

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

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In the Matter of

WALLKILL VALLEY SAVINGS & LOAN

#1880 Route 9W, Milton, New York 12547

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PUBLIC HEARING FOR A 14' FRONT YARD
SETBACK VARIANCE REQUEST

Date: June 13, 2019
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

ALSO PRESENT:

IAN MacDONALD, ESQ., Mackey, Butts & Wise
PATRICIA P. BROOKS, BROOKS & BROOKS, P.C.
PENNY E. CASHMAN, ZONING BOARD SECRETARY
AL LANZETTA, TOWN SUPERVISOR
THOMAS CORCORAN, CODE ENFORCEMENT OFFICER

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1 WALLKILL VALLEY SAVINGS & LOAN - PUBLIC HEARING

2 CHAIRMAN GIAMETTA: Welcome to the
3 June 13th meeting of the Zoning Board
4 of Appeals. I believe it's just about
5 time to begin. Our first applicant is
6 here. So without further ado, I'd ask
7 you to join me to address the pledge to
8 the flag.

9 (Pledge of Allegiance)

10 CHAIRMAN GIAMETTA: Thank you very
11 much. We welcome to our meeting this
12 evening, Town Supervisor, Mr. Lanzetta,
13 Code Enforcement Building Inspector
14 Corcoran. And, Ian, your last name is?

15 MR. MacDONALD: MacDonald.

16 CHAIRMAN GIAMETTA: Ian MacDonald,
17 our attorney of record. And also Patty
18 Brooks is representing the first
19 applicant, which is the Wallkill
20 Savings & Loan.

21 But before we start any of that
22 business, I'd like to ask about the
23 minutes from the last month's meeting.
24 Have our board members had a chance to
25 review them and if so, do we need any

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2 changes made?

3 MR. MEKEEL: No, I am fine with

4 the minutes.

5 MR. ZAMBITO: I'm fine.

6 MR. CONN: I'm fine.

7 CHAIRMAN GIAMETTA: Can I ask for

8 a motion to approve those?

9 MR. MEKEEL: I'll make a motion to

10 approve the minutes from May 9th, 2019.

11 CHAIRMAN GIAMETTA: And a second?

12 MR. ZAMBITO: I will second.

13 CHAIRMAN GIAMETTA: And a vote

14 of --

15 MR. MEKEEL: Aye.

16 MR. ZAMBITO: Aye.

17 MR. CONN: Aye.

18 CHAIRMAN GIAMETTA: And aye.

19 Minutes approved. Thank you very much.

20 There is a legal notice that we would

21 like to read to precede your

22 presentation, Ms. Brooks. May I ask

23 one of the board members to read it?

24 Mr. Conn. Thank you.

25 MR. CONN: Town of Marlborough

1 WALLKILL VALLEY SAVINGS & LOAN - PUBLIC HEARING
2 Zoning Board of Appeals Legal Notice.
3 Please take notice that a public
4 hearing will be held by the Town of
5 Marlborough Zoning Board of Appeals at
6 the Town Hall, 21 Milton Turnpike,
7 Milton, New York on June 13, 2019 at
8 7:00 p.m. or soon thereafter as may be
9 heard. Owner/applicant, Wallkill
10 Valley Savings & Loan has made a front
11 yard setback area request of 14 feet
12 with regard to Town Code 155,
13 Attachment 2, Schedule 1. The project
14 is a proposed addition to the original
15 structure at the property identified as
16 1880 Route 9W, Milton, New York, 12547.
17 Tax parcel: Section 103.1. Block 2.
18 Lot 88.1, HD Zone. Any interested
19 parties, either for or against this
20 application will have the opportunity
21 to be heard at this time. William
22 Giametta, Chairman, Town of Marlborough
23 Zoning Board of Appeals.
24 CHAIRMAN GIAMETTA: Thank you, Mr.
25 Conn. And without further ado, Ms.

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2 Brooks, would you just summarize your
3 presentation for us?

4 MS. BROOKS: Certainly. In
5 advance of the public hearing, we sent
6 out 11 certified letters on May 31st.
7 We received six of them returned, and
8 we printed out the delivery attempts
9 for all of the remaining five, which we
10 have provided to your secretary.

11 MS. CASHMAN: You mailed 11, six
12 return signed?

13 MS. BROOKS: Yes, six returned
14 signed, and five we showed the delivery
15 attempts by the post office.

16 So, the application before the
17 board is for a front yard setback. The
18 required is 75. We have 63.8 feet.
19 So, we require an area variance. At
20 the last meeting the board requested
21 that we submit a map that shows the
22 side yard setback, which is 52.7 feet
23 and meets the code requirement of
24 25/50. We have over 100 on the other
25 side. We've shown a schematic of the

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2 proposed building with the new
3 landscaping, the revised parking
4 schedule. I believe another request
5 was with regard to the parking. Right
6 now there are four spaces required and
7 there are 15 on site. When we get
8 done, there are going to be 8 spaces
9 required, and 19 on the site.

10 We also did bring -- I know it's
11 not necessarily part of the purview of
12 the board, but to show where they are
13 putting the addition on the front to
14 have more of a closed vestibule area, a
15 meeting room downstairs, and an
16 assistant manager's room. So, we will
17 be increasing the green space on the
18 property so there will be no increase
19 in a pervious surface. There is going
20 to be no increase in additional
21 traffic, unless this addition brings
22 additional clientele, which hopefully
23 will happen organically anyway. So
24 there are no other impacts on the site,
25 other than the proposed addition, which

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2 we will be accommodating fully.

3 CHAIRMAN GIAMETTA: I see.

4 MS. BROOKS: We had submitted at
5 the last meeting -- one of the things
6 that I try to do on my project is kind
7 of sit on the other side of the board
8 and look at what that area variance
9 requirements are. So I don't know if
10 the board had the opportunity to review
11 that, but basically, with regard to the
12 undesirable change: The front yard
13 setback will not cause a detriment to
14 the neighborhood as the front of the
15 building will still be located further
16 off 9W than the adjacent business to
17 the north and the fuel canopy of
18 Stewarts on the south. So from a
19 visual standpoint on 9W, there will be
20 no impact.

21 Whether the benefit could be
22 achieved by some other method:
23 Unfortunately, due to the location and
24 interior configuration of the existing
25 building, as well as the location of

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2 the septic system and drive-thru
3 banking facility, there is no other
4 feasible location on the site for the
5 expansion.

6 Whether the requested area is
7 substantial: We're contending that the
8 requested area variance is not
9 substantial as the applicant is
10 requesting a 14-foot setback of the 75
11 foot required. Due to the width of the
12 State Highway taking the building, it
13 will still be approximately 90 feet
14 distance from the edge of the traveled
15 way of 9W. So, although we're not
16 meeting the 75 foot from the boundary
17 line, we certainly are far exceeding
18 that from what the highway roadway is.

19 Whether the proposed variance will
20 have an adverse effect: We're stating
21 that no additional impervious surface
22 will be created as a result of this
23 proposal, and there will be no adverse
24 impacts on the physical or
25 environmental conditions of the

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2 neighborhood.

3 And, of course, my favorite,
4 whether the alleged difficulty is self-
5 created: Obviously, I would say that
6 every situation is self-created because
7 the bank did purchase the property with
8 these constraints, but no burden will
9 be suffered by the community as a
10 result of granting the area variance,
11 and the benefit to the applicant will
12 outweigh that.

13 CHAIRMAN GIAMETTA: Well
14 presented. Any questions?

15 MR. MEKEEL: No, none at all.

16 MR. CONN: No.

17 MR. ZAMBITO: No.

18 CHAIRMAN GIAMETTA: I have one or
19 two, but one for sure. Handicap
20 parking spaces, do you know how much is
21 existing now and how much will be
22 after?

23 MS. BROOKS: I think, right now
24 they have one, and when we get done, we
25 will have one.

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2 CHAIRMAN GIAMETTA: One, one more.

3 MS. BROOKS: And there is only
4 going to be one that's designated, but
5 all of the parking lot and all of the
6 sidewalks and the entry to the building
7 are all at grade.

8 CHAIRMAN GIAMETTA: At grade.

9 MS. BROOKS: So, even though there
10 is only one that is specifically
11 designated, because that's all that is
12 required according to the building
13 code, given the size of the parking
14 lot, the building itself is very
15 handicap accessible.

16 CHAIRMAN GIAMETTA: Very good.
17 And has this gone to the planning board
18 yet, or does that have to?

19 MS. BROOKS: I don't believe it
20 needs to go to the planning board due
21 to no other impacts was my
22 understanding.

23 MR. CORCORAN: It came to me for
24 determination, and the determination is
25 that it's not going in front of the

1 WALLKILL VALLEY SAVINGS & LOAN - PUBLIC HEARING
2 planning board. There is no additional
3 impact. The town doesn't have a
4 problem with the proposed addition.
5 Again, you guys know the property, the
6 property has water problems, so there
7 is no other way to go.

8 MR. ZAMBITO: It looks like he
9 drained it.

10 MR. CORCORAN: He comes in every
11 once in a while and blasts it.

12 MR. ZAMBITO: Oh, I thought they
13 put a pipe in.

14 MR. CORCORAN: No, it cleans it
15 out a little bit to get it cleaned up.
16 The problem will never be done unless
17 they go under 9W.

18 MS. BROOKS: It definitely is a
19 DOT problem. And probably 15 years
20 ago, we actually dye tested it as well,
21 and the water does not surface
22 anywhere. So it's obviously some kind
23 of a blockage that DOT is not
24 interested in.

25 CHAIRMAN GIAMETTA: Okay. Without

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2 any further concerns, I believe -- I'm
3 going to ask -- there is no one from
4 the public here, is there, Ms. Cashman?

5 MS. CASHMAN: No.

6 CHAIRMAN GIAMETTA: We have to
7 close the public part of this hearing,
8 I believe. Can I ask for a motion for
9 that?

10 MR. CONN: I make a motion to
11 close the public hearing.

12 MR. ZAMBITO: I will second.

13 CHAIRMAN GIAMETTA: And a vote for
14 that is going to be?

15 MR. MEKEEL: Aye.

16 MR. ZAMBITO: Aye.

17 MR. CONN: Aye.

18 CHAIRMAN GIAMETTA: And aye. The
19 public hearing is closed. And Ms.
20 Brooks, any further discussion?

21 MS. BROOKS: Unless the board has
22 any other questions, I don't have
23 anything to add at this time.

24 CHAIRMAN GIAMETTA: Thank you.
25 Well, we're here now, time to make a

1 WALLKILL VALLEY SAVINGS & LOAN - PUBLIC HEARING
2 motion to vote.

3 MR. ZAMBITO: You want me to make
4 a motion?

5 CHAIRMAN GIAMETTA: Yes.

6 MR. ZAMBITO: I will make a motion
7 to give the setback variance request of
8 a 14 foot front yard variance to
9 Wallkill Valley Savings & Loan, located
10 on 1880 Route 9W, Milton, New York
11 12547.

12 CHAIRMAN GIAMETTA: A second?

13 MR. CONN: I will second.

14 CHAIRMAN GIAMETTA: And a vote?

15 MR. MEKEEL: Aye.

16 MR. ZAMBITO: Aye.

17 MR. CONN: Aye.

18 CHAIRMAN GIAMETTA: And aye.

19 Approved, Ms. Brooks.

20 MS. BROOKS: Thank you very much.

21 CHAIRMAN GIAMETTA: You're quite
22 welcome.

23 (Whereupon, at 7:17 p.m., the
24 Hearing was concluded.)

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