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

GREGORY FLOTARD

4 Gunsch Estates Drive, Newburgh  
Section 14; Block 1; Lot 21.42  
RR Zone

----- X

Date: October 27, 2022  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

1 GREGORY FLOTARD

2 MR. BELL: Good evening. We  
3 would like to call the meeting of the  
4 ZBA to order. The first thing I will  
5 say is the Chairman, Darrin Scalzo,  
6 is not here this evening so I will be  
7 replacing him as the Vice Chair. He  
8 is on a call for his job.

9 The first order of business is  
10 the public hearings scheduled for  
11 today. The procedure of the Board is  
12 that all applicants will be called  
13 upon to step forward, state your  
14 request and explain why it should be  
15 granted. The Board would then ask  
16 the applicant any questions it may  
17 have, and then any questions or  
18 comments from the public will be  
19 entertained. The Board will consider  
20 the applications and will try to  
21 render a decision this evening but it  
22 could take up to 62 days to reach a  
23 determination.

24 I would ask that if you have  
25 any cellphones, you turn them off or

1 GREGORY FLOTARD

2 put them on silent. When speaking,  
3 if you would --

4 MS. JABLESNIK: There are no  
5 microphones tonight. They're not  
6 turning on.

7 MR. BELL: So we have no  
8 microphones. When you step forward  
9 to speak, will you speak clearly and  
10 make sure our Stenographer, Michelle,  
11 can hear what you're saying.

12 Roll call, please.

13 MS. JABLESNIK: Mr. Bell.

14 MR. BELL: Here.

15 MS. JABLESNIK: Mr. Eberhart.

16 MR. EBERHART: Here.

17 MS. JABLESNIK: Mr. Gramstad.

18 MR. GRAMSTAD: Here.

19 MS. JABLESNIK: Mr. Hermance.

20 MR. HERMANCE: Here.

21 MS. JABLESNIK: Mr. Masten.

22 MR. MASTEN: Here.

23 MS. JABLESNIK: Ms. Rein.

24 MS. REIN: Here.

25 MS. JABLESNIK: Mr. Scalzo is

1 GREGORY FLOTARD

2 absent this evening. Also present is  
3 Dave Donovan, our Attorney. From  
4 Code Compliance is Joe Mattina. We  
5 have our Stenographer, Michelle Conero.

6 MR. BELL: If we can stand and  
7 do the Pledge of Allegiance.

8 (Pledge of Allegiance.)

9 MR. BELL: The first applicant  
10 is Gregory Flotard. Did we get  
11 Orange County --

12 MS. JABLESNIK: The applicant  
13 sent out 27 letters.

14 We mailed it to the County and  
15 we received their review back with a Local  
16 determination.

17 MR. BELL: All right, sir.

18 MR. LYTTLE: Good evening. I'm  
19 Ken Lytle representing the Flotards  
20 for this variance.

21 They're looking to put a garage  
22 on the side of their house, detached  
23 from the house, and in doing so they  
24 have storage above the garage, they  
25 need to have a 21 foot height where

1 GREGORY FLOTARD

2 15 is required. They're looking for  
3 a 6-foot variance.

4 MR. BELL: We are all required  
5 to visit the sites, all of the sites.  
6 We've all been out to take a look.

7 We'll start Robert, Mr. Gramstad.

8 MR. GRAMSTAD: No. I went out  
9 there, I talked to --

10 MR. LYTTLE: Greg.

11 MR. GRAMSTAD: -- Greg and he  
12 explained what he's doing.

13 MR. BELL: Mr. Eberhart?

14 MR. EBERHART: No questions.

15 MR. BELL: Mr. Hermance?

16 MR. HERMANCE: No. He  
17 explained they're going to be moving  
18 the existing shed to make room for  
19 the new garage. I have no questions.

20 MR. BELL: Okay. Mr. Masten?

21 MR. MASTEN: I have no questions.

22 MR. BELL: Ms. Rein?

23 MS. REIN: I have one. On page  
24 2 of 5, 15, does the site of the  
25 proposed action contain any species

1 GREGORY FLOTARD

2 of animals or associated habitats  
3 listed by the Federal Government as  
4 threatened or endangered. It was  
5 unanswered.

6 MR. LYTLE: That would be no.  
7 I can fill it out and modify it for  
8 you.

9 MS. REIN: Please. Thank you.

10 MR. BELL: When I spoke with  
11 the applicant, I know he had  
12 mentioned that he would be moving the  
13 shed that's directly to his front to  
14 the side --

15 MR. LYTLE: That's right.

16 MR. BELL: -- near the property  
17 line. I'm hoping that it doesn't  
18 fall apart.

19 I did notice that next door  
20 there was a garage that was built  
21 that was looking to be about the same  
22 height.

23 Okay. Is there anyone from the  
24 public here who wishes to speak?

25 (No response.)

1 GREGORY FLOTARD

2 MR. BELL: No one from the  
3 public.

4 Okay. I'll ask anybody on the  
5 Board?

6 (No response.)

7 MR. BELL: No. Okay.

8 MR. DONOVAN: Mr. Chairman, if  
9 I may. Ken, can you tell us the  
10 topography of the lot, if this  
11 structure is going to be visible from  
12 the street, to the neighbors? It's  
13 fairly substantial. If you could  
14 just kind of elaborate, something for  
15 the record.

16 MR. LYTTLE: The property has a  
17 gentle slope to the rear of the lot.  
18 As the driveway -- some of the  
19 Members have been there. He's going  
20 to put it to the rear of the  
21 driveway. It will be visible from  
22 the road. To make it appealing it  
23 will match the house as much as he  
24 possibly can for that reason.

25 MR. DONOVAN: In terms of the

1 GREGORY FLOTARD

2 grade, will it be below the grade of  
3 the street?

4 MR. LYTLE: It will be below  
5 the grade. Everything from the  
6 street will run actually past it.

7 MR. DONOVAN: It's not raised.  
8 The height will actually appear lower  
9 from the street?

10 MR. LYTLE: That is correct.

11 MR. DONOVAN: Any screening,  
12 trees or anything that would screen  
13 it from the neighbors or anything  
14 like that?

15 MR. LYTLE: No. There are  
16 bushes on the right-hand side of the  
17 property --

18 MR. DONOVAN: I'm trying to  
19 help you out here, Ken.

20 MR. LYTLE: -- between him and  
21 the neighbors. The other side --  
22 actually, the property is full of  
23 bushes. The pool is on the other  
24 side. It's unscreened from the left  
25 side of the property. The right side



1 GREGORY FLOTARD

2 has a bunch of bushes.

3 MR. DONOVAN: The Chairman  
4 indicated there's similar accessory  
5 structures in the neighborhood.

6 MR. LYTTLE: That's correct.

7 MR. DONOVAN: Thank you, Mr.  
8 Chairman.

9 MR. BELL: With that said, I  
10 can close the public hearing.

11 MR. GRAMSTAD: I'll make a  
12 motion to close the public hearing.

13 MR. MASTEN: I'll second it.

14 MR. BELL: First from Mr.  
15 Gramstad and second from Mr. Masten.  
16 All in favor, say aye.

17 MR. BELL: Aye.

18 MR. EBERHART: Aye.

19 MR. GRAMSTAD: Aye.

20 MR. HERMANCENCE: Aye.

21 MR. MASTEN: Aye.

22 MS. REIN: Aye.

23 MR. BELL: We'll go through the  
24 balancing act for the five factors.  
25 The variance criteria here has five

1 GREGORY FLOTARD

2 factors to weigh, the first one being  
3 whether or not the benefit can be  
4 achieved by any other means feasible  
5 to the applicant. No.

6 Second, is there an undesirable  
7 change in the neighborhood's  
8 character or a detriment to nearby  
9 properties.

10 MR. BELL: No.

11 MR. EBERHART: No.

12 MR. GRAMSTAD: No.

13 MR. HERMANCE: No.

14 MR. MASTEN: No.

15 MS. REIN: No.

16 MR. BELL: None.

17 Okay. Third, whether the  
18 request is substantial. It is.

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

22 MR. BELL: No.

23 MR. EBERHART: No.

24 MR. GRAMSTAD: No.

25 MR. HERMANCE: No.

1 GREGORY FLOTARD

2 MR. MASTEN: No.

3 MS. REIN: No.

4 MR. BELL: You covered that in  
5 your question.

6 The fifth, whether the alleged  
7 difficulty is self-created. This is  
8 relevant but not determinative.

9 If the Board approves, it shall  
10 grant the minimum variance necessary  
11 and may impose reasonable conditions.

12 Having gone through the  
13 balancing test of the area variance,  
14 what is the pleasure of the Board?  
15 Do you have a motion of some sort?

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

18 MR. GRAMSTAD: I'll second it.

19 MR. BELL: We have a motion to  
20 approve from Greg and a second by  
21 Robert. All in favor?

22 MR. DONOVAN: Roll call.

23 MR. BELL: We have to do roll  
24 call.

25 MS. JABLESNIK: Mr. Bell?

1 GREGORY FLOTARD

2 MR. BELL: Yes.

3 MS. JABLESNIK: Mr. Eberhart?

4 MR. EBERHART: Yes.

5 MS. JABLESNIK: Mr. Gramstad?

6 MR. GRAMSTAD: Yes.

7 MS. JABLESNIK: Mr. Hermance?

8 MR. HERMANCENCE: Yes.

9 MS. JABLESNIK: Mr. Masten?

10 MR. MASTEN: Yes.

11 MS. JABLESNIK: Ms. Rein?

12 MR. REIN: Yes.

13 MR. DONOVAN: Just for the  
14 record, it's a Type 2 action under  
15 SEQRA.

16 MR. BELL: Thank you.

17 MR. LYTLE: Thank you.

18

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

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1 GREGORY FLOTARD

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 set my hand this 4th day of November 2022.

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*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

JOY PITTMAN  
5 Palomino Drive, Newburgh  
Section 58; Block 1; Lot 13  
R-2 Zone

----- X

Date: October 27, 2022  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JAIME PAGAN

----- X

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

1 JOY PITTMAN

2 MR. BELL: Next we have Ms. Joy  
3 Pittman. Ms. Joy Pittman.

4 MR. PAGAN: Hi.

5 MR. BELL: State your name.

6 MR. PAGAN: My name is Jaime  
7 Pagan. I'll be doing the work for  
8 Ms. Pittman, hopefully.

9 I guess there was a question  
10 about the variance and stuff. She  
11 sent me the paperwork. Here I am.

12 MR. BELL: So what is it that  
13 you're going to be doing for her?

14 MR. PAGAN: Well pretty much  
15 the deck. The drawings and  
16 everything you guys have.

17 MR. DONOVAN: So we're clear,  
18 the rear yard setback, the minimum  
19 required is 40 feet and you're  
20 proposing 34 feet.

21 MR. PAGAN: Correct.

22 MR. DONOVAN: Just tell us why  
23 you can't go to 40 feet.

24 MR.: Well she wanted a 16 by  
25 18 deck. That's what she wanted.

1 JOY PITTMAN

2 MS. REIN: I have a question.

3 MR. PAGAN: Yes, ma'am.

4 MS. REIN: On page 2 of 5, 14,  
5 it says identify the typical habitat  
6 types. There's nothing there. Is  
7 this suburban?

8 MR. PAGAN: It's in Meadow Hill.

9 MS. REIN: Okay. We have to  
10 change that. Thank you.

11 MR. BELL: Is that it?

12 MR. PAGAN: That's it.

13 MR. HERMANCENCE: The request is  
14 for a variance for where 40 feet  
15 minimum is required and you propose  
16 34. The question I think was why are  
17 you asking for the variance instead  
18 of building it within the limits of  
19 the --

20 MR. PAGAN: Well I wasn't aware  
21 of it. She wanted a 16 by 18 deck.  
22 If I bring it 16 foot out, it gives  
23 you 34 feet from the edge of the deck  
24 to the property. That's pretty much it.

25 MR. DONOVAN: We kind of hoped



1 JOY PITTMAN

2 you'd give us a reason for that.

3 MR. PAGAN: That's my reason.

4 The space was there. That's what she  
5 wants, or that's what she prefers.

6 MR. BELL: Okay. Greg?

7 MR. HERMANCENCE: No.

8 MR. BELL: Anyone else on the  
9 Board?

10 MR. MASTEN: No.

11 MR. BELL: Okay. Is there  
12 anyone from the neighborhood who  
13 wishes to speak on this issue?

14 MR. GALO: I'm just supporting  
15 it.

16 MR. BELL: Come forward,  
17 please, and state your name.

18 MR. GALO: My name is Alec  
19 Galo, her neighbor. Because of the  
20 construction of the house, I think  
21 the deck will add beauty to the house  
22 and give for them to spend many  
23 afternoons on their check and enjoy  
24 their time there. I think you should  
25 grant the application.

1 JOY PITTMAN

2 MR. DONOVAN: What's behind the  
3 house, the neighboring property?

4 MR. PAGAN: There's another  
5 property back there.

6 MR. DONOVAN: I know. What's  
7 on that property?

8 MR. PAGAN: There's some amount  
9 of room to the next property. It's  
10 the backyard to another house.

11 MR. DONOVAN: Another house.  
12 Okay.

13 MR. PAGAN: Yes.

14 MR. BELL: We all walk the  
15 properties. We were able to see the  
16 other decks that are attached. It is  
17 in character with the neighborhood.

18 MR. PAGAN: Yes. There is  
19 plenty of room.

20 MR. BELL: Okay. Nothing else  
21 from the Board here?

22 MR. EBERHART: No questions.

23 MR. BELL: All right. You can  
24 take a seat.

25 MR. PAGAN: Thank you.

1 JOY PITTMAN

2 MR. DONOVAN: We should close  
3 the public hearing.

4 MR. BELL: Can I have a motion  
5 to close the public hearing?

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

8 MR. EBERHART: Second.

9 MR. BELL: We have a first by  
10 Mr. Masten. Mr. Masten was first,  
11 Mr. Eberhart was second. All in favor?

12 MR. BELL: Aye.

13 MR. EBERHART: Aye.

14 MR. GRAMSTAD: Aye.

15 MR. HERMANCE: Aye.

16 MR. MASTEN: Aye.

17 MS. REIN: Aye.

18 MR. BELL: This is a Type 2  
19 action under SEQRA?

20 MR. DONOVAN: Correct.

21 MR. BELL: I'll get it right  
22 this time.

23 We'll go through the balancing  
24 act, the first being whether or not  
25 the benefits can be achieved by any

1 JOY PITTMAN

2 other means necessary to the applicant.

3 MR. BELL: No.

4 MR. EBERHART: No.

5 MR. GRAMSTAD: No.

6 MR. HERMANCE: No.

7 MR. MASTEN: No.

8 MS. REIN: No.

9 MR. BELL: Second, is there an  
10 undesirable change in the neighborhood  
11 character or a detriment to nearby  
12 properties.

13 MR. BELL: No.

14 MR. EBERHART: No.

15 MR. GRAMSTAD: No.

16 MR. HERMANCE: No.

17 MR. MASTEN: No.

18 MS. REIN: No.

19 MR. BELL: The third, whether  
20 the request is substantial.

21 MR. MASTEN: No.

22 MR. BELL: The fourth, whether  
23 the request can have adverse physical  
24 or environmental effects, which it  
25 does not.

1 JOY PITTMAN

2 If the Board approves, it shall  
3 grant the minimum variance necessary.

4 Having gone through the  
5 balancing act, what is the motion of  
6 the Board?

7 MS. REIN: To approve.

8 MR. BELL: You'll make a motion?

9 MS. REIN: I'll make a motion  
10 to approve.

11 MR. GRAMSTAD: I'll second it.

12 MR. BELL: We have a first by  
13 Ms. Donna and a second by Mr.  
14 Gramstad. All in favor?

15 MR. BELL: Aye.

16 MR. EBERHART: Aye.

17 MR. GRAMSTAD: Aye.

18 MR. HERMANCE: Aye.

19 MR. MASTEN: Aye.

20 MS. REIN: Aye.

21 MR. BELL: We'll roll on that,  
22 Siobhan.

23 MS. JABLESNIK: Mr. Bell?

24 MR. BELL: Yes.

25 MS. JABLESNIK: Mr. Eberhart?

1 JOY PITTMAN

2 MR. EBERHART: Yes.

3 MS. JABLESNIK: Mr. Gramstad?

4 MR. GRAMSTAD: Yes.

5 MS. JABLESNIK: Mr. Hermance?

6 MR. HERMANCE: Yes.

7 MS. JABLESNIK: Mr. Masten?

8 MR. MASTEN: Yes.

9 MS. JABLESNIK: Ms. Rein?

10 MS. REIN: Yes.

11 MR. BELL: Okay. So the  
12 variance is approved.

13 MR. PAGAN: Thank you.

14 MS. PITTMAN: Thank you.

15 MS. JABLESNIK: Just for the  
16 record, the applicant sent out 68  
17 mailings.

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

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JOY PITTMAN

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 4th day of November 2022.

*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

JOHN & YVONNE DeMARCO  
9 Anchor Drive, Newburgh  
Section 121; Block 1; Lot 17  
R-1 Zone

----- X

Date: October 27, 2022  
Time: 7:17 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JEFF DeGRAW

----- X

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



1       JOHN & YVONNE DeMARCO

2                   MR. BELL: Next is John and  
3 Yvonne DeMarco.

4                   MR. DeGRAW: May we pass out a  
5 few things?

6                   MR. BELL: Sure.

7                   MR. DeGRAW: This is John but I  
8 am not Yvonne. I just want to make  
9 sure we get that straight.

10                   My name is Jeff DeGraw. My  
11 company is DeGraw & DeHaan  
12 Architects, here representing John  
13 and Yvonne.

14                   Their intention is to build a  
15 new house on vacant land at 9 Anchor  
16 Drive in Newburgh. We are here  
17 because we're looking for relief from  
18 the building lot coverage.

19                   I'll give you a little  
20 background on the property. We have  
21 some drawings and renderings so you  
22 can kind of see the character of it.  
23 The houses are single-family houses  
24 in the neighborhood. They generally  
25 range about 4,500 to 6,500 square

1 JOHN & YVONNE DeMARCO

2 feet. This house will be right about  
3 5,000. It's right kind of in keeping  
4 with all the neighborhood homes.  
5 Stylistically it fits in very well  
6 with the homes in the neighborhood.  
7 There's a lot of stucco. It fits in  
8 very nicely.

9 The thing to note about one of  
10 the reasons we're here for lot  
11 coverage is the neighboring lots are  
12 generally 1.3 to 1.6 acres. This lot  
13 is 1 acre. We're working with a  
14 little bit less property.

15 The other thing we have on it,  
16 too, if you look at the site plan,  
17 because of the way the grades are and  
18 the terrain, we're forced to come up  
19 and sort of angle the garage to make  
20 this fit. We lose a little bit of  
21 efficiency with the floor plan. It  
22 is a little bit less efficient.

23 So the biggest reason -- first  
24 of all, the building lot coverage  
25 required is 10. We are at 11.6.

1 JOHN & YVONNE DeMARCO

2 It's a 1.6 increase.

3 The reason that we're forced  
4 with this situation is that John,  
5 hard to believe, is 64 years old and  
6 is looking to build a home that he  
7 can age in place in. We do have a  
8 master suite on the first floor.  
9 With a typical home we don't have  
10 this problem. We have the master  
11 bedroom and suite up and we meet the  
12 lot coverage. Simply by putting that  
13 bedroom on the first floor, it pushes  
14 it.

15 That, in a nutshell, is why  
16 we're here.

17 MR. BELL: Okay. I'm aware  
18 that the building coverage was an  
19 issue, that 1.6.

20 Okay. I'm going to start to my  
21 left.

22 MS. REIN: For questions?

23 MR. BELL: Yes.

24 MS. REIN: I do. I have a  
25 question. On page 2 of 5, questions

1 JOHN & YVONNE DeMARCO

2 10 and 11, will the proposed action  
3 connect to an existing public or  
4 private water supply, you said no.  
5 No?

6 MR. DeMARCO: It's well and  
7 septic.

8 MS. REIN: That's private;  
9 right? Okay. It is private, so  
10 that's yes.

11 Will the proposed action  
12 connect to existing wastewater  
13 utilities. No?

14 MR. DeGRAW: No.

15 MR. DeMARCO: No.

16 MS. REIN: Okay. That's it.  
17 Thank you. We'll have to amend that.

18 MS. JABLESNIK: It is filled in  
19 over here. The answers were both --  
20 they were both here.

21 MS. REIN: Where?

22 MS. JABLESNIK: On the side.

23 MS. REIN: I saw that. If you  
24 look at 11, it says no, it's not  
25 going to connect to or intended to

1 JOHN & YVONNE DeMARCO

2 connect to any kind of water supply.  
3 That has to be yes, even if they have  
4 a septic.

5 MR. DONOVAN: No. So a couple  
6 things on that. Remember we talked  
7 about this before. This is actually  
8 a Type 2 action under SEQRA. They  
9 fill out the form and then you make a  
10 determination whether it's subject to  
11 SEQRA. Type 2 actions are exempt.  
12 It's nice to have all the questions  
13 answered, but it doesn't really need  
14 to be since this is going to be a  
15 Type 2 action and it's not subject to  
16 SEQRA. The questions actually mean  
17 are they connected to an existing  
18 community or municipal supply. For a  
19 private individual system, the answer  
20 would be no.

21 MS. REIN: Okay.

22 MR. DONOVAN: So a private well  
23 and septic.

24 MS. REIN: I got a whole thing  
25 last night, three hours worth.

1 JOHN & YVONNE DeMARCO

2 MR. DONOVAN: My sympathies.

3 MS. REIN: Thank you.

4 MR. BELL: John?

5 MR. MASTEN: I have nothing  
6 right now.

7 MR. BELL: Greg?

8 MR. HERMANCENCE: The only thing I  
9 noticed was the location of the well  
10 for the neighboring property and your  
11 property will be in pretty close  
12 proximity. They'll probably be  
13 drilling into the same water source.  
14 I'm not sure if that's the only place  
15 the well could be located.

16 MR. DeGRAW: I sure wish I had  
17 a civil engineer here.

18 MR. HERMANCENCE: It was just a  
19 question. It just looked a little  
20 like you'd be sharing the same  
21 aquifer.

22 The construction, you need to  
23 protect against the neighbor's  
24 property.

25 MR. DeMARCO: Yes.

1 JOHN & YVONNE DeMARCO

2 MR. HERMANCE: That's all I  
3 have.

4 MR. BELL: Mr. Eberhart?

5 MR. EBERHART: No questions for  
6 me.

7 MR. GRAMSTAD: Nothing.

8 MR. BELL: Okay. Are there any  
9 more questions from the Board?

10 (No response.)

11 MR. BELL: Is there anyone here  
12 from the community? Come up, sir.

13 MR. VEGA: A quick question.

14 MR. BELL: Come forward,  
15 please, and state your name.

16 MR. VEGA: Felix Vega. I'll be  
17 his neighbor hopefully one day. He  
18 brought up a good point. That's the  
19 only question, John. Where is the  
20 well going to wind up, and the septic  
21 tank? It looks like it shifted. Is  
22 it going to be toward my property or  
23 the other way?

24 MR. DeMARCO: The septic is in  
25 the front yard, away from your

1 JOHN & YVONNE DeMARCO

2 property.

3 MR. VEGA: So it will be on the  
4 right-hand side by the garage?

5 MR. DeMARCO: Yeah.

6 MR. DeGRAW: Correct.

7 MR. VEGA: And the well, which  
8 was a good point?

9 MR. DeMARCO: The well is  
10 close. On the original site plan  
11 that's where they were located. I  
12 don't think they moved them. My  
13 engineer looked at it and left it  
14 there. I think, based on the width  
15 of the lot back there, even if they  
16 went to the other side, they would  
17 probably still be in the same aquifer.

18 MR. HERMANCENCE: It's not a great  
19 distance of separation.

20 MR. VEGA: That was my only  
21 question. Other than that, I have no  
22 objection.

23 MR. DeMARCO: Great neighborhood.

24 MR. BELL: One last time for  
25 the Board here. Any more questions?



1 JOHN & YVONNE DeMARCO

2 MR. EBERHART: No.

3 MR. GRAMSTAD: No.

4 MR. HERMANCE: No.

5 MR. MASTEN: No.

6 MS. REIN: No.

7 MR. BELL: All right. I guess  
8 we can make a motion to close the  
9 public hearing.

10 MR. EBERHART: I'll make a  
11 motion to close.

12 MR. GRAMSTAD: I'll second it.

13 MR. BELL: We've got a first by  
14 Mr. Eberhart and then Mr. Gramstad.  
15 All in favor?

16 MR. BELL: Aye.

17 MR. EBERHART: Aye.

18 MR. GRAMSTAD: Aye.

19 MR. HERMANCE: Aye.

20 MR. MASTEN: Aye.

21 MS. REIN: Aye.

22 MR. BELL: Now let's go through  
23 the five-part balancing act.

24 This is a Type 2 action under  
25 SEQRA.

1 JOHN & YVONNE DeMARCO

2 The first one being whether or  
3 not the benefit can be achieved by  
4 any other means feasible to the  
5 applicant. No.

6 The second, is there an  
7 undesirable change in the  
8 neighborhood character or a detriment  
9 to nearby properties.

10 MR. EBERHART: No.

11 MR. GRAMSTAD: No.

12 MR. HERMANCE: No.

13 MR. MASTEN: No.

14 MS. REIN: No.

15 MR. BELL: I think it's going  
16 to look very nice.

17 The fourth, whether -- I'm  
18 sorry. The third is whether the  
19 request is substantial.

20 The fourth is whether the  
21 request can be -- will it have  
22 adverse physical or environmental  
23 effects.

24 MR. EBERHART: No.

25 MR. GRAMSTAD: No.

1 JOHN & YVONNE DeMARCO

2 MR. HERMANCE: No.

3 MR. MASTEN: No.

4 MS. REIN: No.

5 MR. DONOVAN: Relative to the  
6 substantiality, the Board's  
7 conclusion was no because it's 1.6  
8 percent? I didn't hear an answer so  
9 I just want to make sure.

10 MR. BELL: Yes.

11 MR. HERMANCE: Yes.

12 MR. EBERHART: Yes.

13 MR. GRAMSTAD: Yes.

14 MR. MASTEN: Yes.

15 MS. REIN: Yes.

16 MR. BELL: And the fifth,  
17 whether the alleged difficulty is  
18 self-created, which it is but it  
19 isn't relevant or detrimental.

20 So with that said, having gone  
21 through the balancing test, what is  
22 the pleasure of the Board? What  
23 motion would the Board make?

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

1 JOHN & YVONNE DeMARCO

2 MS. REIN: Second.

3 MR. BELL: We have a motion of  
4 approval by Greg and a second by Ms.  
5 Donna. You can roll on that, Siobhan.

6 MS. JABLESNIK: Mr. Bell?

7 MR. BELL: Yes.

8 MS. JABLESNIK: Mr. Eberhart?

9 MR. EBERHART: Yes.

10 MS. JABLESNIK: Mr. Gramstad?

11 MR. GRAMSTAD: 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 MR. DeGRAW: Thank you.

19 MR. DeMARCO: Thank you.

20 MS. JABLESNIK: For the record,  
21 the mailing was 14 letters.

22

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

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JOHN & YVONNE DeMARCO

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 4th day of November 2022.

*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

JOSEPH COLANDREA  
5 Cronomer Heights Drive, Newburgh  
Section 75; Block 1; Lot 1.331  
R-1 Zone

----- X

Date: November 1, 2022  
Time: 7:25 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: ROLAND BLOOMER

----- X

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

1 JOSEPH COLANDREA

2 MR. BELL: The next one is  
3 Joseph Colandrea, a variance to  
4 increase the degree of nonconformity  
5 of the rear yard to keep a rebuilt  
6 deck, a 20.11 by 30.3 rear deck.

7 As a matter of fact, this came  
8 before us in August.

9 MR. DONOVAN: That's correct.  
10 It looks like it grew.

11 MR. BLOOMER: You are correct.  
12 We are back before the Zoning --  
13 Roland Bloomer on behalf of Joseph  
14 Colandrea.

15 We were originally before the  
16 Zoning Board on August 25th where we  
17 were seeking an area variance for the  
18 setoff in the backyard. It should  
19 have been 40 feet and we were  
20 requesting 24 feet. The deck was  
21 preexisting prior to ownership, so we  
22 were bringing it to code.

23 After the Board had approved  
24 it, we went back to the Building  
25 Department to get the permit to bring

1           JOSEPH COLANDREA

2           the deck to code to be able to sell  
3           the property. At that point it was  
4           determined that the deck was not to  
5           code and had to be redesigned. We  
6           had an engineer come give us a new  
7           drawing. The drawing ended up being,  
8           as you stated, from 20 foot by 22 to  
9           20.11 by 30.3.

10                    It doesn't affect the setback  
11           except by 11 foot -- sorry, 11  
12           inches, which is 1 foot, which is  
13           rather minor. It's more from left to  
14           right which doesn't have any setback  
15           offset.

16                    We're simply, like you stated  
17           in the beginning, looking for an  
18           increase in the size of the  
19           nonconformity of the deck in order to  
20           bring it to code for the Code  
21           Compliance Department.

22                    MR. BELL: Okay.

23                    MR. DONOVAN: So we treat this  
24           as a new application.

25                    MR. BELL: Okay.



1 JOSEPH COLANDREA

2 MR. DONOVAN: Because it's  
3 different, it's different relief.

4 MR. BELL: Okay. With that  
5 said, are there any questions from  
6 the Board? We'll start with Robert.

7 MR. GRAMSTAD: I have none at  
8 this time, no.

9 MR. EBERHART: Not at this time.

10 MR. BELL: Greg?

11 MR. HERMANCE: No. It's pretty  
12 straightforward.

13 MR. MASTEN: I have no questions.

14 MS. REIN: I just have to say  
15 to date this is the most complete  
16 application I've ever seen. I have  
17 no questions.

18 MR. BLOOMER: Thank you. We  
19 worked hard on it.

20 MS. REIN: You did. No questions.

21 MR. BELL: Okay.

22 MS. JABLESNIK: He had practice.

23 MS. REIN: Yes, he did.

24 MR. BELL: Is there anyone here  
25 from the public who wishes to speak?

1           JOSEPH COLANDREA

2                           (No response.)

3                   MR. BELL:  No.  Nobody from the  
4           public.

5                   One last time with the Board?

6                           (No response.)

7                   MR. BELL:  No.

8                   MR. DONOVAN:  Mr. Chairman, a  
9           question.  I thought no white shoes  
10          after Labor Day.

11                   MR. COLANDREA:  That's jeans.

12                   MR. DONOVAN:  That's jeans.  
13          Okay.  I noticed the white shoes and  
14          it caught my eye.

15                   MR. BELL:  With that said, is  
16          there a motion from the Board to  
17          close the public hearing?

18                   MS. REIN:  I second.

19                   MR. BELL:  You have to be first.

20                   MS. REIN:  I thought you were  
21          making the motion.

22                   MR. BELL:  I'm asking.

23                   MS. REIN:  I'll make a motion  
24          to close.

25                   MR. EBERHART:  Second.

1 JOSEPH COLANDREA

2 MR. BELL: So we have a first  
3 from Ms. Donna and a second from Mr.  
4 Eberhart. All in favor?

5 MR. BELL: Aye.

6 MR. EBERHART: Aye.

7 MR. GRAMSTAD: Aye.

8 MR. HERMANCENCE: Aye.

9 MR. MASTEN: Aye.

10 MS. REIN: Aye.

11 MR. BELL: Let's go through the  
12 area variance. This is a Type 2  
13 action under SEQRA.

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

16 MR. BELL: The first, whether  
17 or not the benefits can be achieved  
18 by any other means feasible for the  
19 applicant. I don't think so because  
20 it's such a small -- you're working  
21 with a hill in the back.

22 MR. BLOOMER: Correct.

23 MR. BELL: It's a very, very  
24 small area.

25 Okay. The second, is there an

1 JOSEPH COLANDREA

2 undesirable change in the  
3 neighborhood character or a detriment  
4 to nearby properties.

5 MR. EBERHART: No.

6 MR. GRAMSTAD: No.

7 MR. HERMANCE: No.

8 MR. MASTEN: No.

9 MS. REIN: No.

10 MR. BELL: The third, whether  
11 the request is substantial. No.

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

15 MR. EBERHART: No.

16 MR. GRAMSTAD: No.

17 MR. HERMANCE: No.

18 MR. MASTEN: No.

19 MS. REIN: No.

20 MR. BELL: It won't.

21 And the fifth, whether the  
22 alleged difficulty is self-created,  
23 but that is not determinative. No.

24 Okay. Is there a motion from  
25 the Board on this matter?

1 JOSEPH COLANDREA

2 MR. GRAMSTAD: I'll make a  
3 motion to approve the variance.

4 MR. EBERHART: I'll second.

5 MR. BELL: We have a motion to  
6 approve by Mr. Gramstad and a second  
7 by Mr. Eberhart. Roll on that,  
8 Siobhan.

9 MS. JABLESNIK: Mr. Bell?

10 MR. BELL: Yes.

11 MS. JABLESNIK: Mr. Eberhart?

12 MR. EBERHART: Yes.

13 MS. JABLESNIK: Mr. Gramstad?

14 MR. GRAMSTAD: Yes.

15 MS. JABLESNIK: Mr. Hermance?

16 MR. HERMANCE: Yes.

17 MS. JABLESNIK: Mr. Masten?

18 MR. MASTEN: Yes.

19 MS. JABLESNIK: Ms. Rein?

20 MS. REIN: Yes.

21 MR. BELL: The motion is  
22 approved.

23 MR. BLOOMER: Thank you.

24 MR. COLANDREA: Thank you.

25 MR. BELL: Have a good evening.

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JOSEPH COLANDREA

(Time noted: 7:32 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 4th day of November 2022.

*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

AMERICAN SIGN, INC.  
88 North Plank Road, Newburgh  
Section 77; Block 2; Lot 2.1  
B Zone

----- X

Date: October 27, 2022  
Time: 7:32 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JONATHAN DeJOY

----- X

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

1 AMERICAN SIGN, INC.

2 MR. BELL: The next one is  
3 American Sign, Inc.

4 MS. JABLESNIK: This applicant  
5 sent out 72 letters. Winner, winner.

6 The County has not come back  
7 yet with their letter. We haven't  
8 met the thirty days yet.

9 MR. DeJOY: I'll go ahead and  
10 present anyway.

11 MS. JABLESNIK: We like to hear  
12 people talk.

13 MR. DeJOY: My name is Jonathan  
14 Dejoy, I'm the attorney for the  
15 applicant. All we're really seeking  
16 to do here is put up a new Ocean  
17 State Job Lot sign where the old Shop  
18 Rite sign used to be. We're going to  
19 reduce the height on the sign  
20 structure by about 7.5 feet. It's  
21 going to be even shorter.

22 The sign needs a variance for  
23 15 feet. The sign is 20 feet from  
24 the property line. If you look at  
25 the property, the structure itself is



1 AMERICAN SIGN, INC.

2 actually -- it appears to be much  
3 further back because there's a big  
4 right-of-way. The sign, even though  
5 it's only 20 feet from the property  
6 line, is actually 60 to 65 feet from  
7 the curb. Of course if you look up  
8 and down North Plank, there are a lot  
9 of other plazas and businesses with  
10 similar signs.

11 The Town has always accommodated  
12 this situation in the past. Signs  
13 have been taken down and replaced for  
14 new businesses. That's really all  
15 we're doing here.

16 MR. BELL: Okay.

17 MR. DeJOY: I'd be happy to  
18 answer any questions the Board might  
19 have.

20 MR. BELL: Any questions from  
21 the Board?

22 MR. EBERHART: No questions for  
23 me.

24 MR. MASTEN: I've got one.  
25 This is going to be a two-sided sign

1 AMERICAN SIGN, INC.

2 on the existing post?

3 MR. DeJOY: That's correct.

4 MR. MASTEN: Is there going to  
5 be anything on the building?

6 MR. DeJOY: There is, but none  
7 of those signs require variances.

8 MR. MASTEN: They're going to  
9 be on the building, too?

10 MR. DeJOY: Yes.

11 MR. MASTEN: So a total of four  
12 signs?

13 MR. DeJOY: I believe so.

14 MR. MASTEN: Two on each side  
15 of the stanchion and two on the  
16 building?

17 MR. DeJOY: That's my understanding.

18 MR. MASTEN: All right. That's  
19 my concern.

20 MR. BELL: You're actually  
21 utilizing the old Shop Rite --

22 MR. DeJOY: That structure.  
23 It's got signs for Subway and  
24 Domino's and a couple other  
25 businesses as well.

1 AMERICAN SIGN, INC.

2 MS. REIN: From what I could  
3 see, the sign that you want, you're  
4 just replacing the Shop Rite sign?

5 MR. DeJOY: It's actually going  
6 to be lower than where the Shop Rite  
7 sign was. Yes.

8 MS. REIN: Okay.

9 MR. BELL: Questions?

10 MR. HERMANCE: Are you  
11 replacing the whole structure --

12 MR. DeJOY: No.

13 MR. HERMANCE: -- or just  
14 modifying what's there?

15 MR. DeJOY: Just modifying  
16 what's there. It's just going to be  
17 a new sign.

18 MR. HERMANCE: The same  
19 footprint?

20 MR. DeJOY: Yeah. Yeah.

21 MR. BELL: Is there anyone here  
22 from the public that wishes to speak?

23 (No response.)

24 MR. BELL: No one from the  
25 public.

1 AMERICAN SIGN, INC.

2 Okay. We'll go ahead and  
3 make --

4 MR. HERMANCE: We can still  
5 close the public hearing and wait for  
6 the County's decision?

7 MR. DONOVAN: I would suggest  
8 leaving the public hearing open just  
9 in case there's any -- it's  
10 jurisdictional. In case there are  
11 any comments that generate public  
12 input, I would just leave the public  
13 hearing open.

14 MR. BELL: So we need a motion  
15 from the Board to leave the public  
16 hearing open?

17 MR. DONOVAN: A motion to  
18 continue the public hearing until  
19 November 22nd.

20 MS. JABLESNIK: It's a Tuesday.  
21 It's the Tuesday before Thanksgiving.

22 MR. BELL: Also there won't be  
23 any more letters to send out.

24 MS. JABLESNIK: No more  
25 mailings. No more notices.

1 AMERICAN SIGN, INC.

2 MR. BELL: Okay.

3 MR. DeJOY: Thank you very  
4 much.

5 (Time noted: 7:37 p.m.)

6

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

8

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

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

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

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 4th day of November 2022.

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*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

LLC CONSTRUCTION, INC.  
3 Noah Place, Newburgh  
Section 86; Block 1; Lot 95.13  
R-1 Zone

----- X

Date: October 27, 2022  
Time: 7:37 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: LUIS LEMA

----- X

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

1       LLC CONSTRUCTION, INC.

2                   MR. BELL: LLC Construction.

3                   MS. JABLESNIK: This applicant  
4                   also had to go to the County because  
5                   of Rock Cut Road right there. Like  
6                   the last applicant, we haven't heard  
7                   back, unfortunately.

8                   This applicant sent out 31  
9                   mailings.

10                  MR. BELL: With that said,  
11                  again we can't vote on yours tonight  
12                  because we haven't heard back from  
13                  Orange County. They have thirty days.

14                  MS. JABLESNIK: Yes.

15                  MR. BELL: You can present or  
16                  you can wait until next month and  
17                  come back on the 22nd.

18                  MR. LEMA: I would like to  
19                  present.

20                  MR. BELL: Sure. Go ahead.

21                  MR. LEMA: We're trying to --

22                  MR. BELL: If you can state  
23                  your name.

24                  MR. LEMA: Yes. My name is  
25                  Luis Lema. We're trying to build an

1       LLC CONSTRUCTION, INC.

2           attached garage. There is a 15 feet  
3           height limit. Mine is like 17.8, so  
4           we need a variance.

5                   MR. HERMANCE: And the reason  
6           for the extra height?

7                   MR. LEMA: Just the pitch of  
8           the roof of the house. To try and  
9           make it consistent to the house.

10                   MR. BELL: So your house is --  
11           would you say it's 17.8 feet high and  
12           you're trying to match that?

13                   MR. LEMA: Just the pitch of  
14           the roof.

15                   MR. BELL: The pitch. Okay.

16                   MR. HERMANCE: So you're making  
17           a garage. Are the garage doors on  
18           the gable end of the house?

19                   MR. LEMA: Yes.

20                   MR. HERMANCE: So technically  
21           you could lower the walls a little  
22           bit and bring the roof down and still  
23           maintain that same pitch without  
24           needing a variance. Correct? Would  
25           that interfere with the -- how many



1       LLC CONSTRUCTION, INC.

2               doors are there?

3                       MR. LEMA: Two.

4                       MR. HERMANCE: Two doors. You  
5       may need that just to get clearance, the  
6       9 foot clearance for a garage door.

7                       MR. BELL: This garage is going  
8       to be utilized for the vehicles that  
9       I've seen in the driveway for your  
10      roofing business? Is that what  
11      you're going to store in there?

12                      MR. LEMA: It's not for the business.  
13      We're going to park the trucks and  
14      cars inside.

15                      MR. BELL: Your cars?

16                      MR. LEMA: Yes.

17                      MR. BELL: I saw there were two  
18      vehicles that were for a gutter  
19      business. I think that's what I saw  
20      on the sign that's written on your  
21      vehicles. Is that what that is?

22                      MR. LEMA: Yes. I have a work  
23      truck.

24                      MR. BELL: Okay. It's your  
25      work truck but it's not your business

1       LLC CONSTRUCTION, INC.

2               -- it's not your business that you  
3       run out of the garage. Correct?

4               MR. LEMA: No.

5               MR. BELL: Okay. All right.

6       Anyone else?

7               MS. REIN: I have a couple of  
8       questions. On 13, page 2 of 5, you  
9       answered yes, that the site contains  
10      wetlands or other water bodies  
11      regulated by a federal, state or  
12      local agency. Is that an issue? The  
13      wetlands, page 2 of 5.

14              MR. BELL: Which one was that?

15              MS. REIN: Number 13.

16              MR. BELL: Number 13. So are  
17      there wetlands behind your home?

18              MR. LEMA: Not on my property.

19              MR. BELL: It isn't on your  
20      property?

21              MR. LEMA: No. The next  
22      property. Somebody else's property.

23              MR. BELL: Is that the one  
24      directly behind you or the one that's  
25      on the left side?

1       LLC CONSTRUCTION, INC.

2                   MR. LEMA:  It could be behind  
3       me and one on the side.

4                   MS. REIN:  So it's not on your  
5       property?

6                   MR. LEMA:  No.

7                   MS. REIN:  So that answer  
8       should be no.

9                   MR. DONOVAN:  If I may.  I have  
10       what's been submitted.  There's a map  
11       that appears to be prepared by  
12       William Moreau, PE.  If you look at  
13       it on the -- Greg, help me out.  
14       Where is the north line?  On the  
15       southeasterly corner there is a very  
16       little portion of Federal wetlands.  
17       Basically they exist on the property  
18       to the east, but there is a very  
19       small portion that's shown on this  
20       map.  The answer I think should be  
21       yes.  It won't have any impact on  
22       what's being proposed.

23                   MS. REIN:  Okay.  I have one  
24       other question.  There's an issue  
25       with a protected species, the Indiana

1       LLC CONSTRUCTION, INC.

2             Bat. Is that an issue?

3                     MR. DONOVAN: Not unless you're  
4             taking down trees.

5                     MR. BELL: They're not taking  
6             down any trees.

7                     MS. REIN: Thank you.

8                     MR. BELL: One question. You  
9             currently have a shed where the  
10            garage is going to be located. That  
11            shed, is it going to be taken down or  
12            moved to another spot on your  
13            property?

14                    MR. LEMA: Yes. Somebody  
15            bought it.

16                    MR. BELL: So it's going to be  
17            gone?

18                    MR. LEMA: Yeah.

19                    MR. BELL: Okay. I don't have  
20            any more questions myself.

21                    Is there anybody from the  
22            public that wishes to speak on his  
23            behalf -- speak on this request?

24                    (No response.)

25                    MR. BELL: No. Okay. One last

1       LLC CONSTRUCTION, INC.

2               time for the Board?

3               MR. HERMANCE:  No.

4               MR. MASTEN:  Darrell, when I  
5               was out there today I didn't see any  
6               sign in front of the building  
7               anywhere.

8               MS. JABLESNIK:  Did your sign  
9               blow down or --

10              MR. LEMA:  It's there.

11              MR. MASTEN:  I didn't see one.  
12              I was sitting in the passenger side  
13              of the car.

14              MR. LEMA:  It's by the mailbox.

15              MR. BELL:  I saw it earlier.

16              MR. MASTEN:  I didn't see a  
17              sign.

18              MR. BELL:  It was there,  
19              though.  I went out there earlier.

20              MR. MASTEN:  A lot of times it  
21              disappears.  People don't want them  
22              on the property.

23              MR. BELL:  Okay.  But again, we  
24              can't vote on your -- we can't make  
25              rulings here this evening.

1       LLC CONSTRUCTION, INC.

2                   MR. HERMANCE:  You have to come  
3       back in November.

4                   MR. DONOVAN:  Just so we're  
5       clear, there are certain properties,  
6       depending on their proximity to a  
7       State or County road or boundary,  
8       that have to be referred to the  
9       Orange County Department of Planning.  
10      Your property is one of those.  The  
11      County has thirty days to issue a  
12      response.  There's other stuff I  
13      won't bore you with.  Thirty days  
14      hasn't passed and there has not been  
15      a response.  This Board is unable to  
16      act.  You have to come back.  Bring  
17      turkey because we'll be here two days  
18      before Thanksgiving.

19                   You need a motion to keep the  
20      public hearing open until the 22nd.

21                   MR. HERMANCE:  I'll make a  
22      motion to keep the hearing open until  
23      the 22nd.

24                   MR. EBERHART:  I'll second it.

25                   MR. BELL:  We have a first by

1       LLC CONSTRUCTION, INC.

2               Mr. Hermance and a second by Mr.  
3               Eberhart. All in favor?

4                       MR. BELL: Aye.

5                       MR. EBERHART: Aye.

6                       MR. GRAMSTAD: Aye.

7                       MR. HERMANCE: Aye.

8                       MR. MASTEN: Aye.

9                       MS. REIN: Aye..

10                      MR. MASTEN: Darrell, being  
11                      next month is a holiday, remember  
12                      that Thursday is Thanksgiving.

13                      MR. BELL: We'll be here  
14                      Tuesday.

15                      MR. MASTEN: Tuesday.

16                      MR. DONOVAN: We let everyone  
17                      know.

18                      MR. MASTEN: Some people don't  
19                      watch the calendar.

20

21                      (Time noted: 7:47 p.m.)

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LLC CONSTRUCTION, INC.

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 4th day of November 2022.

*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

SAM NEWBURGH, LLC  
1420 Route 300, Newburgh  
Section 60; Block 3; Lot 22.222  
IB Zone

----- X

Date: October 27, 2022  
Time: 7:47 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: DARREN DOCE

----- X

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

1 SAM NEWBURGH, LLC

2 MR. BELL: We will now go back  
3 to last month's meeting applicants  
4 that were held over. We've got SAM  
5 Newburgh, LLC. This one is a  
6 Planning Board referral for an area  
7 variance for lot coverage, height and  
8 fencing. The applicant proposes no  
9 fencing where it is required, to  
10 change the use of an existing  
11 Showtime Cinemas to a self-storage.

12 MR. DOCE: I'm Darren Doce  
13 representing SAM Newburgh.

14 As you stated, we have an  
15 application before the Planning Board  
16 for a change of use. It's a self-  
17 storage building. We're utilizing  
18 the existing building.

19 The minimum height for self-  
20 storage in the IB Zone is 15 feet.  
21 The building is 23 feet. We're  
22 asking for a variance from the 8  
23 feet.

24 All the work is going to be  
25 done within the building. There's

1 SAM NEWBURGH, LLC

2 going to be no work outside the  
3 building.

4 We're saying that the physical  
5 -- the character of the neighborhood,  
6 all the environmental conditions are  
7 going to be remain unchanged.

8 We're also requesting a variance  
9 from the fencing requirements. Since  
10 all the storage is within the  
11 building -- within a secure building,  
12 there is no outdoor storage, there's  
13 no need for the security fencing of  
14 the property.

15 MR. DONOVAN: Darren, did you  
16 make some changes since the last  
17 meeting?

18 MR. DOCE: Yes.

19 MR. DONOVAN: Is it possible,  
20 do you have a copy, or you can use my  
21 copy, to put it up on the board to  
22 kind of review?

23 MR. DOCE: Sure. We were  
24 initially asking for a variance for  
25 the lot surface coverage, also

1 SAM NEWBURGH, LLC

2 because the majority of the site is  
3 paved. We have 73 percent coverage.  
4 The maximum is 60 percent. Based on  
5 the feedback we heard at the last  
6 meeting, we're going to bring that --  
7 by taking out the hashed areas, we  
8 can bring that to the 60 percent.

9 MR. DONOVAN: You're reducing  
10 that by 13 percent?

11 MR. DOCE: Yes. I'm sure that  
12 will be -- obviously we won't get the  
13 variance, so that will be a condition  
14 of the Planning Board approval, that  
15 that pavement be removed.

16 MR. BELL: So if I am correct,  
17 the last time we were discussing  
18 about putting up fencing. Correct?

19 MR. DOCE: Yes. There's a  
20 requirement for fencing. We're  
21 asking that to be varied because all  
22 the storage is within the building.  
23 There's going to be no outdoor  
24 storage. It's a secure building. We  
25 feel there's no need for any security

1 SAM NEWBURGH, LLC

2 fencing of the property.

3 MR. BELL: Okay. When I look  
4 at the storage units that are just  
5 about a mile from there, it's not  
6 even a mile, --

7 MR. DOCE: Right.

8 MR. BELL: -- those units are  
9 encased in a fence and there is still  
10 storage inside. I mean not inside  
11 the building but in locked  
12 containers. What's the difference?

13 MR. DOCE: Well I think the  
14 feeling there is they're just  
15 padlocked doors and they can be  
16 easily vandalized. This is a  
17 building with an alarm, a keypad  
18 entry. Similarly, there's one over  
19 up here across from Jeanne Drive,  
20 another Storage Stop. That's an  
21 indoor facility with no fencing.

22 MR. BELL: Okay.

23 MS. REIN: I'm good.

24 MR. BELL: Any questions from  
25 the Board? Greg?

1 SAM NEWBURGH, LLC

2 MR. HERMANCE: No. They answered  
3 my question about the blacktop.

4 MR. BELL: Is there anyone from  
5 the public who wishes to speak on  
6 this matter?

7 (No response.)

8 MR. BELL: None. Okay.

9 MR. DONOVAN: Siobhan, did we  
10 hear from the County?

11 MS. JABLESNIK: Yes. A Local  
12 determination.

13 MR. BELL: With that said,  
14 there are no more questions from the  
15 Board, nobody from the public is  
16 speaking --

17 MR. HERMANCE: I'll make a  
18 motion to close the public hearing.

19 MR. BELL: You're first.

20 MR. EBERHART: I'll second it.

21 MR. BELL: We've got a first  
22 from Mr. Greg to close, and then Mr.  
23 James. All in favor?

24 MR. BELL: Aye.

25 MR. EBERHART: Aye.

1       S A M   N E W B U R G H ,   L L C

2                   MR. GRAMSTAD:   Aye.

3                   MR. HERMANCE:   Aye.

4                   MR. MASTEN:     Aye.

5                   MS. REIN:       Aye.

6                   MR. BELL:       We'll go through the  
7       balancing act here.

8                   This is a Type 2 action under  
9       SEQRA.   Is that correct?

10                  MR. DONOVAN:   Correct, Mr.  
11       Chairman.

12                  I should note for the record  
13       the Planning Board has determined  
14       this to be a Type 2 action, and so  
15       we'll follow suit.

16                  MR. BELL:     All right.   So we'll  
17       go through the balancing act, the  
18       first one being whether or not the  
19       benefits can be achieved by any other  
20       means feasible to the applicant.

21                  MR. EBERHART:   No.

22                  MR. GRAMSTAD:   No.

23                  MR. HERMANCE:   No.

24                  MR. MASTEN:     No.

25                  MS. REIN:       No.

1       S A M   N E W B U R G H ,   L L C

2                   MR. BELL:   Okay.   The second,  
3                   is there an undesirable change in the  
4                   neighborhood character or a detriment  
5                   to nearby properties.

6                   MR. EBERHART:   No.

7                   MR. GRAMSTAD:   No.

8                   MR. HERMANCENCE:   No.

9                   MR. MASTEN:   No.

10                  MS. REIN:   No.

11                  MR. BELL:   Okay.   The third is  
12                  whether the request is substantial.

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

14                  MR. BELL:   Okay.   Fourth,  
15                  whether the request will have adverse  
16                  physical or environmental effects.

17                  MR. EBERHART:   No.

18                  MR. GRAMSTAD:   No.

19                  MR. HERMANCENCE:   No.

20                  MR. MASTEN:   No.

21                  MS. REIN:   No.

22                  MR. BELL:   And fifth, whether  
23                  the alleged difficulty is self-  
24                  created.   That's relevant but not  
25                  determinative.



1 SAM NEWBURGH, LLC

2 MS. REIN: No.

3 MR. BELL: With that said, with  
4 the balancing act, what is the motion  
5 of the Board?

6 MS. REIN: I'll make a motion  
7 to approve.

8 MR. BELL: We've got an  
9 approval from Ms. Donna.

10 MR. EBERHART: I'll second it.

11 MR. HERMANCE: To approve with  
12 the condition of the 13 percent  
13 removal of the blacktop --

14 MS. REIN: Okay.

15 MR. BELL: Yes.

16 MR. HERMANCE: -- to bring it  
17 into compliance.

18 MR. BELL: A second?

19 MR. EBERHART: I'll second it.

20 MR. BELL: And there's a second  
21 by Mr. Eberhart with those  
22 conditions, that the 13 percent  
23 blacktop is removed. All in favor?

24 MR. BELL: Aye.

25 MR. EBERHART: Aye.

1 SAM NEWBURGH, LLC

2 MR. GRAMSTAD: Aye.

3 MR. HERMANCENCE: Aye.

4 MR. MASTEN: Aye.

5 MS. REIN: Aye.

6 MR. BELL: Roll on that,

7 Siobhan.

8 MS. JABLESNIK: Mr. Bell?

9 MR. BELL: Yes.

10 MS. JABLESNIK: Mr. Eberhart?

11 MR. EBERHART: Yes.

12 MS. JABLESNIK: Mr. Gramstad?

13 MR. GRAMSTAD: Yes.

14 MS. JABLESNIK: Mr. Hermance?

15 MR. HERMANCENCE: Yes.

16 MS. JABLESNIK: Mr. Masten?

17 MR. MASTEN: Yes.

18 MS. JABLESNIK: Ms. Rein?

19 MS. REIN: Yes.

20 MR. BELL: The motion is

21 approved.

22

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

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SAM NEWBURGH, LLC

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 4th day of November 2022.

*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

STEVE MOREAU  
54 Old South Plank Road, Newburgh  
Section 52; Block 1; Lot 13  
R-1 Zone

----- X

Date: October 27, 2022  
Time: 7:54 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JONATHAN MILLEN

----- X

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

1           S T E V E N   M O R E A U

2                   MR. BELL:   The next one is  
3           Steven Moreau.   This is a holdover  
4           for the gazebo.

5                   Have we heard back from Orange  
6           County?

7                   MS. JABLESNIK:  Yes.   It's a  
8           Local determination.

9                   MR. BELL:   Okay.

10                  MR. MILLEN:  My name is  
11           Jonathan Millen.  I'm a licensed land  
12           surveyor for New York State.  I'm  
13           helping Mr. Moreau in this matter.

14                  The first thing I'd like to say  
15           is that the conditions of this  
16           property are identical to when Mr.  
17           Moreau purchased it.  He made  
18           absolutely no changes other than  
19           putting some beautiful siding on this  
20           building.

21                  The nonconformity was existing  
22           beforehand.  Nothing has changed as  
23           far as him being responsible for any  
24           of the variances that we are requesting.

25                  Essentially we have a gazebo.

1           S T E V E N   M O R E A U

2           It's hard to see here.  You have a  
3           lot that has basically two front  
4           yards.  There's a ruling that you  
5           can't have a gazebo in your front  
6           yard.  In this particular case you  
7           could look at this being the front  
8           yard.  It certainly isn't in that  
9           area.

10                  Also, it's a very large lot  
11                  compared to most in the neighborhood.

12                  Again, the gazebo was there  
13                  beforehand.

14                  We do not believe that it's  
15                  creating any hardship or any negative  
16                  effect on the character of the  
17                  neighborhood.  The setbacks were  
18                  there before, of course.  We had no  
19                  control of that.

20                  There was an enclosed porch  
21                  around -- an open porch here which  
22                  was enclosed prior to Mr. Moreau  
23                  purchasing the property, which did  
24                  not increase the setback from the  
25                  porch relative to it not being

1           S T E V E N   M O R E A U

2           habitable area. I don't think that  
3           constitutes much of an issue.

4                     Anything with regard to the  
5           rear setback, what we have is the  
6           lake behind the property. There's  
7           nobody impacted by any of this being  
8           closer than the rear yard setback  
9           required.

10                    That's essentially it.

11                   MR. BELL: Okay. So when you  
12           purchased this property the gazebo  
13           was already there?

14                   MR. MOREAU: Yes, sir.

15                   MR. BELL: I see there was also  
16           a 6 by 10 addition to an open porch.

17                   MR. MILLEN: There was an open  
18           porch right here. It's kind of hard  
19           to see. This section right here with  
20           the steps was originally an open  
21           porch. It was enclosed, but of  
22           course that was also done prior to  
23           Mr. Moreau purchasing the property.

24                   MR. BELL: Okay. Any questions  
25           from the Board, starting with Mr.

1 STEVEN MOREAU

2 Gramstad?

3 MR. GRAMSTAD: None at all. I  
4 was out there and everything looked  
5 good.

6 MR. EBERHART: The same here.

7 MR. HERMANCE: I have no  
8 questions.

9 MR. MASTEN: I have nothing.

10 MS. REIN: I asked them all  
11 last time.

12 MR. BELL: Okay. Is there  
13 anybody from the public here that  
14 wishes to speak on this request?

15 (No response.)

16 MR. BELL: None. Okay. We'll  
17 go back to the Board one more time.

18 (No response.)

19 MR. BELL: Okay. So does  
20 someone want to make a motion to  
21 close this public hearing?

22 MR. GRAMSTAD: I'll make a  
23 motion to close the public hearing.

24 MR. MASTEN: I'll second it.

25 MR. BELL: We have a first by



1 STEVEN MOREAU

2 Mr. Gramstad and a second by John  
3 Masten. All in favor?

4 MR. BELL: Aye.

5 MR. EBERHART: Aye.

6 MR. GRAMSTAD: Aye.

7 MR. HERMANCE: Aye.

8 MR. MASTEN: Aye.

9 MS. REIN: Aye.

10 MR. BELL: This is a Type 2  
11 action under SEQRA.

12 The first one being whether or  
13 not the benefits can be achieved by  
14 any other means feasible to the  
15 applicant. I don't think so.

16 The second, is there an  
17 undesirable change in the  
18 neighborhood character or a detriment  
19 to nearby properties.

20 MR. EBERHART: No.

21 MR. GRAMSTAD: No.

22 MR. HERMANCE: No.

23 MR. MASTEN: No.

24 MS. REIN: No.

25 MR. BELL: The third is whether

1           S T E V E N   M O R E A U

2                   the request is substantial.

3                   MR. EBERHART:   No.

4                   MR. GRAMSTAD:   No.

5                   MR. HERMANCE:   No.

6                   MR. MASTEN:     No.

7                   MS. REIN:       No.

8                   MR. BELL:       The fourth, whether  
9                   the request will have adverse  
10                  physical or environmental effects.

11                  MR. EBERHART:   No.

12                  MR. GRAMSTAD:   No.

13                  MR. HERMANCE:   No.

14                  MR. MASTEN:     No.

15                  MS. REIN:       No.

16                  MR. BELL:       Fifth, whether the  
17                  alleged difficulty is self-created.

18                  MR. EBERHART:   No.

19                  MR. GRAMSTAD:   No.

20                  MR. HERMANCE:   No.

21                  MR. MASTEN:     No.

22                  MS. REIN:       No.

23                  MR. BELL:       Okay.   And so with  
24                  that said, what is the motion of the  
25                  Board?

1 STEVEN MOREAU

2 MR. MASTEN: I'll make a motion  
3 for approval.

4 MR. GRAMSTAD: I'll second it.

5 MR. BELL: We have a first by

6 Mr. Masten and a second by Mr.

7 Gramstad. Roll on that, Siobhan.

8 MS. JABLESNIK: Mr. Bell?

9 MR. BELL: Yes.

10 MS. JABLESNIK: Mr. Eberhart?

11 MR. EBERHART: Yes.

12 MS. JABLESNIK: Mr. Gramstad?

13 MR. GRAMSTAD: Yes.

14 MS. JABLESNIK: Mr. Hermance?

15 MR. HERMANCE: Yes.

16 MS. JABLESNIK: Mr. Masten?

17 MR. MASTEN: Yes.

18 MS. JABLESNIK: Ms. Rein?

19 MS. REIN: Yes.

20 MR. BELL: Okay. It's approved.

21 MR. MILLEN: Thank you.

22 MR. MOREAU: Thank you very

23 much.

24

25 (Time noted: 8:00 p.m.)

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STEVEN MOREAU

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 4th day of November 2022.

*Michelle Conero*

\_\_\_\_\_  
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

2102 PARTNERS, LLC  
2102 Route 300, Wallkill  
Section 3; Block 1; Lot 21.31  
AR Zone

----- X

Date: October 27, 2022  
Time: 8:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRELL BELL, Acting Chairman  
JAMES EBERHART, JR.  
ROBERT GRAMSTAD  
GREGORY M. HERMANCE  
JOHN MASTEN  
DONNA REIN

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

APPLICANT'S REPRESENTATIVE: JOHN FURST

----- X

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

1           2102 PARTNERS, LLC

2                   MR. BELL: The next one is the  
3                   last one, 2102 Partners, LLC,  
4                   BlackRock.

5                   MR. FURST: Good evening. For  
6                   the record, my name is John Furst,  
7                   F-U-R-S-T, Catania, Mahon & Rider.  
8                   I'm the attorney for the applicant.

9                   I was here before you guys last  
10                  month. You closed the public  
11                  hearing.

12                  If I have a moment, I would  
13                  just like to amplify some of the  
14                  things that we've been putting forth  
15                  and information we've been providing  
16                  to the Board over the course of the  
17                  last two months. I'll just briefly  
18                  kind of summarize and highlight some  
19                  of the big points here.

20                  So BlackRock's use is a logical  
21                  outgrowth of WCC Tank's use. Both fix  
22                  and replace underground tanks  
23                  offsite. Both will utilize the site  
24                  onsite for the same purpose, they're  
25                  going to store equipment, vehicles,

1       2102 PARTNERS, LLC

2           there's going to be a small office  
3           and a gathering place for the  
4           workers.

5                   Number two, the 1982 use  
6           variance permitted a business use of  
7           the accessory building. The use  
8           variance from 1982, although it talks  
9           about how WCC is a tank lining  
10          business, how they applied for the  
11          use variance, we have a long list of  
12          conditions at the end of that use  
13          variance from 1982 and they talk  
14          about the structures, the fencing,  
15          the underground storage tanks, this,  
16          that and the other thing. One of the  
17          things they talk about is the  
18          business use of the accessory  
19          structure. There is no requirement  
20          that it has to be a tank lining  
21          business. Quite honestly, if there  
22          was, that would be illegal because as  
23          a municipality you are only permitted  
24          to regulate the use, not the user.  
25          That kind of gets me back to my

1        2102 PARTNERS, LLC

2            scenario where if you approve a  
3            Chinese restaurant for a use  
4            variance, you can't say no to the  
5            Italian restaurant. It's the same  
6            use, a slightly different business.  
7            We have the same situation here.

8                       And lastly, this instant  
9            application is much different than  
10          the application you had before you  
11          about four or five years ago. Again,  
12          here the uses are exactly the same.  
13          The businesses themselves are very  
14          similar. Again, both of them operate  
15          -- work on underground tanks offsite.

16                     Also the prior application, for  
17          some reason they never really -- at  
18          least from what I found, they never  
19          really emphasized the fact that there  
20          was that condition or phrase or  
21          language at the end of the use  
22          variance that said it related to any  
23          business use. That wasn't really  
24          highlighted in the last application.  
25          I think we've kind of highlighted



1       2102 PARTNERS, LLC

2             that here.

3                     The other thing, too, is  
4             Hydrovac, which was the last  
5             application, they were there to  
6             supplement the fuel tank lining  
7             business. That was not a natural  
8             progression of the fuel tank lining  
9             business. In this instance,  
10            BlackRock, we believe, is a natural  
11            progression, a natural outgrowth of  
12            WCC Tank lining.

13                    If you have any questions, I'm  
14            here. Doug Casscles is here, the  
15            owner of BlackRock. We're here to  
16            answer any other questions you may  
17            have.

18                    MS. REIN: I do. The last time  
19            we were here you said there would be  
20            no hydrovac equipment at all.

21                    Correct? Does that still stand?

22                    MR. FURST: Correct.

23                    MR. CASSCLES: That is correct.

24                    MR. FURST: Hydrovac is not  
25            involved in any shape or form.

1 2102 PARTNERS, LLC

2 MS. REIN: Okay.

3 MR. BELL: Anyone else?

4 MR. HERMANCE: There are no  
5 plans to expand or build additional  
6 buildings on the property?

7 MR. FURST: No. They're going  
8 to work within the existing  
9 footprint, whatever was shown on the  
10 plans.

11 MR. BELL: Anyone else?

12 (No response.)

13 MR. BELL: Okay. We can  
14 request for conditions.

15 MR. DONOVAN: So if the Board  
16 is interested in conditions, you can  
17 impose reasonable conditions that are  
18 related to a legitimate objective.  
19 So it wouldn't be reasonable to say  
20 you can only operate between 1:30 and  
21 2:00 every other Thursday. That  
22 would be unreasonable. If you're  
23 talking about limiting, in a  
24 reasonable nature, hours of  
25 operation, so long as it doesn't

1       2102 PARTNERS, LLC

2           impact the use of the business. You  
3           couldn't tell a restaurant you can't  
4           serve during dinner hours. If you  
5           were looking for conditions to  
6           mitigate, for example noise,  
7           screening to the neighbors, those  
8           types of things, those are reasonable  
9           conditions related to a legitimate  
10          objective.

11                 MS. REIN: I believe it said in  
12           here the working hours were from  
13           about 7:00, 7:30 to 5:30. Is that  
14           correct?

15                 MR. CASSCLES: Yeah. About  
16           7:00 in the morning. About 6:30,  
17           7:00.

18                 MS. REIN: Until 5:30 in the  
19           afternoon?

20                 MR. CASSCLES: Usually. Yes,  
21           ma'am.

22                 MR. FURST: I think the crew  
23           usually gathers just before 7.

24                 MR. DONOVAN: If you can be a  
25           little more specific. That's my

1       2102 PARTNERS, LLC

2           suggestion.

3           MR. BELL: Okay. So what are  
4           the hours of operation? What are  
5           they going to be? What are we  
6           looking at?

7           MR. CASSCLES: We typically  
8           operate between 6:30 in the morning  
9           -- we get to the shop at 6:30 in the  
10          morning, we pull out about 7:00 and  
11          we're usually back around 5:00.

12          MR. BELL: Okay. Again, I  
13          think you answered this before. I  
14          left my notes by mistake. How many  
15          vehicles are you looking to have  
16          stored on the property?

17          MR. CASSCLES: I don't remember  
18          what our original --

19          MR. FURST: We had a list we  
20          provided.

21          MR. BELL: I didn't bring it.

22          MS. REIN: There were ten  
23          employees.

24          MR. HERMANCENCE: Here's the list.

25          MR. BELL: So with this list

1           2102 PARTNERS, LLC

2           that you have in front of us, there's  
3           no more vehicles going to be added to  
4           this location?

5           MR. CASSCLES: At this moment,  
6           no.

7           MR. BELL: At this moment. So  
8           maybe not at this moment but next  
9           month you could add more? I mean --

10          MR. CASSCLES: Our business  
11          will eventually grow. We don't plan  
12          on growing it into a big, gigantic  
13          conglomerate. That's not our plan.  
14          We may add a pick-up truck, a dump  
15          truck or a piece of equipment as the  
16          business' needs change.

17          MR. BELL: And they'll be stored  
18          there at the end of each workday?

19          MR. CASSCLES: Not necessarily.  
20          A lot of our equipment stays onsite.

21          MR. BELL: Onsite?

22          MR. CASSCLES: Yeah.

23          MR. BELL: Until that job is  
24          completed and then you bring them back?

25          MR. CASSCLES: Usually we go

1           2102 PARTNERS, LLC

2           from job to job. But yes, after a  
3           job is completed we go back.

4           MR. BELL: That site, I went  
5           back there today to refresh my  
6           memory. On the left side --

7           MR. CASSCLES: As you're  
8           pulling in?

9           MR. BELL: -- as you're coming  
10          in, is that where -- where are you  
11          looking to -- if you have to store  
12          the vehicles there, park the  
13          vehicles, what area --

14          MR. CASSCLES: A lot of our  
15          vehicles will be stored inside. Some  
16          vehicles are even taken home every  
17          night by employees. I think there's  
18          three or four that are taken home  
19          every night by employees. That takes  
20          off half from the list. We would  
21          have two trucks parked on the outside  
22          facing 300, and then everything else  
23          would be -- every rubber tired  
24          vehicle would be inside. Excavators  
25          and skid steers and stuff would be

1           2102 PARTNERS, LLC

2           parked most likely on the left side.

3           Yes, sir.

4                       MR. BELL: I noticed when I  
5           looked at the property, I saw where  
6           the residential homes are. I'm just  
7           curious, would they be parked along  
8           their back or to the side?

9                       MR. CASSCLES: The property is  
10          surrounded. Really anywhere we put  
11          it is going to --

12                      MR. BELL: But it's more so  
13          towards the --

14                      MR. CASSCLES: My plan at the  
15          moment would be to keep it more  
16          towards the left. We do have some  
17          thoughts on some screening through  
18          there --

19                      MR. BELL: That was my next  
20          question.

21                      MR. CASSCLES: -- to help  
22          mitigate some of that.

23                      MR. FURST: I think on the  
24          plans we indicated a parking area to  
25          the left.

1 2102 PARTNERS, LLC

2 MR. BELL: Yes.

3 MR. DONOVAN: I'm seeing  
4 existing unmarked spaces.

5 MR. FURST: Right.

6 MR. DONOVAN: That's kind of to  
7 the right.

8 MR. BELL: There were vehicles  
9 parked there that day on the right  
10 side, --

11 MR. CASSCLES: Correct.

12 MR. BELL: -- a couple cars. I  
13 was looking more or less over on this  
14 side here, the left side.

15 MR. CASSCLES: At the moment  
16 this whole side of the building is  
17 paved. This would be where the  
18 employees would park during the day  
19 would be my thought, their personal  
20 cars, and the equipment would be  
21 somewhere in this area.

22 MR. BELL: Right.

23 MR. FURST: Just for the  
24 record, so the passenger vehicles on  
25 the right side of the building, if



1           2102 PARTNERS, LLC

2           you're facing the building, and the  
3           trucks and equipment on the left  
4           side. I think there's more screening  
5           on the left side, and I think that's  
6           traditionally where WCC has been  
7           parking their heavier vehicles.

8           MR. BELL: And there's no  
9           retail operation that's going to be  
10          worked out of there? No one will  
11          come to buy supplies?

12          MR. CASSCLES: No.

13          MS. REIN: You're going to  
14          start at 6:30. So at 6:30 -- most of  
15          what you do is offsite?

16          MR. CASSCLES: Yes, ma'am.

17          MS. REIN: Correct? So you're  
18          going to start at 6:30. Your folks  
19          are coming in, they'll have their  
20          meeting, they'll get their trucks and  
21          they go?

22          MR. CASSCLES: Correct.

23          MS. REIN: Then they come back  
24          at 5:00 to bring the trucks back and  
25          they're done?

1           2102 PARTNERS, LLC

2                   MR. CASSCLES: Correct.

3                   MS. REIN: Last time I believe  
4 you spoke about landscaping in the  
5 area.

6                   MR. CASSCLES: We would be open  
7 to some recommendations --

8                   MS. REIN: Okay.

9                   MR. CASSCLES: -- to help with  
10 screening.

11                   MS. REIN: We need to get  
12 something in there so that --

13                   MR. DONOVAN: I don't know who  
14 -- I'm looking at the map. Who  
15 prepared this?

16                   MR. CASSCLES: It was being  
17 prepared by Talcott Brown. Mr. Brown  
18 passed away. One of his associates  
19 completed the map for us, but it  
20 wasn't able to be stamped or anything  
21 like that.

22                   MR. DONOVAN: I'm only your  
23 lawyer. I don't get a vote or any of  
24 that kind of stuff. If you had a  
25 plan that said parking area here, you

1           2102 PARTNERS, LLC

2           know, staging area, whatever it may  
3           be, this type of screening here, and  
4           that plan ultimately was the plan  
5           that was approved, then you know what  
6           you can do, Code Compliance knows  
7           what can be done there, and there's  
8           no kind of --

9                   MR. CASSCLES: Give us a jump  
10           off point.

11                   MR. DONOVAN: I think we want  
12           something. My suggestion, a little  
13           something further than a jump off.  
14           We understand some things can change,  
15           but there's kind of -- we're in this  
16           situation now where the use variance  
17           is from -- I was in college when the  
18           use variance was granted. It was a  
19           long time ago. Things have changed.  
20           Prior applications said a totally new  
21           business and that wasn't permitted.  
22           This is a logical outgrowth. That's  
23           the position, right. I think if  
24           you're able to tie in some  
25           specificity so that everyone knows

1       2102 PARTNERS, LLC

2           what the exact conditions are, you  
3           can run your business and hopefully  
4           we can do the best we can with this  
5           type of use in a residential  
6           neighborhood.

7           MR. FURST: So the things you  
8           would want to see on the plans are  
9           where we would propose some more  
10          screening, where the heavier vehicles  
11          would park, where the passenger  
12          vehicles would park, as well as hours  
13          of operation?

14          MR. HERMANCE: If they can show  
15          the screening and the landscaping,  
16          how that can be a buffer from the  
17          neighbors so they --

18          MR. DONOVAN: Noise mitigation.  
19          So it's the best that can possibly be  
20          done in this neighborhood.

21          MS. REIN: Yes.

22          MR. HERMANCE: That's what I  
23          would like to see.

24          MR. BELL: That's where I was  
25          going. We are outlining the

1           2102 PARTNERS, LLC

2           conditions. We want to see those  
3           conditions, see those things on the  
4           plan so when Code Compliance, when  
5           they get it, they have a map, this is  
6           where A, B, C, D is supposed to be.

7                     I know you said that you're  
8           going to do some screening. I'm  
9           asking this question. Would you be  
10          able to or would you think about  
11          putting up along that back side --

12                    MR. CASSCLES: Behind the  
13          building?

14                    MR. BELL: -- yeah -- a privacy  
15          fence? Something that actually just  
16          encases your work area. Put up a  
17          privacy fence there where the  
18          neighbors, when they look out their  
19          window, they're not seeing your  
20          excavators, if you have those, your  
21          trucks and all. Then it would  
22          mitigate some noise.

23                    MR. HERMANCE: With back-up  
24          alarms and things like that, it would  
25          help mitigate that.

1 2102 PARTNERS, LLC

2 MR. BELL: Yes. You know,  
3 again when I drove -- when I went out  
4 there today -- this has been dragging  
5 on awhile. Going through this I  
6 wanted to refresh my memory. I  
7 looked at it and I was like the  
8 majority of those homes were like in  
9 this L shape.

10 MR. HERMANCE: Behind it.

11 MR. BELL: There are homes over  
12 here as well. The majority are  
13 behind. The majority are behind.  
14 That's just a request.

15 MR. CASSCLES: Are you talking  
16 about behind the building?

17 MR. BELL: Exactly.

18 MS. REIN: I believe in your  
19 last presentation you said that you  
20 went and spoke to some of the  
21 homeowners and you were willing to  
22 make it prettier looking, nicer  
23 looking so that the homeowners would  
24 have a better feel about it.

25 MR. CASSCLES: That's the plan.

1       2102 PARTNERS, LLC

2             That's the plan.

3             MR. HERMANCE:  If we can see  
4             that in a drawing, that would be  
5             great.

6             MR. FURST:  We'll take that and  
7             we'll add the items that I tried to  
8             explain as I had my coughing fit.  I  
9             think the record got it.

10            MR. CASSCLES:  Don't make him  
11            talk too much.

12            MR. FURST:  Hours of operation,  
13            vehicle parking, landscaping, fencing.

14            MR. BELL:  One thing.  Was that  
15            Monday through Friday or weekends as  
16            well?

17            MR. CASSCLES:  We do Monday  
18            through Friday primarily.  We do  
19            sometimes have to work the weekends  
20            depending on what our customers need.  
21            It's very rare.

22            MR. BELL:  I have one  
23            environmental question.  When you, at  
24            your work site, are retrieving soil  
25            or whatever, where do you bring that

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2           soil back to?

3           MR. CASSCLES: We don't. A lot  
4           of times we don't remove soil offsite  
5           when doing a job. We usually just  
6           grade the property back the way it  
7           was. We have other ways of disposing  
8           of material. If we do need to take  
9           material off a job, we don't -- nine  
10          times out of ten we don't bring it  
11          back. Usually we bring it to a  
12          quarry. We don't bring it back to  
13          our place.

14          MR. HERMANCE: Contaminated  
15          soils you can't bring back to your  
16          place anyway. You'd have to bring it  
17          to a proper disposal.

18          MR. BELL: That's where I was  
19          going.

20          MR. CASSCLES: We don't deal  
21          with contaminated soils.

22          MR. HERMANCE: In the course if  
23          you're digging up for a septic and  
24          you happen to run into it --

25          MR. CASSCLES: Believe it or



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2 not, that's not considered  
3 contamination.

4 MR. HERMANCE: If there was an  
5 oil tank next to the --

6 MR. CASSCLES: That's a  
7 different story. I call somebody  
8 else. That's when I say we're done.  
9 That's a completely different story.

10 MR. BELL: That's a good call.

11 MR. CASSCLES: I have friends  
12 who do that.

13 MR. BELL: Okay.

14 MR. CASSCLES: Call State Farm.

15 MR. GRAMSTAD: When you guys  
16 meet in the morning, are you going to  
17 meet inside the building or are you  
18 going to be outside?

19 MR. CASSCLES: Mostly inside.

20 MR. DONOVAN: The hope is that  
21 you can have a map within a couple  
22 weeks to bring to the meeting.

23 MR. FURST: When is the  
24 deadline for November?

25 MS. JABLESNIK: The meeting is

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2           the 22nd. I think the deadline I  
3           made the 8th of November. Tuesday,  
4           the 8th.

5           MR. FURST: Okay.

6           MS. JABLESNIK: That's two  
7           weeks before.

8           MR. CASSCLES: Do you need it  
9           stamped or can it be done in the same  
10          manner?

11          MR. DONOVAN: So I looked at  
12          you, Joe, and you looked away.

13          It would be better if it's  
14          stamped. I understand it's a tight  
15          timeframe.

16          MR. CASSCLES: I could have it  
17          done like this and on approval I  
18          could have a stamped set?

19          MR. FURST: As a condition?

20          MR. HERMANCENCE: As a condition.

21          MR. FURST: Within thirty days?

22          MR. DONOVAN: If it's shown in  
23          a certain location, but then a  
24          professional looks at it and says  
25          well it's actually ten feet this way

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2 or something, you can't put it there  
3 because of the topography, I just  
4 don't want there to be a problem. If  
5 it doesn't work out it can be a  
6 condition that will have to be  
7 reviewed by a design professional at  
8 some point in time.

9 MR. CASSCLES: He may even be  
10 working for another PE now so it may  
11 be able to be stamped. If I can get  
12 it stamped by the next meeting --

13 MR. DONOVAN: That would be  
14 great. The only concern, obviously,  
15 is people are busy. I don't know  
16 where Charlie's files went.

17 MR. CASSCLES: I'll make a  
18 phone call. I don't know.

19 MR. MATTINA: Jonathan Cella  
20 took a lot of Charlie's work.

21 MR. CASSCLES: That's who Ray  
22 is working for now. That's who made  
23 it for me, Ray.

24 MR. MATTINA: Any document  
25 submitted has to be signed and

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2               sealed.

3               MR. DONOVAN: Jonathan has been  
4               here a number of times in the past.

5               MR. CASSCLES: Yes.

6               MS. REIN: Are we saying this  
7               is going to be done by the 8th and  
8               then we're going to meet to vote on  
9               it --

10              MR. DONOVAN: On the 22nd.  
11              Just the big picture, you have 62  
12              days from the close of the public  
13              hearing to vote. It will be 60 days  
14              on the 22nd. Occasionally things  
15              happen. It sounds good, we're all  
16              sitting here tonight, that you can  
17              get this done in ten days. I don't  
18              know. There may need to be a little  
19              flexibility on the Board's part if it  
20              comes in a little bit later. I think  
21              you want to have it in enough time so  
22              everyone gets to look at it and be  
23              satisfied with it. We'll be further  
24              along if we need to make any kind of  
25              modifications that night. All right.

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2                   The only other thing I want to  
3           say is in the interest of fairness,  
4           since this gentleman is going to be  
5           spending some money, if the Board is  
6           -- you never vote until you vote.  If  
7           you're leaning in favor of a  
8           favorable interpretation, then it's  
9           appropriate to ask him to do this  
10          work.  If you're saying I'm never  
11          going to grant the interpretation,  
12          it's not fair to ask him to spend the  
13          money.

14                   MR. CASSCLES:  I appreciate  
15          that.

16                   MS. REIN:  I agree.

17                   MR. BELL:  That makes sense.

18                   MS. REIN:  How do we do that?  
19          Do we take a preliminary vote?  What  
20          do we do to make that happen?

21                   MR. DONOVAN:  I think you give  
22          an acknowledgement.  Something would  
23          have to change substantially.  You're  
24          in favor of the interpretation but  
25          you want to impose reasonable

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2           conditions that are going to make  
3           everyone's life better to the maximum  
4           extent possible knowing that this  
5           variance was granted in 1982, so  
6           everyone is stuck with it for better  
7           or for worse. Is that good?

8           MR. FURST: Yes. It sounds  
9           like the Board is confirming it's  
10          okay for us to go ahead and spend a  
11          little more time and money on  
12          potential conditions. Everyone's  
13          comments seems to be leaning towards  
14          a yes subject to --

15          MR. EBERHART: Would it not be  
16          also appropriate, whatever those  
17          conditions are, that we outline it  
18          for them so that they do include  
19          those? I looked at some of the  
20          conditions that you were looking at.  
21          They should know.

22          MR. DONOVAN: I think they have  
23          them right now.

24          MR. EBERHART: Okay.

25          MR. FURST: I can go over it

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2 again. Landscaping, fencing, where  
3 the passenger vehicles are going to  
4 be parked, where the heavy equipment  
5 vehicles are going to park, hours of  
6 operation.

7 MR. DONOVAN: Noise mitigation.  
8 Did you have anything else?

9 MR. EBERHART: No.

10 MR. HERMANCE: Is there any  
11 more on that list there?

12 MR. BELL: I'm good.

13 MR. EBERHART: Does anybody  
14 else have any other conditions?

15 MR. BELL: There's no retail.

16 MS. REIN: I'd like to close  
17 this soon.

18 MR. MASTEN: Is there going to  
19 be any operations after hours, like  
20 an emergency?

21 MR. CASSCLES: In an emergency  
22 situation, yes.

23 MR. MASTEN: Will any of the  
24 vehicles be outside? Will they be  
25 running during the cold weather to

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2           keep them -- I know a lot of them are  
3           diesel.

4           MR. CASSCLES:   Ninety percent  
5           of our vehicles are late model and  
6           they can't idle.  To answer your  
7           question, no.  A few minutes and then  
8           we're gone.  As soon as the air  
9           brakes pick up, we're gone.

10          MR. FURST:   I think we have  
11          some good direction.  We look forward  
12          to seeing you guys next month.

13          MR. CASSCLES:   Thank you very  
14          much.

15          MR. BELL:   Did everybody  
16          receive the minutes from the last  
17          date?  We'll approve the minutes.

18          MR. MASTEN:   I've got a  
19          question.  There was something that I  
20          said that -- Darrin said that I said  
21          there were no recordings of the  
22          meetings back prior to -- from '18  
23          back.  He put in there -- it said I  
24          did say there was a stenographer and  
25          I want that corrected.



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2                   MR. DONOVAN: Which application,  
3                   John?

4                   MR. MASTEN: This one. He  
5                   asked me, where Darrell is sitting,  
6                   if I remember verbatim what was said  
7                   in '18 -- in the 2018 meeting. I  
8                   said I don't know it verbatim but for  
9                   one thing we didn't have a  
10                  stenographer and he said we did. We  
11                  didn't.

12                  MR. DONOVAN: Okay. The way  
13                  that works is actually you don't  
14                  change the prior minutes. What you  
15                  just said Michelle will reflect in  
16                  tonight's minutes. That's reflected.  
17                  We can't go back and change what was  
18                  said last month, we can just put that  
19                  clarification on the record.

20                  MR. MASTEN: At first I thought  
21                  I was misreading it. I read it twice  
22                  today.

23                  MR. GRAMSTAD: I'll make a  
24                  motion to approve last month's  
25                  minutes.

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2 MR. BELL: Mr. Gramstad. A  
3 second?

4 MS. REIN: I do.

5 MR. BELL: Donna. All in  
6 favor?

7 MR. BELL: Aye.

8 MR. EBERHART: Aye.

9 MR. GRAMSTAD: Aye.

10 MR. HERMANCE: Aye.

11 MR. MASTEN: Aye.

12 MS. REIN: Yes.

13 MR. BELL: Motion to adjourn.

14 MR. EBERHART: I'll make a  
15 motion.

16 MS. REIN: I'll second.

17 MR. BELL: Aye.

18 MR. EBERHART: Aye.

19 MR. GRAMSTAD: Aye.

20 MR. HERMANCE: Aye.

21 MR. MASTEN: Aye.

22 MS. REIN: Yes.

23 (Time noted: 8:24 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 4th day of November 2022.

*Michelle Conero*  
\_\_\_\_\_  
MICHELLE CONERO