

STATE OF NEW YORK : COUNTY OF ULMSTER
TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

LUVERA

#1417 Route 9W, Marlboro, New York 12542

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PUBLIC HEARING FOR SIGN VARIANCE

Date: April 13, 2017
Time: 7:00 p.m.
Place: Town of Marlborough
Town Hall
#21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: WILLIAM GIAMETTA, CHAIRMAN
JEFF MEKEEL
DAVE ZAMBITO
LENNY CONN
GEORGE SALINOVICH, Absent

THOMAS CORCORAN, JR. BUILDING INSPECTOR/CODE
ENFORCEMENT

PENNY E. CASHMAN, ZONING BOARD SECRETARY

DEAN LUVERA, Applicant

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2 CHAIRMAN GIAMETTA: Good

3 evening everyone, welcome to the April 13th
4 meeting of the Zoning Board of Appeals.

5 Please join me in the pledge to the flag.
6 (Pledge of Allegiance)

7 CHAIRMAN GIAMETTA: Thank you
8 very much. As you know, last month we had a
9 meeting and minutes were generated with
10 respect to that meeting. The Board has
11 received the minutes, and I ask if there is
12 any corrections or modifications or changes

13 needed to the minutes of last month,
14 anything at all you see?
15 MR. MEKEEL: I saw none.
16 MR. CONN: None.
17 MR. ZAMBITO: None.
18 CHAIRMAN GIAMETTA: Having
19 heard no objections, I ask for a motion to
20 approve those minutes.
21 MR. MEKEEL: I make a motion
22 we accept the minutes from March 9th, 2017.
23 MR. ZAMBITO: I will second.
24 CHAIRMAN GIAMETTA: And a
25 vote?

3

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2 MR. CONN: Aye.
3 MR. ZAMBITO: Aye.
4 MR. MEKEEL: Aye.
5 CHAIRMAN GIAMETTA: And aye.
6 Minutes approved. Thank you very much. We
7 have a matter on the agenda that is a public
8 hearing, and we have to read the legal
9 notice with respect to it. Mr. Mekeel?
10 MR. MEKEEL: Let Dave do it.
11 CHAIRMAN GIAMETTA: Dave?
12 Mr. Conn volunteers.
13 MR. CONN: Town of
14 Marlborough Zoning Board of Appeals Legal
15 Notice.
16 Please take notice that a
17 public hearing will be held by the Town of
18 Marlborough Zoning Board of Appeals at the
19 Town Hall, 21 Milton Turnpike, Milton, New
20 York, on April 13th, 2017 at 7:00 p.m. or
21 soon thereafter as may be heard on the
22 following issues as they may pertain.
23 Any variances required by the
24 Applicant from the Town of Marlborough sign
25 regulations promulgated at 155-28 and the

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2 accessory structure regulations promulgated

3 at 155-16 of the Town Code.

4 Owner/Applicant, Luvera

5 Properties, LLC has made variance requests

6 concerning property located at 2003 Route 9W,

7 Milton, New York 12547 as follows:

8 Any necessary variances from

9 the sign regulations of 155-28 and the

10 accessory structure regulations promulgated

11 at 155-16 of the Town Code.

12 Tax Parcel: Section 103.1.

13 Block 1. Lot 5. HD Zone. Any interested

14 parties either for or against this

15 application will have the opportunity to be

16 heard at this time. William Giometta,

17 Chairman, Town of Marlborough Zoning Board of

18 Appeals.

19 CHAIRMAN GIAMETTA: Thank you

20 very much. With regard to this legal

21 notice, certified mailings are required to

22 go out and return receipts provided to us

23 for counting.

24 MR. LUVERA: (Handing)

25 CHAIRMAN GIAMETTA: We're

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2 going to divide these up and count them up

3 and we'll be with you very shortly.

4 MR. LUVERA: Okay.

5 CHAIRMAN GIAMETTA: Mr.

6 Mekeel reports 12 returned and on --

7 MR. ZAMBITO: Twelve sent

8 out, two returned to sender.

9 CHAIRMAN GIAMETTA: Okay.

10 Ten return receipts are provided with two --

11 MR. ZAMBITO: Returned to

12 sender.

13 MR. CONN: Not collected.
14 CHAIRMAN GIAMETTA: -- not
15 collected.
16 MS. CASHMAN: Two unclaimed?
17 MR. CONN: Yes.
18 MS. CASHMAN: How many sent?
19 MR. CONN: Twelve sent.
20 MR. MEKEEL: Twelve.
21 MS. CASHMAN: So to confirm,
22 there were 24 total mailed, two returned
23 unclaimed and twelve signed for, ten in
24 limbo.
25 CHAIRMAN GIAMETTA: Okay.

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2 And at this point, we do ask the Applicant,
3 Mr. Luvera, to explain your project briefly
4 to us. If you could come up where the
5 stenographer can hear you and we can hear
6 you also, along with the audience.
7 MR. LUVERA: So I want to put
8 a sign in front of my business which is
9 going to say CSC Auto on 9W there, and then
10 I will take that one sign down, it's about
11 falling down now, and that's pretty much it.
12 CHAIRMAN GIAMETTA: You want
13 to take it down? Is that near the --
14 MR. LUVERA: It's in front of
15 that one.
16 CHAIRMAN GIAMETTA: In front
17 of the town line?
18 MR. LUVERA: Yes.
19 CHAIRMAN GIAMETTA: Mr.
20 Luvera states the older sign in front of the
21 town line advertising will be removed.
22 MR. LUVERA: Yup.
23 CHAIRMAN GIAMETTA: It's also
24 my understanding there is a sign erected for
25 a period of time in the right of way of the

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2 State of New York, says something about guns
3 and ammo?

4 MR. LUVERA: That guy took it
5 down already.

6 CHAIRMAN GIAMETTA: That has
7 been removed?

8 MR. LUVERA: Yeah. I didn't
9 even know he was putting it up. He just put
10 it up on Saturday.

11 CHAIRMAN GIAMETTA: It's not
12 permitted there.

13 MR. LUVERA: Yeah, he knows
14 that now.

15 CHAIRMAN GIAMETTA: And that
16 will remain removed; okay?

17 MR. LUVERA: No problem.

18 CHAIRMAN GIAMETTA: So how
19 many signs, in all, are you proposing to
20 erect there?

21 MR. LUVERA: I'm just going
22 to put one up that says CSC Auto on it and
23 then every one else is existing.

24 CHAIRMAN GIAMETTA: I see.

25 Board Members, do you have any questions for

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2 the Applicant?

3 MR. CONN: No.

4 MR. MEKEEL: No.

5 CHAIRMAN GIAMETTA: Concerns?

6 MR. ZAMBITO: No.

7 CHAIRMAN GIAMETTA: Okay.

8 Anyone in the audience have any concerns or
9 comments either for or against the
10 application?

11 (No response)

12 CHAIRMAN GIAMETTA: Okay.

13 Having heard none, then I'm going to ask

14 that the --

15 MR. ZAMBITO: I will make a

16 motion to close the public hearing.

17 MR. MEKEEL: I will second

18 it.

19 CHAIRMAN GIAMETTA: And a

20 vote?

21 MR. CONN: Aye.

22 MR. ZAMBITO: Aye.

23 MR. MEKEEL: Aye.

24 CHAIRMAN GIAMETTA: Public

25 Hearing is now closed. And it's time for a

9

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2 vote on the matter to either approve or deny

3 or approve with conditions Mr. Luvera's

4 proposal. Does anyone wish to make a

5 motion?

6 MR. CONN: I will make a

7 motion we approve --

8 CHAIRMAN GIAMETTA: The

9 project as presented?

10 MR. CONN: Yes.

11 MR. ZAMBITO: I will second.

12 CHAIRMAN GIAMETTA: A second

13 on that?

14 MR. MEKEEL: Aye.

15 CHAIRMAN GIAMETTA: A vote?

16 MR. CONN: Aye.

17 MR. ZAMBITO: Aye.

18 MR. MEKEEL: Aye.

19 CHAIRMAN GIAMETTA: And aye

20 from the chair. The project is approved.

21 MR. LUVERA: Thank you very

22 much. I appreciate it.

23 CHAIRMAN GIAMETTA: You're

24 quite welcome.

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