foot right-of-way. Since that time, since he built his house, there's been additional development down that right-of-way, and the Town has since taken over that right-of-way as a Town road. Now his existing residence does not meet the front yard setback of 50 feet. It is only 43.2.

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JOHN O'BRIEN

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We're here to request a variance for that front yard of his existing dwelling.

MR. DONOVAN: Thanks, Jay. Anything else?

MR. SAMUELSON: That's all I have.

MR. DONOVAN: I'll turn to the Members of the Board. Mr. Levin, any comments?

MR. LEVIN: No.

MR. DONOVAN: Mr. McKelvey?

MR. MCKELVEY: No.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: No. When I was there I didn't see any sign by the road or down by the house.

MR. DONOVAN: Okay.

MR. MARINO: You're right, there wasn't a sign.

MR. HERMANCE: I think it was laying on the ground. If it was the same thing, I think it came down off the stakes. It was laying on the ground when I visited.

MR. DONOVAN: Any questions on the merits of the application?

MR. BELL: No.

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JOHN O'BRIEN

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MR. DONOVAN: Mr. Hermance?

MR. HERMANCE: No.

MR. DONOVAN: Mr. Bell?

MR. BELL: No.

MR. DONOVAN: Siobhan, any members of  
the public?

MS. JABLESNIK: No. It doesn't look  
like it.

MR. DONOVAN: So Mr. O'Brien or Jay,  
the Board has indicated that the required  
notification was not present. I'm going to look  
and see what the code says about that. If you  
have anything to say about that?

MR. SAMUELSON: I do not. I believe  
Mr. O'Brien is on the Zoom as well. I believe he  
can speak to that.

MR. O'BRIEN: The notification I saw,  
it was there.

MR. DONOVAN: You submitted --

MR. O'BRIEN: Also my neighbors also  
spoke to me about it.

MR. DONOVAN: So reading from code,  
Section 185-55, Subdivision A, it says, "The  
posted notice must be maintained and updated with

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JOHN O'BRIEN

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the public hearing date. If there's any change, it needs to be updated as well. The applicant shall not be deemed to have violated the requirements to maintain the notice if the notice is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time." Actually, the notice must be removed within ten days after the close of the public hearing.

So John and Tony, when were you guys there? Recently?

MR. McKELVEY: I was there Sunday.

MR. DONOVAN: Was the notice up?

MR. MASTEN: I was there on the 19th.

MR. McKELVEY: Was there a sign?

MR. MASTEN: Not up by the road or down by the house. I didn't see a sign.

MR. DONOVAN: Well, so --

MR. McKELVEY: Did you have a sign originally?

MR. O'BRIEN: Yes, sir.

MR. McKELVEY: Did the weather take it down?

MR. O'BRIEN: That's the only thing I

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JOHN O'BRIEN

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can think of. That's past my house. I don't really go that way. Again, I just talked to my neighbor two days ago and she was mentioning to me also about it. I just don't know if that sign was not there or was knocked down. I don't know. I don't know when, if it happened.

MR. DONOVAN: The only thing I would offer for the Board is the purpose behind this is so folks know and neighbors know where the property is and potentially what's going to happen there. In this situation nothing is going to happen because the house is already there. The house is not going to move. The house is going to stay in this location. So it would be my view to you, should you wish to adopt that, that you didn't necessarily need to stand on the letter of the requirement in this specific instance, that you would be free to act if the Board is inclined to do so.

MR. McKELVEY: I think the neighbors all got mailings.

MR. DONOVAN: We do have mailings. Correct, Siobhan?

MS. JABLESNIK: Yes.

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JOHN O'BRIEN

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MR. DONOVAN: Did I ask that question?

MS. JABLESNIK: Yes, you did. Right  
away.

MR. DONOVAN: Are there any members of  
the public?

MS. JABLESNIK: No.

MR. DONOVAN: So you have two options.  
One, you can continue the public hearing and  
require that the notice be replaced in the  
ground. Or I would say to you that you have the  
ability to move forward, should you so desire, on  
this application because you have a house that's  
there. It's not going to be moved. There's not  
going to be an addition to it. People know  
what's there. I would say under these  
circumstances, if the Board wanted to close the  
public hearing and move forward, you would be  
able to do that. That's up to you.

MR. McKELVEY: I would like to move  
forward.

MR. DONOVAN: Is there a motion to  
close the public hearing?

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

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

MR. DONOVAN: That was a second. Mr. Bell made the motion, Mr. Levin seconded.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. DONOVAN: I should note that this is a Type 2 action under SEQRA.

We'll go through the five-part balancing test. The first factor is whether or not an undesirable change would be produced to the character of the neighborhood if the variance is granted.

MR. BELL: No.



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MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The second is whether the benefit sought could be achieved by some other method feasible for the applicant to pursue.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The third is whether or not the variance is substantial.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The fourth is whether or not the variance would have an adverse physical

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or environmental impact.

MR. BELL: No.

MR. HERMANCE: No.

MR. McKELVEY: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. LEVIN: No.

MR. DONOVAN: The last is whether or not the alleged difficulty is self-created, which it is, but that's not a bar to granting relief.

With that said, does anybody have a motion as to the merits of the application?

MR. BELL: I'll make a motion for approval.

MR. HERMANCE: I'll second.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

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MR. MASTEN: Yes.  
MS. JABLESNIK: Mr. McKelvey?  
MR. McKELVEY: Yes.  
MR. DONOVAN: You're good to go.  
MR. SAMUELSON: Thank you.  
MR. O'BRIEN: Thank you all. Be safe.  
(Time noted: 7:50 p.m.)

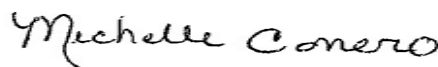
C E R T I F I C A T I O N

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.



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MICHELLE CONERO

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

----- X

In the Matter of

MEADOW HILL REFORMED CHURCH

211 Fletcher Drive North, Newburgh  
Section 86; Block 1; Lot 72  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 7:50 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANCE  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

APPLICANT'S REPRESENTATIVE: ANTHONY BROWN

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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MR. DONOVAN: The last application this evening is Meadow Hill Reformed Church located at 211 Fletcher Drive. They're seeking area variances for maximum allowed square footage of signage and maximum allowed height for the sign located on Meadow Hill Road only.

Siobhan, before I forget, mailings?

MS. JABLESNIK: You don't want to ask how many he mailed out. 215.

MR. DONOVAN: Sir, if you'd just tell us who you are and what you want.

MR. BROWN: My pleasure. Thank you for having us. My name is Tony Brown, or Anthony Brown formally. I'm a facilities person from Meadow Hill Reformed Church.

Long story. The church, as many of you know, is the old Dutch Reformed Church from the City of Newburgh, moved up to Meadow Hill back in 1968. We celebrated our 50th birthday this past year at that location.

At that time we placed a little sign on Meadow Hill Road which stood 3 foot by maybe 4 foot wide, and it was lighted. We now desire to move into a more modern era with a little bit

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larger lighted sign, static marquis type. Not a moving message board or anything like that. We're very cognizant of the light pollution in that area, but we also feel that the location of the sign in the exact spot of the existing sign will add a little bit of safety to that area of Meadow Hill Road. That's very poorly lit. Our lot is pretty large. There's not really any light poles along there.

The new sign would stand a little taller than me, 6'6" high from the ground to the top and 8' wide. It would have about 5,500 lumens on each side for total lumens of about 11,500.

We're cognizant of light pollution but we feel there is a safety factor in that. It would be on a digital timer, as required by the zoning laws in the Town of Newburgh. It would come on about -- we could adjust it, but when it gets dark. We're money conscious so we want to save money when we can. When it gets dark, say 6:00. It would go off not later than 10:00 in the evening. That could be adjusted throughout the year depending upon the need for a lighted

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sign in the summer months.

It will carry Christian inspirational messages but it also could be used by the Town if they needed. We're a voting place, a polling place. We could put a sign up vote here, register here, whatever, that's required for that time of year.

The other thing that I would mention is, in looking at the light pollution aspect, which we very carefully considered, there's nothing to the south that would infringe upon anybody's house in terms of that light coming off that sign. To the north there's one house just across the street from us. The way the sign is positioned, it's not shining directly into their house. It's lateral to their house, more or less.

Brighton Woods -- Brighton Commons -- Greens there, the big apartment complex, there's so much foliage it prevents any light from really getting into. Our neighbor to the south -- or to the west and a little bit south, there's big trees between us and him, and so we don't see that as a problem.

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So we're seeking to move forward with this new proposal. We hope you can support it.

MR. McKELVEY: Is the lighting going to stay on the property? It's not going to shine off the property?

MR. BROWN: I didn't hear you.

MR. McKELVEY: The lighting is not going to shine off the property?

MR. BROWN: Not going to shine?

MR. McKELVEY: Off the property.

MR. BROWN: No. It would shine to the east, into the parsonage house more or less, and to the west towards the house that's -- we've got a big hedge row and trees. You can't see that house.

MR. DONOVAN: Mr. Masten?

MR. MASTEN: No. No questions.

MR. DONOVAN: Mr. Marino?

MR. MARINO: No questions.

MR. DONOVAN: Mr. Hermance?

MR. HERMANCE: Is the sign going exactly in the same spot as the old one?

MR. BROWN: Correct.

MR. HERMANCE: You measured it out?



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It's a little shorter than 41 feet. It's like 35 feet.

MR. BROWN: That's from --

MR. HERMANCE: From the edge of the road to the sign.

MR. BROWN: Well that's from the middle of the road. From the middle of the road to the sign is 41 feet, if I recall.

MR. HERMANCE: Okay.

MR. DONOVAN: Mr. Bell?

MR. BELL: Your sign, is it a -- I forget what they call it. Digital?

MR. BROWN: No, it's not digital. It's just a lighted, standard, static marquis. One message.

MR. BELL: Marquis style. Understood.

MR. BROWN: Moulton Memorial has the rolling one. You have to stop and really be able to read it.

MR. BELL: That's what I was asking.

MR. BROWN: That's not the purpose of that.

MR. McKELVEY: Anything you want to do, you can change it? You can change it manually?

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MR. BROWN: Yes. The current letters are about this tall. These letters would be about 6 inches tall.

MR. DONOVAN: Mr. Levin?

MR. LEVIN: No questions.

MR. DONOVAN: Members of the public, Siobhan?

MS. JABLESNIK: Are there any members of the public?

MR. WENZEL: I have one question. Can you hear me?

MR. DONOVAN: If you could just tell us who you are for the record.

MR. WENZEL: My name is Gary Wenzel. I'm part of Brighton Green. I just wanted to know how that sign would interact with Fletcher and whether there could be any obstruction? You know, you've got the turn there coming out of Brighton Green, shining light on Fletcher. Right now the existing sign is pretty small and it doesn't cause any visual issue.

MR. DONOVAN: Go ahead, sir.

MR. BROWN: Okay. As you turn right onto Meadow Hill Road, not Fletcher Road, you

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would see the sign. 5,500 lumens is not all that bright. It's brighter than what you're used to. I made that right turn in and out of Brighton Green a few times to take meals to people there. We don't see it as -- according to the folks that are building the sign, they've never had an experience where that was such a bright light that it would blind you coming around the corner there.

MR. WENZEL: I'm not really worried about the light itself. Will the sign obstruct any of the view or will it be set back?

MR. BROWN: It's set back off the road. From the middle of the road -- it's about 41 feet from the middle of the road. Right in the same place as the existing sign.

MR. WENZEL: Okay. Okay.

MR. BROWN: I hope I answered your question.

MR. WENZEL: Yes. Thank you.

MR. BROWN: You bet.

MR. DONOVAN: Anything else, sir?

MR. WENZEL: No.

MR. DONOVAN: Anyone else, Siobhan?

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MS. JABLESNIK: No. That's it.

MR. DONOVAN: The Board Members don't have any other questions?

(No response.)

MR. DONOVAN: A motion relative to the public hearing?

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

MR. BELL: Second.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: The sign variance is an Unlisted action under SEQRA. We need a negative

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declaration.

MR. BELL: I'll make a motion for a  
negative declaration.

MR. DONOVAN: Motion by Mr. Bell.

MR. McKELVEY: I'll second.

MR. DONOVAN: Mr. McKelvey.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MR. DONOVAN: Now we'll go through the  
five-part balancing test. The first factor,  
whether an undesirable change would be produced  
in the character of the neighborhood if the  
variance was granted.

MR. BELL: No.

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MR. HERMANCE: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

MR. LEVIN: No.

MR. DONOVAN: The second is whether the benefit sought could be achieved by some other method other than the variance.

MR. BELL: No.

MR. HERMANCE: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

MR. LEVIN: No.

MR. DONOVAN: The third is whether the variances are substantial.

MR. BELL: No.

MR. HERMANCE: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

MR. LEVIN: No.

MR. DONOVAN: The fourth is whether issuance of the variances would have an adverse

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physical or environmental effect on the  
neighborhood.

MR. BELL: No.

MR. HERMANCE: No.

MR. MASTEN: No.

MR. MARINO: No.

MR. McKELVEY: No.

MR. LEVIN: No.

DONOVAN: And the last is whether or  
not the variance is self created. Which they  
are, but that's not a determinative factor.

Given that, does anybody have a motion  
relative to the merits of the application?

MR. BELL: I'll make a motion to  
approve it.

MR. LEVIN: I'll second it.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

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MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. MCKELVEY: Yes.

MR. BROWN: Thank you.

(Time noted: 8:02 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

*Michelle Conero*

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MICHELLE CONERO



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

----- X  
In the Matter of

ARTHUR FOWLER

6 Snider Avenue, Walden  
Section 32; Block 5; Lots 18  
R-1 Zone

----- X

Date: October 22, 2020  
Time: 8:02 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN McKELVEY, Acting Chairman  
DARRELL BELL  
GREGORY M. HERMANC  
RICHARD LEVIN  
ANTHONY MARINO  
JOHN MASTEN

ALSO PRESENT: DAVID DONOVAN, ESQ.  
SIOBHAN JABLESNIK

----- X

MICHELLE L. CONERO  
3 Francis Street  
Newburgh, New York 12550  
(845)541-4163

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MR. DONOVAN: One last item. We have a request from Darren Doce for an extension of the Arthur Fowler variance that I guess is due to expire November 28th.

If the Board is so inclined, it can grant one six-month extension.

MR. LEVIN: I have no objection to it.

MR. BELL: I don't see a problem.

MR. DONOVAN: Does anybody want to make a motion for the --

MR. MARINO: Just a question for my own information. If somebody needs an extension, they can make it for any amount?

MR. DONOVAN: The code has six months. The variance is good for six months and you get a six-month extension. That's why, if you remember, the Darrigo Solar Farm came back, because it expired.

MR. McKELVEY: You can only get one extension.

MR. MARINO: One six-month extension?

MR. DONOVAN: So it basically gives you a year.

MR. MARINO: Okay.

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MR. DONOVAN: Does anybody want to --

MR. LEVIN: I'll make a motion.

MR. MASTEN: Second.

MR. DONOVAN: Motion by Mr. Levin.

Second by Mr. Masten.

MR. McKELVEY: Roll call.

MS. JABLESNIK: Mr. Bell?

MR. BELL: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Levin?

MR. LEVIN: Yes.

MS. JABLESNIK: Mr. Marino?

MR. MARINO: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. McKelvey?

MR. McKELVEY: Yes.

MS. JABLESNIK: This starts from

November; right?

MR. DONOVAN: That is correct. Yes.

MR. BELL: As far as November 28th, it

starts on the 29th?

MR. DONOVAN: That's correct. The six

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ARTHUR FOWLER

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months would start then.

MR. McKELVEY: I think the only thing we have left is a motion for the minutes.

MR. DONOVAN: Does anybody want to make a motion for the minutes for the September meeting?

MR. LEVIN: I'll make a motion to approve the minutes.

MR. BELL: I'll second.

MR. DONOVAN: All in favor?

MR. BELL: Aye.

MR. HERMANCE: Aye.

MR. LEVIN: Aye.

MR. MARINO: Aye.

MR. MASTEN: Aye.

MR. McKELVEY: Aye.

MR. DONOVAN: Do we have a motion to adjourn?

MR. MASTEN: I'll make a motion to adjourn.

MR. BELL: I'll second.

MR. DONOVAN: All in favor?

MR. BELL: Aye.

MR. HERMANCE: Aye.

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ARTHUR FOWLER

101

MR. LEVIN: Aye.

MR. MARINO: Aye.

MR. MASTEN: Aye.

MR. McKELVEY: Aye.

(Time noted: 8:08 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 30th day of October 2020.

*Michelle Conero*

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MICHELLE CONERO