

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

RUSK

#21 Milton Turnpike, Milton, New York 12547

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PUBLIC HEARING FOR AN AREA VARIANCE

Date: August 29, 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

PENNY E. CASHMAN, ZONING BOARD SECRETARY

PAM RUSK, Applicant
CARMEN MESSINA, Surveyor

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2 CHAIRMAN GIAMETTA: It's
3 7:00. Welcome to the August 29th meeting at
4 the Town of Marlborough Zoning Board of
5 Appeals. Please join me for the pledge to
6 the flag.

7 (Pledge of Allegiance)

8 CHAIRMAN GIAMETTA: Thank you
9 very much. Before tonight's business, I ask
10 that we think about the minutes from last
11 meeting, and if there is any additions,
12 deletions, changes that we need to correct
13 or modify, please bring them up at this
14 time. If there are none, I ask for a motion
15 to approve the minutes of July 17th.

16 MR. SALINOVICH: I will make
17 a motion to approve them.

18 MR. MEKEEL: I will second.

19 CHAIRMAN GIAMETTA: Okay.
20 And a vote on that?

21 MR. CONN: Aye.

22 MR. ZAMBITO: I wasn't here,
23 but can I vote yes?

24 CHAIRMAN GIAMETTA: No, you
25 can't.

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2 MR. ZAMBITO: I wasn't going
3 to.

4 MR. SALINOVICH: Aye.

5 MR. MEKEEL: Aye.

6 CHAIRMAN GIAMETTA: Aye from
7 the chair. Motion is carried. Thank you.8 Tonight's agenda has a public hearing for an
9 area variance for the Rusk application, and
10 we do have a legal notice along those lines.11 I would ask one of the board members to read
12 it, please. Mr. Conn?13 MR. CONN: Town of
14 Marlborough Zoning Board of Appeals Legal
15 Notice. Please take notice that a public
16 hearing will be held by the Town of
17 Marlborough Zoning Board of Appeals (ZBA) at
18 the Town Hall, #21 Milton Turnpike, Milton,
19 New York 12547 in the upstairs school
20 conference room on August 29th, 2017 at 7:00
21 p.m. or soon thereafter as may be heard.22 Owner/applicant, Pamela Rusk is seeking a
23 variance to section 155-16-G(3)-(b)
24 concerning property located at 1420 Route
25 9W, Marlboro, New York 12542 as follows: An

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2 area variance to allow placement of an
3 accessory structure in front of a principal
4 building. Tax parcel, section 109.1, block
5 3, lot 1.320 (R1 Zone). Any interested
6 parties either for or against this
7 application will have the opportunity to be
8 heard at this time. William Giometta,
9 Chairman, Town of Marlborough Zoning Board
10 of Appeals.

11 CHAIRMAN GIAMETTA: Thank
12 you, Mr. Conn. And along those lines, we
13 have sent out some certified mailings; have
14 we?

15 MS. CASHMAN: Yes. Fifteen
16 were sent, twelve were signed for, two
17 aren't returned yet and one was returned
18 undeliverable.

19 CHAIRMAN GIAMETTA: Okay.
20 Fifteen mailed out. How many were signed
21 for?

22 MS. CASHMAN: Twelve.

23 CHAIRMAN GIAMETTA: Twelve of
24 the fifteen.

25 MS. CASHMAN: One was

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2 undeliverable, and two are still in limbo.

3 CHAIRMAN GIAMETTA: Okay.

4 You have officially counted those, right,

5 Ms. Cashman?

6 MS. CASHMAN: Yes.

7 CHAIRMAN GIAMETTA: Thank you

8 very much. We will accept that for the

9 record. And I believe Mr. Messina

10 represents the Rusk application.

11 MR. MESSINA: I do.

12 CHAIRMAN GIAMETTA: Would you
13 please explain it once again to us.14 MR. MESSINA: Okay. It's
15 pretty much what was said in the legal
16 notice. Pam would like to build an
17 accessory structure, and she would like to
18 place it in front of her house which means
19 it's closer to the highway than her
20 principal dwelling. So we were seeking a
21 variance to section 155-16-G(3)-(b) which
22 states that no accessory building shall be
23 closer to the highway than the principal
24 dwelling. So we would like to seek the
25 variance for that.

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2 CHAIRMAN GIAMETTA: Okay.

3 Than you, Mr. Messina. We, the board, do we
4 have any questions or concerns about the
5 application or the facts of it?

6 (No audible response)

7 CHAIRMAN GIAMETTA: Having
8 heard none, I will --9 MR. ZAMBITO: I visited the
10 property. You're not even going to see that
11 from the road, so I don't see a problem with
12 it at all.13 CHAIRMAN GIAMETTA: Okay. A
14 comment by Mr. Zambito. Potentially the
15 request is not very visible from the
16 highway.17 MR. ZAMBITO: It's not
18 visible at all.19 CHAIRMAN GIAMETTA: Okay.
20 Thank you, Mr. Zambito. I have to
21 officially open the public part of the
22 meeting to the public. Is anyone here from
23 the public?

24 MS. CUESTA: I am.

25 CHAIRMAN GIAMETTA: You are.

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2 Would you identify yourself?

3 MS. CUESTA: Elizabeth

4 Questa.

5 CHAIRMAN GIAMETTA: Okay.

6 MS. CUESTA: I live on Mount
7 Rose Road. I received an invitation so I
8 came to say, I think, Mrs. Rusk should put
9 that barn up.

10 CHAIRMAN GIAMETTA: Okay.

11 MS. CUESTA: I live across
12 the street, and I think, go for it.13 CHAIRMAN GIAMETTA: Well,
14 okay. Let the record reflect that the
15 public input suggests that the variance be
16 granted. Anything further?

17 MR. SALINOVICH: No.

18 MR. MEKEEL: No.

19 CHAIRMAN GIAMETTA: Thanks a
20 lot for that. At this time, we have to ask
21 for a motion to close the public hearing.22 MR. MEKEEL: I will make a
23 motion to close it.

24 MR. ZAMBITO: I will second.

25 CHAIRMAN GIAMETTA: And a

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2 vote.

3 MR. CONN: Aye.

4 MR. ZAMBITO: Aye.

5 MR. SALINOVICH: Aye.

6 MR. MEKEEL: Aye.

7 CHAIRMAN GIAMETTA: And aye

8 to close the public hearing. Having heard
9 the facts of the application and
10 presentation thereof --11 MR. MEKEEL: I make a motion
12 that we grant the variance for the accessory
13 building seeking a variance for section
14 155-16-G(3)-(b).15 CHAIRMAN GIAMETTA: Mr.
16 Mekeel makes a motion. And a second?

17 MR. ZAMBITO: I will second.

18 CHAIRMAN GIAMETTA: A second
19 on that motion. And a vote?

20 MR. MEKEEL: Aye.

21 MR. CONN: Aye.

22 MR. ZAMBITO: Aye.

23 MR. SALINOVICH: Aye.

24 CHAIRMAN GIAMETTA: And aye.

25 Motion is carried, and the variance is

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2 approved.

3 MR. MESSINA: Thank you very
4 much.

5 MS. RUSK: Thank you.

6 CHAIRMAN GIAMETTA: You're
7 quite welcome. If there is nothing further,
8 a motion to close the meeting.9 MR. MEKEEL: I will make a
10 motion we close the meeting.

11 MR. CONN: Second.

12 CHAIRMAN GIAMETTA: Yes to
13 close the meeting. Thank you very much.

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

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