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

- - - - - X  
In the Matter of

CASTLE USA CORP/JULY 4EVER

382 Rock Cut Road, Walden  
Section 11; Block 1; Lot 60.2  
R-2 Zone

- - - - - X

Date: December 28, 2023  
Time: 7:00 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI

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

- - - - - X

MICHELLE L. CONERO  
Court Reporter  
Michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN SCALZO: I'd like to call the meeting of the Zoning Board Appeals to order. The order of business this evening are the public hearings which have been scheduled. The procedure of the Board is that the applicant will be called upon to step forward, state their request and explain why it should be granted. The Board will then ask the applicant any questions it may have, and then any questions or comments from the public will be entertained. The Board will then consider the applications and will try to render a decision this evening, but may take up to 62 days to reach a determination.

I would ask if you have a cellphone, to please turn it off or put it on silent. When speaking, speak directly into the microphone, which has batteries tonight, as it is being recorded.

Roll call, please.

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MS. JABLESNIK: Darrel Bell is  
absent.

James Eberhart.

MR. EBERHART: Present.

MS. JABLESNIK: Greg Hermance.

MR. HERMANCE: Present.

MS. JABLESNIK: John Masten.

MR. MASTEN: Here.

MS. JABLESNIK: James Politi.

MR. POLITI: Present.

MS. JABLESNIK: Donna Rein is  
also absent.

Darrin Scalzo.

CHAIRMAN SCALZO: Here.

MS. JABLESNIK: Also present is  
our attorney, Dave Donovan; from Code  
Compliance is Joe Mattina; and our  
Stenographer, Michelle Conero.

CHAIRMAN SCALZO: Please rise  
for the Pledge.

(Pledge of Allegiance.)

CHAIRMAN SCALZO: If anyone is  
here this evening to hear the  
application for Castle USA Corp/July

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4Ever, that public hearing happens to be closed. If anybody was interested in listening to the application this evening, we are deferring that to the January meeting. If anybody is here for that, we're not going to be talking about it tonight.

(Time noted: 7:03 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 8th day of January 2024.

*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

TRACEY DeYOUNG

83 Lexington Drive, Newburgh  
Section 26; Block 10; Lot 4  
R-2 Zone

- - - - - X

Date: December 28, 2023  
Time: 7:03 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI

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

APPLICANT'S REPRESENTATIVE: TRACEY DeYOUNG

- - - - - X

MICHELLE L. CONERO  
Court Reporter  
Michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN SCALZO: Our first applicant this evening is Tracey DeYoung, 83 Lexington Drive in Newburgh, seeking an area variance of the setback to the main building to build an 11'6" by 28 foot carport.

Do we have mailings on that, Siobhan?

MS. JABLESNIK: This applicant sent out 24 letters.

CHAIRMAN SCALZO: 24 letters. Very good.

Who do we have here this evening? Please come on up. State your name for the record, please

MS. DeYOUNG: Tracey DeYoung.

CHAIRMAN SCALZO: Very good. Ms. DeYoung, if I have captured everything that you want to talk about in that one-sentence narrative, we can just go ahead and move through the procedures that we normally follow. If you'd like to add any flavor to it, feel free.

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MS. DeYOUNG: No flavor.

CHAIRMAN SCALZO: We're going  
vanilla tonight.

Okay. We've all been to the  
site, took a drive around. Great  
neighborhood up there.

Obviously this is going to be on  
the left side of your house if you're  
looking at it from the road.

The issue here is just that it's  
going to be a little closer to the  
house than what is allowed by code.  
10 feet is code. You're looking for  
7 feet something.

MS. DeYOUNG: 7.5.

CHAIRMAN SCALZO: So 2.5 feet.  
Having been by there, I really don't  
have many comments. You're going to  
be within the retaining wall area.

MS. DeYOUNG: Yes.

CHAIRMAN SCALZO: I've got  
nothing.

I'm going to look to Mr. Politi.  
Do you have any comments on this?



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MR. POLITI: No.

CHAIRMAN SCALZO: Mr. Eberhart?

MR. EBERHART: No.

CHAIRMAN SCALZO: Mr. Hermance?

MR. HERMANCE: No.

CHAIRMAN SCALZO: Mr. Masten?

MR. MASTEN: I have no questions.

CHAIRMAN SCALZO: We're just  
ripping right through.

Is there anybody here from the  
public that wishes to make a comment  
regarding this application on  
Lexington Drive for Ms. DeYoung?

(No response.)

CHAIRMAN SCALZO: Okay then.  
I'll look to the Board for a motion  
to close the public hearing.

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

MR. EBERHART: I'll second.

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

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MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MR. POLITI: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good. So  
this is a Type 2 action under SEQRA.  
Correct, Counsel?

MR. DONOVAN: Correct, Mr. Chairman.

CHAIRMAN SCALZO: Thank you, sir.

We're going to go through the  
variance criteria and discuss the  
five factors we are weighing, the  
first one being whether or not the  
benefit can be achieved by other  
means feasible to the applicant. No.

The second, if there's an  
undesirable change in the neighborhood  
character or a detriment to nearby  
properties. I think the way this is  
going to be tucked in there, there  
may be one neighbor that sees it.

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Other than that -- and the house is so far back off the road, I don't think there's going to be a change.

Third, whether the request is substantial. It's 2.5 feet, looking at the separation distance. However, 7.5 is still plenty if, say, emergency services had to manipulate their way through there.

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

MR. POLITI: No.

MR. EBERHART: No.

MR. HERMANCE: No.

MR. MASTEN: No.

CHAIRMAN SCALZO: I don't believe so.

And fifth, whether the alleged difficulty is self-created, which is relevant but not determinative. Of course it's self-created in this case. If the retaining wall wasn't there, they would probably kick it

2 out the extra 2.5 feet. Because it's  
3 there, it would make it more  
4 challenging.

5 Having gone through the balancing  
6 tests of the area variance, does the  
7 Board have a motion of some sort?

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

10 MR. MASTEN: I'll second it.

11 CHAIRMAN SCALZO: We have a motion  
12 for approval from Mr. Hermance. We have  
13 a second from Mr. Masten.

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

16 MS. JABLESNIK: Mr. Eberhart?

17 MR. EBERHART: Yes.

18 MS. JABLESNIK: Mr. Hermance?

19 MR. HERMANCE: Yes.

20 MS. JABLESNIK: Mr. Masten?

21 MR. MASTEN: Yes.

22 MS. JABLESNIK: Mr. Politi?

23 MR. POLITI: Yes.

24 MS. JABLESNIK: Mr. Scalzo?

25 CHAIRMAN SCALZO: Yes.

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The motion is carried. The  
variances are approved. Good luck.

MS. DeYOUNG: Thank you.

(Time noted: 7:08 p.m.)

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

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

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

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 8th day of January 2024.

*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

DR. RICHARD SOLOMONS

5349 Route 9W, Newburgh  
Section 9; Block 3; Lot 22.1  
B Zone

- - - - - X

Date: December 28, 2023  
Time: 7:08 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI

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

APPLICANT'S REPRESENTATIVE: MARTIN PASSANTE

- - - - - X

MICHELLE L. CONERO  
Court Reporter  
Michelleconero@hotmail.com  
(845) 541-4163

2 CHAIRMAN SCALZO: Our second  
3 applicant this evening is Dr. Richard  
4 Solomons, 5349 Route 9W in Newburgh.  
5 This is a Planning Board referral for  
6 an area variance of the front yard  
7 setback to construct a 2,342 square  
8 foot addition on the existing  
9 veterinary facility. The proposed  
10 setback is 53 feet where 60 feet is  
11 required because it's on a State  
12 road.

13 Do we have mailings on this,  
14 Siobhan?

15 MS. JABLESNIK: This applicant  
16 sent 30 letters. We did receive  
17 County back.

18 CHAIRMAN SCALZO: We got County  
19 back. You are in luck. Very good.

20 Okay. Who do we have with us?

21 MR. PASSANTE: Martin Passante.  
22 I'm the architect.

23 CHAIRMAN SCALZO: All right.  
24 Mr. Passante, I'm sure I haven't  
25 captured everything that you wanted

2 to talk about in two sentences.

3 MR. PASSANTE: You actually did.  
4 We're looking for 7 feet.

5 CHAIRMAN SCALZO: I'm pretty  
6 efficient.

7 MR. PASSANTE: 7 feet in order  
8 to build the structure that we want  
9 to build, otherwise we would have had  
10 to sacrifice a proposed exam room.

11 I've been up and down that road.  
12 I think it's far enough back that I  
13 don't think it would have any adverse  
14 effect on any of the adjacent buildings.

15 CHAIRMAN SCALZO: I would agree  
16 with your assessment. We all visited  
17 the site. Actually, I sat out in  
18 Mary Jane's Dairy Bar staring at  
19 traffic and the other buildings in  
20 the area. Even with the addition,  
21 it's going to still sit further back  
22 than the building that's to the  
23 north. Once you cross Lattintown,  
24 holy smokes, there are some buildings  
25 that are 12 feet off the pavement.



2 It's really tight.

3 Having experience in engineering  
4 and surveying, I look at your  
5 dimension of 53 feet and 3.5 inches.  
6 I take offense to that because we  
7 deal in metric feet in engineering  
8 and surveying, sir. Obviously we get  
9 the gist of what you're trying to put  
10 out there. That would be 53.28 feet.  
11 That's awfully tight with hundredths  
12 of a foot.

13 Much like the previous application,  
14 I really don't have all that much to  
15 add to that.

16 I'm going to start on the other  
17 end of the table in this case and ask  
18 Mr. Masten. Mr. Masten, do you have  
19 any comments?

20 MR. MASTEN: I have no questions  
21 on it.

22 CHAIRMAN SCALZO: Mr. Hermance?

23 MR. HERMANCE: No.

24 CHAIRMAN SCALZO: Mr. Eberhart?

25 MR. EBERHART: I have nothing.

2 CHAIRMAN SCALZO: Mr. Politi?

3 MR. POLITI: No. The only  
4 question I had is how you get to  
5 2,342 square feet. Is it two stories?

6 MR. PASSANTE: Yes.

7 MR. POLITI: I know this is  
8 about the setback. I just wanted to  
9 know. Does it go back over the --

10 MR. PASSANTE: No. It's just a  
11 two-story addition in the front of  
12 the building.

13 MR. POLITI: Okay.

14 MR. PASSANTE: I have a front  
15 elevation, if you want to see it.

16 MR. POLITI: I see. Okay.

17 MR. PASSANTE: That's the  
18 current elevation. It would be this  
19 in front of it. It's actually just  
20 about two stories now, but it's not  
21 utilized as two stories. We'll be  
22 building in front of it and hopefully  
23 make it a little more pretty.

24 MR. POLITI: I was trying to  
25 figure it out. I couldn't get there,

2 the square footage.

3 CHAIRMAN SCALZO: Okay. I do  
4 actually have one question regarding  
5 the plan that was provided. Again,  
6 it looks great. I like how you  
7 placed the trees on there. This,  
8 obviously, has your proposed addition  
9 in the offsets to the front and side  
10 yards. It's from a boundary survey  
11 provided by someone, but there's no  
12 reference on the map, unless I missed  
13 it.

14 MR. PASSANTE: You know, I  
15 didn't get the name of the -- it's  
16 not on here? I can get that, though.  
17 I thought we submitted that survey as  
18 well. I can get it for you.

19 CHAIRMAN SCALZO: Just for our  
20 files, I think that would be helpful.

21 MR. PASSANTE: Not a problem.

22 CHAIRMAN SCALZO: Thank you.

23 I'm looking now to any members  
24 of the public that wish to comment on  
25 this application for the veterinary

2 office.

3 (No response.)

4 CHAIRMAN SCALZO: Okay. We did  
5 receive the County referral back?

6 MS. JABLESNIK: Yes.

7 CHAIRMAN SCALZO: A Local  
8 determination?

9 MS. JABLESNIK: Yes.

10 CHAIRMAN SCALZO: I'll look to  
11 the Board for a motion to close the  
12 public hearing.

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

15 MR. POLITI: Second.

16 CHAIRMAN SCALZO: We have a  
17 motion from Mr. Masten. We have a  
18 second from Mr. Politi. All in favor?

19 MR. EBERHART: Aye.

20 MR. HERMANCE: Aye.

21 MR. MASTEN: Aye.

22 MR. POLITI: Aye.

23 CHAIRMAN SCALZO: Aye.

24 CHAIRMAN SCALZO: Any opposed?

25 (No response.)

2 CHAIRMAN SCALZO: Moving on.  
3 Counsel, this is also a Type 2 action  
4 under SEQRA?

5 MR. DONOVAN: That's correct,  
6 Mr. Chairman.

7 CHAIRMAN SCALZO: Thank you,  
8 sir.

9 We, again, will hit the factors  
10 under SEQRA, the first one being  
11 whether or not the benefit can be  
12 achieved by other means feasible to  
13 the applicant. The benefit cannot be  
14 achieved by other means, unless they  
15 expand in a different direction. It  
16 may not work with the layout.

17 The second, if there's an  
18 undesirable change in the neighborhood  
19 character or a detriment to nearby  
20 properties. Really with the visuals  
21 that have been provided, it looks  
22 like it may enhance it. Updating the  
23 facade, it's going to look a little  
24 better than it currently does.

25 The third, whether the request is

2 substantial. Not particularly, when  
3 you look at the surrounding area.  
4 It's still going to be further away  
5 than many of the structures that are  
6 close to them.

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

10 MR. POLITI: No.

11 MR. EBERHART: No.

12 MR. HERMANCE: No.

13 MR. MASTEN: No.

14 CHAIRMAN SCALZO: No.

15 And the fifth, whether the  
16 alleged difficulty is self-created,  
17 which is relevant but not determinative.  
18 Of course it's self-created.

19 Now, having gone through the  
20 balancing tests of the area variance  
21 -- Counsel, we're good?

22 MR. DONOVAN: Absolutely.

23 CHAIRMAN SCALZO: If there's  
24 anything you wanted to say.

25 MR. DONOVAN: No. It really is

2 a Type 2. I'm just kind of thinking,  
3 I've never made it through two  
4 applications without saying anything  
5 except "Correct, Mr. Chairman." I'm  
6 impressed with myself.

7 CHAIRMAN SCALZO: Some people  
8 are uncomfortable with silence. I'm  
9 not one of those people.

10 Having gone through the  
11 balancing tests for the area variance,  
12 does the Board have a motion of some  
13 sort?

14 MR. POLITI: I'll make a motion  
15 to accept the --

16 CHAIRMAN SCALZO: You make a  
17 motion to approve? Is that what  
18 you're saying, Mr. Politi?

19 MR. POLITI: Yes.

20 MR. EBERHART: Second.

21 CHAIRMAN SCALZO: Can you roll  
22 on that, please, Siobhan.

23 MS. JABLESNIK: Mr. Eberhart?

24 MR. EBERHART: Yes.

25 MS. JABLESNIK: Mr. Hermance?

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MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The  
variances are approved. Good luck,  
and hopefully it goes quickly.

(Time noted: 7:15 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 8th day of January 2024.

*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

RAFAEL & ANA URIONDO

4 Marlene Court, Newburgh  
Section 111; Block 2; Lot 3  
R-1 Zone

- - - - - X

Date: December 28, 2023  
Time: 7:15 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI

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

APPLICANT'S REPRESENTATIVE: RAFAEL & ANA URIONDO

- - - - - X

MICHELLE L. CONERO  
Court Reporter  
Michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN SCALZO: Our third applicant this evening is Rafael and Ana Uriondo. I did okay with that?

MR. URIONDO: Uriondo.

CHAIRMAN SCALZO: 4 Marlene Court, for area variances of the combined side yard setback and increasing the degree of non-conformity of one side yard to build a 46 by 16 pool deck.

Do we have mailings on this, Siobhan?

MS. JABLESNIK: This applicant sent out 22.

CHAIRMAN SCALZO: 22. Is that the winner tonight?

MS. JABLESNIK: The winner of the least, yes. You are the winner so far.

CHAIRMAN SCALZO: As I mentioned at the very beginning, we do have to check these out. You live on that kind of street that all of your neighbors were probably out looking

2 at my truck.

3 We see what you're trying to do  
4 there, squaring it up around the  
5 pool.

6 Looking behind your house, there  
7 really isn't a whole heck of a lot  
8 going on back there. The side you're  
9 squaring up, I'm not sure how much  
10 that is going to impact the one  
11 neighbor that can see you.

12 I stepped all over what I  
13 usually say to any other applicant.  
14 Did I capture everything that you  
15 wanted to say in those two sentences?

16 MR. URIONDO: Yes.

17 CHAIRMAN SCALZO: No other  
18 flavor to add?

19 MR. URIONDO: No.

20 CHAIRMAN SCALZO: Okay. Sorry I  
21 cut you off before I let you start.

22 Again, character of the  
23 neighborhood, I don't see anything.  
24 It's going to help you out, give you  
25 a little more privacy and deck space.

2 I'm going left, right, left.

3 I'm going to look to Mr. Politi. Do  
4 you have any comments on this, other  
5 than that it's lumpy?

6 MR. POLITI: No.

7 CHAIRMAN SCALZO: We were out  
8 there looking around. I'm hoping  
9 this gives it a little more uniformity,  
10 straightens it out a little. It's up,  
11 it's down, it's all around.

12 MR. URIONDO: Yes.

13 MR. POLITI: The 22 feet on the  
14 house, that corner, you're staying  
15 within that 22 feet on one side?  
16 Actually, it's 2 feet. Correct? A  
17 change of 2 feet?

18 CHAIRMAN SCALZO: Let me go to  
19 the videotape.

20 MR. DONOVAN: That's the shortest  
21 distance. There are other distances  
22 that don't meet, but they're greater  
23 than 22 feet.

24 MR. POLITI: Only because the  
25 current existing deck is at 38.

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MR. DONOVAN: The minimum side yard is 30.

MR. POLITI: It still squares off. I'm just saying, that's the only difference I see. Everything else seems to be consistent with what you have.

CHAIRMAN SCALZO: You're going no closer to the property line than the front left corner of the house already is. They would be in here for anything, really, is the case.

Mr. Politi, I'm sorry I stepped all over your comments.

MR. POLITI: I'm good. That was it.

CHAIRMAN SCALZO: Mr. Eberhart?

MR. EBERHART: No comment.

CHAIRMAN SCALZO: Mr. Hermance?

MR. HERMANCE: I have nothing.

MR. MASTEN: I have no questions.

CHAIRMAN SCALZO: All right. At this time we're going to open it up to any comments or questions from the

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public regarding this application  
over on Marlene Court.

(No response.)

CHAIRMAN SCALZO: Very good.  
All right. I'll look to the Board  
for a motion to close the public  
hearing.

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

MR. HERMANCE: Second.

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

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MR. POLITI: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good.  
Counsel, am I three for three?

MR. DONOVAN: You are three for

2           three.

3                   CHAIRMAN SCALZO:   A Type 2  
4           action.

5                   The first factor being whether  
6           or not the benefit can be achieved by  
7           other means feasible to the applicant.  
8           Not the benefit, no.

9                   The second, if there's an  
10          undesirable change in the neighborhood  
11          character or a detriment to nearby  
12          properties.

13                   MR. POLITI:   No.

14                   MR. EBERHART:   No.

15                   MR. HERMANCE:   No.

16                   MR. MASTEN:   No.

17                   CHAIRMAN SCALZO:   I would say no  
18          as well.

19                   The third, whether the request  
20          is substantial.   Well, they're already  
21          at 22 feet with the front left corner.  
22          The proposed stairs are at 22 feet.  
23          They're not decreasing any side yards,  
24          so I would say no.

25                   The fourth, whether the request



2 will have any adverse physical or  
3 environmental effects. It does not  
4 appear so.

5 The fifth, whether the alleged  
6 difficulty is self-created, which is  
7 relevant but not determinative. You  
8 can argue either side of that because  
9 the current dwelling is already at 22  
10 feet, which is really what's bringing  
11 them in here. So no.

12 Having gone through the balancing  
13 tests, does the Board have a motion  
14 of some sort?

15 MR. EBERHART: I'll make a motion  
16 to approve.

17 MR. POLITI: (Raised hand.)

18 CHAIRMAN SCALZO: We have a  
19 motion for approval from Mr. Eberhart.  
20 We have a second from Mr. Politi.

21 Because he raised his hand,  
22 Michelle, you couldn't hear that.

23 Could you roll on that, please,  
24 Siobhan.

25 MS. JABLESNIK: Mr. Eberhart?

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MR. EBERHART: Yes.

MS. JABLESNIK: Mr. Hermance?

MR. HERMANCE: Yes.

MS. JABLESNIK: Mr. Masten?

MR. MASTEN: Yes.

MS. JABLESNIK: Mr. Politi?

MR. POLITI: Yes.

MS. JABLESNIK: Mr. Scalzo?

CHAIRMAN SCALZO: Yes.

The motion is carried. The  
variances are approved.

This is really not the season to  
be doing that.

MR. URIONDO: She's the boss.

CHAIRMAN SCALZO: Very good.

(Time noted: 7:20 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 8th day of January 2024.

*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

HUMBERTO RESTREPO (CAMP INTEGRITY)

576 Rock Cut Road, Walden  
Section 11; Block 1; Lot 61  
R-1 Zone

- - - - - X

Date: December 28, 2023  
Time: 7:20 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI

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

APPLICANT'S REPRESENTATIVES: JOSEPH PEREZ  
and JOSEPH DOCETI

- - - - - X

MICHELLE L. CONERO  
Court Reporter  
Michelleconero@hotmail.com  
(845) 541-4163

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CHAIRMAN SCALZO: Our final applicant of the evening is Humberto Restrepo. Am I saying that correctly?

MR. PEREZ: It's pronounced that way, but he's not here.

CHAIRMAN SCALZO: That's okay. 576 Rock Cut Road in Walden. This is also a Planning Board referral for area variances of the existing non-conformities of the front, one side yard and building height to convert an existing 12,000 square foot structure to house equipment for training personnel for oceanic rescue of persons working on wind turbines.

Do we have mailings on that, Siobhan?

MS. JABLESNIK: Yes. This applicant sent 36 mailings.

CHAIRMAN SCALZO: 36. Okay. I've got to be honest with you. I see what's going on here, but the story that goes along with it is

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awesome. We're not here to hear that story.

If you could go ahead and present.

MS. JABLESNIK: We did not get the County.

CHAIRMAN SCALZO: Gentlemen, I'm going to give you some bad news.

MS. JABLESNIK: I will recheck my e-mail now.

CHAIRMAN SCALZO: Because this is on a County highway, we're required, by General Municipal Law 239, to send any application that we get near State highways and County highways to the County. They have an opportunity to comment on it. They have a thirty-day window to do that. We cannot vote on any application until that thirty days is up or if they have responded to us with any type of comment. Most of the time we get a Local determination, which means we can make up our own minds.

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In your case, they haven't had it for thirty days. We will hear you present, but we are obligated by GML 239 to not vote on your application tonight.

MR. PEREZ: Fair enough. We're here for an area variance. It's all existing.

MR. DONOVAN: If I could just interrupt. Tell us, for the record, who you are.

MR. PEREZ: I'm Joe Perez from Paramount Building Construction, general contractor.

MR. DOCETI: I'm Joe Doceti. I'm the chief engineer of E&C Properties.

CHAIRMAN SCALZO: I'm hoping your names appear on the proxy sheet and application.

MR. PEREZ: We're here for an area variance. All the buildings are existing. Obviously a couple of the buildings are too close to the road.

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We're here for a variance on the front yard, the one existing house side yard. The building we're working on is between the buildings we're looking for a variance on.

The existing height is 36 feet. I believe the code is 34 feet.

We're not doing anything to the property. All the work we're doing is inside the existing structure. It's obviously a wind turbine training center for the electrical union.

CHAIRMAN SCALZO: Okay. I'd love to get a look in there when it's done.

As you just stated, I'm going to reiterate for the Board, they are not making any modifications to the exterior structures. What they are here for are preexisting, nonconforming conditions.

I'm going to say this would be rather simple if the County had



2 gotten back to us in time, but they  
3 didn't.

4 Anyway, again, preexisting  
5 nonconforming is one of the easiest  
6 things to look at, especially when  
7 there are no additional modifications  
8 to the structures.

9 I think I started with Mr.  
10 Politi last time. We're going to  
11 look down to Mr. Masten.

12 MR. MASTEN: I have no questions.

13 CHAIRMAN SCALZO: Very good.

14 Mr. Hermance?

15 MR. HERMANCE: What is the  
16 current use?

17 MR. PEREZ: It's a camp. On the  
18 offseason it's going to be the training  
19 center for the wind turbines.

20 CHAIRMAN SCALZO: They're still  
21 going to camp in the summer?

22 MR. DOCETTI: Yes. It's a two-  
23 month camp and then the rest of the  
24 season would be the training, which  
25 is only twelve people. Twelve to

2 fifteen people at a clip. It's a  
3 pretty intense structure, but it's  
4 used not only for local trades. It's  
5 used for water rescues for the people  
6 that want to learn it. It's a  
7 simulated helicopter rescue.

8 MR. POLITI: Which building does  
9 it go in?

10 I'm sorry. I went out of line.

11 CHAIRMAN SCALZO: Jim, jump  
12 right in.

13 MR. EBERHART: I was looking at  
14 the camp area, what exactly was going  
15 on.

16 MR. PEREZ: The existing big,  
17 huge metal building on the property,  
18 the structure is going inside there.  
19 It's 12,000 square feet.

20 MR. POLITI: Is that the tennis  
21 court building?

22 MR. PEREZ: It's the original  
23 tennis court building.

24 MR. DOCETI: Yes.

25 CHAIRMAN SCALZO: It doesn't say

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on here in what building you're  
looking to do that.

MR. PEREZ: It's actually the  
metal building.

MR. DOCETI: The furthest  
building.

MR. PEREZ: The one on the  
bottom of the drawing.

MR. POLITI: What's the one foot  
difference in the height?

MR. PEREZ: There are two metal  
buildings. The height is 2 feet and  
34 with a total of 36.

MR. DOCETI: 35.

MR. PEREZ: 35. We're 36.

MR. DOCETI: The existing is 36.

MR. POLITI: That's why it's  
listed. Okay.

CHAIRMAN SCALZO: Mr. Hermance,  
actually, we were still on you until  
Mr. Politi jumped in.

MR. HERMANCE: So this isn't a  
change in use?

CHAIRMAN SCALZO: Sure it is.

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MR. HERMANCE: I mean, do we have to get approval through the --

MR. DONOVAN: The Planning Board sent them to us.

MR. HERMANCE: Okay.

MR. PEREZ: We were referred from the Planning Board to come here and then go back there.

CHAIRMAN SCALZO: We're ruling on the nonconformities of the pre-existing.

MR. DONOVAN: The preexisting nonconformities that are not going to be expanded upon.

MR. DOCETI: Correct.

MR. HERMANCE: That's all I have.

CHAIRMAN SCALZO: Now we'll jump to Jim one. Mr. Eberhart, you were here first.

MR. EBERHART: I was just wondering with the camp area that I looked at on the far right side.

My questions deal more with just interest in how training for wind

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turbines is going to happen. It has nothing to do with us.

MR. DOCETI: It's not training for turbines. It's for the oceanic rescue. Where the turbines are located, it's to rescue with the turbines coming off of it. Anybody that gets injured, anything falls in the water or anything happens, it's a water rescue.

MR. PEREZ: What to do if you fall in the water.

MR. DOCETI: It's more of that, plus they teach you first aid, they're going to teach you fire extinguishing. There's a whole bunch of different trainings that, if you're on this platform, you will need. Being lowered down thirty feet from the top platform.

MR. PEREZ: The reason for this, too, is in Long Island I believe they're supposed to be starting to do these wind turbines.

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CHAIRMAN SCALZO: Baldwin Energy  
I think is doing a host of them.

MR. EBERHART: That was just for  
myself. It's interesting.

MR. DOCETI: Once it's  
constructed, if it's constructed, at  
the last Planning Board they wanted a  
tour of the camp. It's still open.  
We brought the previous owner, John,  
who is currently working there. He'll  
let anybody in to view the camp.

CHAIRMAN SCALZO: Very good.  
Thank you. I'm familiar with the  
backside of the camp from when I was  
a youngster there. Friends of mine  
owned a farm over on East Rock Cut.  
We used to poke around all over the  
place. That's it from this side.

Is anyone from the public here  
that wishes to speak about this  
application? Mr. Fetter.

MR. FETTER: Bill Fetter,  
Rockwood Drive. The pool is already  
there. Is that true?

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MR. PEREZ: Yes.

MR. DOCETI: Yes.

MR. FETTER: The pool is already in the building. Okay. It's not a change of use of that sort?

MR. PEREZ: It's not in the building. It's exterior.

MR. DOCETI: It's on the exterior of the building, the pool.

MR. FETTER: Okay. I thought the building is enclosed. It will be outdoors? You'll be outdoors?

MR. PEREZ: This is indoors. The pool is outside of the building.

MR. DOCETI: You said pool. There's a pool right outside of this. This is just a tank. It's a rescue tank. I don't consider that a pool. I misunderstood your question. This is the existing structure, so this piece fits right in. It will be built to go right inside.

MR. FETTER: Okay. Thank you.

CHAIRMAN SCALZO: Any other

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questions or comments from the  
public?

MS. KAY: I have a question.

CHAIRMAN SCALZO: Please state  
your name.

MS. KAY: Jennifer Kay, 3 Chief's  
Lane.

In terms of just planning of  
what they want to do, is there any,  
like, exterior noise involved with  
those trainings?

MR. PEREZ: No.

MR. DOCETI: No. The building  
is going to be self-contained. It  
will be insulated.

MS. KAY: Okay. That bugle  
drives me crazy in the summer, let me  
tell you. They bugle all day long.  
I'm like, turn down the volume.

CHAIRMAN SCALZO: That's  
awesome. Most people want to sleep  
in in the summer.

MS. KAY: I do.

CHAIRMAN SCALZO: Not the kids.



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To answer the woman's question, other than bugling and screaming kids, it won't be louder than any of that?

MR. DOCETI: There won't be any screaming kids. There will be a total of twelve students and three teachers that will be attending this program. Everything is all in the building.

MS. KAY: Thank you.

MR. DOCETI: It's pretty quiet. If you do have a concern, this is John Estes, about the bugling, we can address that here and now, if you want.

MR. ESTES: It's not an issue.

CHAIRMAN SCALZO: That's great. Unfortunately, as I mentioned earlier, we're bound by GML 239. We're going to see you next month. That also means that we can't close the public hearing on this, just in case the County has some interesting comments

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that we need to let the public weigh  
in on or just give other things.

I'll look to the Board for a  
motion to keep the public hearing  
open until the January meeting.

MR. POLITI: I'll make that  
motion.

MR. MASTEN: I'll second it.

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

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye,

MR. POLITI: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good.  
Gentlemen, thank you. We'll see you  
next month.

MR. PEREZ: Thank you.

CHAIRMAN SCALZO: It is the

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fourth Thursday of January.  
(Time noted: 7:31 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 8th day of January 2024.

*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

BOARD BUSINESS

- ACCEPTANCE OF THE NOVEMBER 2023 MINUTES
- MANDATORY TRAINING

----- X

Date: December 28, 2023  
Time: 7:31 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York

BOARD MEMBERS: DARRIN SCALZO, Chairman  
JAMES EBERHART, JR.  
GREGORY M. HERMANCE  
JOHN MASTEN  
JAMES POLITI

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

----- X

MICHELLE L. CONERO  
Court Reporter  
Michelleconero@hotmail.com  
(845) 541-4163

2 CHAIRMAN SCALZO: That concludes  
3 our meeting for the evening. A  
4 record for me I think, getting out of  
5 here at 7:31.

6 I'll call it other Board  
7 business, but it's not really Board  
8 business.

9 We do need to accept the meeting  
10 minutes from last month. I'll look  
11 to the Board for a motion to approve  
12 the meeting minutes for the November  
13 meeting.

14 MR. HERMANCE: I'll make a  
15 motion to approve the minutes from  
16 last month.

17 CHAIRMAN SCALZO: We have a  
18 motion from Mr. Hermance. Do we have  
19 a second on that?

20 MR. MASTEN: Second.

21 CHAIRMAN SCALZO: Mr. Masten  
22 beat you. All in favor?

23 MR. EBERHART: Aye.

24 MR. HERMANCE: Aye.

25 MR. MASTEN: Aye.

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MR. POLITI: Aye.

CHAIRMAN SCALZO: Aye.

Those opposed?

(No response.)

CHAIRMAN SCALZO: Very good.

As Members of the Board, we are obligated for training, mandatory training requirements.

Mr. Politi has found a plethora of information. Jim number two, can you share with us, please.

MR. POLITI: I had called the Department of State about the training.

I completed my training, by the way, the four hours.

Obviously there's the Webex if you go online. Right now it's a little slow, and they told us it would be. There's only a couple things in January. Once you get past January, I think they're going to open that up.

One of the other items that they

2 mentioned is, every webinar is taped,  
3 so it's on YouTube. They have a  
4 whole -- anything they did over the  
5 last year, they leave out there. You  
6 can watch those, but there's no way  
7 to provide proof that you took it.

8 CHAIRMAN SCALZO: Unless --

9 MR. POLITI: Unless.

10 CHAIRMAN SCALZO: Here we go.  
11 Jim two wants to have movie night  
12 here.

13 MR. POLITI: Just a thought.  
14 I'm just throwing it out there. If  
15 you wanted to get together, pick  
16 another night. Even if you do it  
17 quarterly, come in and watch those  
18 YouTubes. Siobhan could actually  
19 verify. I don't think David would  
20 have to be here, unless we have  
21 questions we can submit after we  
22 watch the video. They're an hour and  
23 a half. That could be verified as  
24 Siobhan is actually the keeper of the  
25 record of those, if we got together

2 as a group and watched it. It's  
3 another way to do it other than  
4 Webex. When you go on Webex, the  
5 State is providing proof through  
6 their system. They don't know if  
7 we're watching the YouTube. You just  
8 have to be able to prove it. That's  
9 one way. Maybe if you set those  
10 dates, you know, it might be  
11 something to make sure everybody has  
12 the training.

13 MS. JABLESNIK: Is that  
14 acceptable or do you need like an  
15 actual credit, though?

16 MR. DONOVAN: I have not read  
17 the statute in quite some time, but I  
18 believe that that would be sufficient.  
19 In years past, other boards that I've  
20 represented, I've met with them for  
21 an hour before, and then the clerk  
22 prepares some sort of record, because  
23 it doesn't go anywhere but the town,  
24 on the day we're there for an hour.  
25 They got credit for it. It satisfied



2 their requirement.

3 MR. POLITI: That's what they  
4 were telling me. Then you would send  
5 that off to the State and they would  
6 have a record of who came that night.  
7 I'm not telling anybody to group  
8 think, but it's a way for us to talk.  
9 In fact, the last one I did, the very  
10 last one was they didn't have enough  
11 time for Q and A so you e-mailed it  
12 in. There was a whole series of  
13 questions that people had. You could  
14 tell they were from cities, villages,  
15 towns all asking questions. If you  
16 were to do that, you could either --  
17 if it's specific to us, we could ask  
18 David to respond or you could send it  
19 off to the Department of State and  
20 they could answer those questions, as  
21 well, after watching it.

22 It was quite interesting. There  
23 had to be fifteen or twenty questions  
24 that went in. It was interesting to  
25 read. You could tell where people

2 were from, specific things.

3 MS. JABLESNIK: I have all that.  
4 He brought it in for me. I can  
5 e-mail that over to you next week  
6 when I'm back.

7 MR. POLITI: It was interesting.

8 CHAIRMAN SCALZO: The homework  
9 between now and next meeting is let's  
10 just -- I'm not saying watch the  
11 videos. I want you to think about  
12 that, and then we'll figure out if we  
13 want to do a movie night. My  
14 experience, you can watch a training  
15 video on your own, but if you're with  
16 other people and someone has one  
17 question, it may actually make you  
18 think of something else. It's not  
19 mandatory for us to do movie night  
20 here. I know Siobhan loves hanging  
21 out with us.

22 MR. POLITI: I don't mean to put  
23 you on the spot. You have to have a  
24 way to verify.

25 CHAIRMAN SCALZO: It's just

2 something to think about. At least  
3 think about it. Maybe we'll expand  
4 this conversation a little further at  
5 our January meeting. I think it's a  
6 wonderful way for us to get what we  
7 need. We are obligated to have this  
8 training.

9 MR. DONOVAN: Pre-COVID the  
10 Orange County Planning Federation  
11 used to offer stuff four or five  
12 times a year, especially the ZBA one.

13 CHAIRMAN SCALZO: That was the  
14 best one I've ever been to.

15 MR. DONOVAN: I don't know if  
16 they're doing anything anymore, though.

17 CHAIRMAN SCALZO: I don't know.

18 MR. HERMANCENCE: I attended one in  
19 Orange County last year.

20 MR. MASTEN: I've taken a couple  
21 through the County, but I don't know  
22 if they ever got recorded.

23 CHAIRMAN SCALZO: There's a  
24 sign-in sheet.

25 Other than that; Mr. Politi,

2 thank you for digging into that. I  
3 really appreciate that. It's  
4 important. It's important that we  
5 all maintain our requirements here.

6 MR. POLITI: Let's say if you're  
7 doing them on your own, if you go  
8 past those four, say you do eight a  
9 year, that next four is good for the  
10 following year.

11 CHAIRMAN SCALZO: Really?

12 MR. POLITI: Yes. If you knock  
13 out twelve --

14 CHAIRMAN SCALZO: I was just  
15 going to say, I got my three years.  
16 If I do more than I need, it does not  
17 carry over.

18 MR. POLITI: For the engineering?

19 CHAIRMAN SCALZO: For the  
20 engineering stuff.

21 MS. JABLESNIK: That doesn't  
22 work for your code stuff either.  
23 Fire code.

24 CHAIRMAN SCALZO: All right.  
25 I'll look to the Board for a motion

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to adjourn.

MR. POLITI: Motion to adjourn.

MR. HERMANCE: I'll second it.

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

MR. EBERHART: Aye.

MR. HERMANCE: Aye.

MR. MASTEN: Aye.

MR. POLITI: Aye.

CHAIRMAN SCALZO: Aye.

(Time noted: 7:37 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 8th day of January 2024.

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