

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

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In the Matter of

MARIA HORNBECK & DANIEL SCHILLER

#17 Anns Orchard Road, Milton, New York
12547

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WORKSHOP MEETING TO DISCUSS THE POSSIBILITY
OF OBTAINING A 2 FOOT 4 INCH SIDE YARD AREA
VARIANCE FOR A GARAGE CONSTRUCTED BY THE
PREVIOUS OWNER.

Date: August 13, 2020
Time: 6:00 p.m.
Place: Town of Marlborough
Town Hall
#21 Milton Turnpike
Milton, New York 12547

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

ALSO PRESENT:

MARIA HORNBECK
DANIEL SCHILLER
PENNY E. CASHMAN, ZONING BOARD SECRETARY

-----X

LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
(845) 674-3937

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- 1 WORKSHOP - HORNBECK/SCHILLER
- 2 CHAIRMAN GIAMETTA: Good evening,
- 3 folks. Welcome to the August 13th,
- 4 2020 meeting of the Town of Marlboro
- 5 Zoning Board of Appeals. Please join
- 6 me for the pledge to the flag.
- 7 (Pledge of Allegiance)
- 8 CHAIRMAN GIAMETTA: First thing
- 9 I'd like to ask about is -- the last
- 10 meeting was in 2019, November, and

11 Penny, was all of the minutes
12 distributed for that meeting?
13 MS. CASHMAN: Yes, I sent out all
14 of the minutes for you to review.
15 CHAIRMAN GIAMETTA: Does anyone
16 have any questions about the minutes?
17 MR. MEKEEL: I do not.
18 MR. SALINOVICH: No.
19 CHAIRMAN GIAMETTA: Lenny, I think
20 you were recused on that one?
21 MR. CONN: Yes.
22 CHAIRMAN GIAMETTA: Okay. I'd ask
23 for a motion to approve the minutes of
24 November of last year, November 14th,
25 2019; a motion?

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1 WORKSHOP - HORNBECK/SCHILLER
2 MR. SALINOVICH: I will make a
3 motion.
4 MR. MEKEEL: I will second.
5 CHAIRMAN GIAMETTA: All in favor?
6 MR. SALINOVICH: Aye.
7 MR. MEKEEL: Aye.
8 CHAIRMAN GIAMETTA: Aye. Minutes
9 approved. We have one applicant this
10 evening, and I believe it's Ms.
11 Hornbeck and Mr. Schiller; is that
12 correct?
13 MS. HORNBECK: Yes.
14 MR. SCHILLER: Yes.
15 CHAIRMAN GIAMETTA: Would you
16 kindly give us a brief summary of what
17 your situation is and what you plan to
18 do?
19 MS. HORNBECK: Yes. Well, thank
20 you all for coming, especially is this
21 the first meeting since COVID in

22 person?
23 MS. CASHMAN: Yes.
24 MS. HORNBECK: So, Dan and I were
25 looking to buy a house. We bought this

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1 WORKSHOP - HORNBECK/SCHILLER
2 house. The closing was actually two
3 days ago. So what we found out from
4 the bank is that since it's a
5 foreclosure, that we need to get a
6 variance on the garage of the house.
7 From the last survey, it's supposed to
8 be ten feet from the property line, and
9 it's seven feet, eight inches. So
10 we're looking for that 2.3 variance.
11 And so, that is important for us to
12 close out. We're doing some escrow
13 repairs, and to close out that permit
14 is part of the repairs that we have to
15 do. And they're giving us -- the loan
16 people, Prime Lending are giving us a
17 deadline of September 8th to close out
18 the repairs.

19 CHAIRMAN GIAMETTA: I see. And
20 the survey that you --

21 MR. CONN: When is the date?

22 MS. HORNBECK: September 8th.

23 MR. CONN: Eighth. Okay.

24 CHAIRMAN GIAMETTA: That's your
25 plan to closing?

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1 WORKSHOP - HORNBECK/SCHILLER
2 MS. HORNBECK: Yeah. Well, we
3 close, and then we have like our loan
4 to close out the escrow by September

5 8th. We sort of went through the
6 runaround with the closing with Prime
7 Lending.

8 CHAIRMAN GIAMETTA: This is a
9 workshop meeting, and we need to go to
10 public hearing. How long is the
11 minimum we need for public hearing?

12 MS. CASHMAN: Well, if you guys
13 send her to public hearing, they get
14 the thing, and they can have their
15 meeting next month.

16 MR. CONN: But our meeting is
17 going to be after her September 8th.

18 MS. CASHMAN: Oh, that is right.

19 CHAIRMAN GIAMETTA: That is for
20 escrow purposes?

21 MS. HORNBECK: Right. So last
22 minute it came up right before we
23 closed that we need to do another
24 survey. There is an open permit on the
25 garage, and the bank that owns it

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1 WORKSHOP - HORNBECK/SCHILLER
2 waited last minute. So we had to make
3 the decision are we going to go through
4 it, are we going to wait for the bank
5 to close it out. Luckily Prime Lending
6 let us buy the house and have a loan
7 for it with this open permit, and just
8 put it into the escrow repair. And
9 they're not budging with the September
10 8th date.

11 CHAIRMAN GIAMETTA: We will talk
12 about the next meeting date.

13 MS. CASHMAN: The next date would
14 be September 10th.

15 CHAIRMAN GIAMETTA: You have title

16 to the house, but they're holding back
17 an escrow amount until you get this
18 taken care of?
19 MS. HORNBECK: Yes.
20 CHAIRMAN GIAMETTA: Okay. As far
21 as the survey, the one that you
22 submitted, is the most recent; correct?
23 MS. HORNBECK: Yes.
24 CHAIRMAN GIAMETTA: Okay. Board
25 members, have you had a chance to look

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1 WORKSHOP - HORNBECK/SCHILLER
2 at the application?
3 MR. MEKEEL: Yes. I know the
4 property too, yes.
5 MR. SALINOVICH: I know where they
6 are.
7 CHAIRMAN GIAMETTA: Did anything
8 come up of interest or concern?
9 MR. MEKEEL: Not at all, no.
10 MR. SALINOVICH: No.
11 CHAIRMAN GIAMETTA: That is
12 considered an accessory structure;
13 correct?
14 MR. MEKEEL: Yes.
15 CHAIRMAN GIAMETTA: Okay. And it
16 is built and fully constructed?
17 MS. HORNBECK: Yes. The only
18 thing was the -- that variance and the
19 hurricane strips, which we installed
20 already.
21 CHAIRMAN GIAMETTA: I see. You
22 know, I have to ask, under the
23 guidelines of our variance procedures,
24 is there any alternative to get the
25 required side yard setback that you can

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1 WORKSHOP - HORNBECK/SCHILLER

2 think of?

3 MS. HORNBECK: I don't think so.

4 Nothing that's been brought to my

5 attention.

6 CHAIRMAN GIAMETTA: In the

7 neighboring property, does it appear to

8 have any structures on it that you know

9 of?

10 MR. SCHILLER: Not on that side of

11 the house. They have their own

12 separate garage on the other side of

13 the house. They have a deck in their

14 backyard, but it's just grass in

15 between the two properties.

16 CHAIRMAN GIAMETTA: I see.

17 Anything come up at all, gentlemen?

18 MR. CONN: No.

19 MR. MEKEEL: Not at all.

20 CHAIRMAN GIAMETTA: Mr.

21 Salinovich, any concerns?

22 MR. SALINOVICH: No.

23 CHAIRMAN GIAMETTA: Well, you have

24 your application in order, and we can

25 proceed with the next step, which would

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1 WORKSHOP - HORNBECK/SCHILLER

2 be a public hearing, where you would

3 have to notify the neighboring property

4 owners. And Ms. Cashman, is that a

5 ten-day notification?

6 MS. CASHMAN: I believe so. I

7 will have to check.

8 CHAIRMAN GIAMETTA: Okay. If you

9 can check. If we can expedite it, we

10 will do that at the next meeting.

11 MS. HORNBECK: Okay.

12 CHAIRMAN GIAMETTA: If we can't

13 for some reason, you will be notified

14 of the date.

15 MS. CASHMAN: The only issue is,

16 because with the COVID and the

17 distancing and having a public hearing

18 in a smaller spot might be a problem.

19 CHAIRMAN GIAMETTA: Well, we will

20 use the six-foot rule.

21 MS. CASHMAN: Right. But the

22 courtroom, I have to see if it's

23 available. That is the issue. But,

24 maybe because of COVID, a lot of other

25 things are canceled, and we can use it.

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1 WORKSHOP - HORNBECK/SCHILLER

2 I will check.

3 CHAIRMAN GIAMETTA: Ms. Cashman is

4 going to look into the logistics of it

5 and see where that leads to.

6 MS. HORNBECK: Okay.

7 CHAIRMAN GIAMETTA: Okay. I

8 believe we have enough information. Do

9 you applicants have any other questions

10 or concerns?

11 MS. HORNBECK: So, from my

12 understanding, we will most likely go

13 past the September 8th date?

14 MS. CASHMAN: I will look to see

15 if we can get an earlier date and get

16 the courtroom, and if you can get your

17 things out fast enough. You will have

18 to work quite quick.

19 CHAIRMAN GIAMETTA: Today is the

20 13th; correct?

21 MS. CASHMAN: Yes.
22 CHAIRMAN GIAMETTA: I don't have
23 anything further.
24 MR. MEKEEL: I'm good.
25 CHAIRMAN GIAMETTA: Ms. Cashman,

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1 WORKSHOP - HORNBECK/SCHILLER
2 any old business that you want us to go
3 over?
4 MS. CASHMAN: No.
5 CHAIRMAN GIAMETTA: Motion to
6 adjourn?
7 MR. MEKEEL: I'll make a motion --
8 MR. CONN: Go to public hearing.
9 MR. MEKEEL: I will make a motion
10 to bring this matter to public hearing.
11 CHAIRMAN GIAMETTA: Second?
12 MR. SALINOVICH: Second.
13 CHAIRMAN GIAMETTA: All in favor?
14 MR. MEKEEL: Aye.
15 MR. CONN: Aye.
16 MR. SALINOVICH: Aye.
17 CHAIRMAN GIAMETTA: And aye, okay.
18 MR. CONN: Now I will make a
19 motion to adjourn.
20 CHAIRMAN GIAMETTA: Second?
21 MR. MEKEEL: And I will second it.
22 CHAIRMAN GIAMETTA: All in favor?
23 MR. MEKEEL: Aye.
24 MR. SALINOVICH: Aye.
25 MR. CONN: Aye.

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1 WORKSHOP - HORNBECK/SCHILLER
2 CHAIRMAN GIAMETTA: And aye.
3 Adjourned. Thank you for coming,

4 folks.
5 (Whereupon, at 6:17 p.m., the
6 meeting was adjourned.)

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1 WORKSHOP - HORNBECK/SCHILLER

2 C E R T I F I C A T E

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4 STATE OF NEW YORK)

: SS.:

5 COUNTY OF ULSTER)

6

7 I, LISA M. ROSSO, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not related

15 to any of the parties to this action by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 14th day of August 2020.

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22 _____
LISA M. ROSSO

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