

1  
2 STATE OF NEW YORK : COUNTY OF ULSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

-----X

4 In the Matter of

5 ROBERT POLLOCK

6 39 Main Street, Milton, New York 12547

-----X

7 PUBLIC HEARING CONCERNING TWO AREA VARIANCES  
8 REQUESTS.

9

10 DATE: February 10, 2022

11 TIME: 6:30 P.M.

12 PLACE: Town of Marlborough

Town Hall

13 #21 Milton Turnpike

Milton, New York 12547

14 BOARD MEMBERS:

15 WILLIAM GIAMETTA CHAIRMAN, ABSENT

LENNY CONN, ACTING CHAIRMAN

16 GEORGE SALINOVICH

JEFF MEKEEL, PRESENT VIA ZOOM

17 ANDREW NIKOLA

18 ALSO PRESENT:

19 Barry Medenbach, P.E.,

20 Medenbach & Eggers

Robert Pollock, Applicant

21 Penny E. Cashman, Zoning Board

Secretary

22

23 -----X

LISA MARIE ROSSO

24 140 Mahoney Road

Milton, New York 12547

25 (845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 ROBERT POLLOCK - PUBLIC HEARING

2 CHAIRMAN CONN: I'd like to ask

3 everyone to stand for the pledge of

4 allegiance.

5 (Pledge of allegiance)

6 CHAIRMAN CONN: Thank you.

7 Everybody, welcome to tonight's

8 meeting. We have a public hearing on

9 the agenda, and I would like to ask

10 Andrew if he would read -- oh, first  
11 let's approve the minutes from the  
12 January 19th meeting.  
13 MR. SALINOVICH: I'll make a  
14 motion to approve the minutes from  
15 January 19th.  
16 MR. MEKEEL: I will second that.  
17 CHAIRMAN CONN: All in favor?  
18 MR. SALINOVICH: Aye.  
19 MR. NIKOLA: Aye.  
20 MR. MEKEEL: Aye.  
21 CHAIRMAN CONN: And aye for me.  
22 Now, if you could read the legal  
23 notice.  
24 MR. NIKOLA: Town of Marlboro  
25 Zoning Board of Appeals, legal notice.

LISA MARIE ROSSO - (845) 674-3937

3

1 ROBERT POLLOCK - PUBLIC HEARING  
2 Please take notice that a public  
3 hearing will be held by the Town of  
4 Marlborough Zoning Board of Appeals,  
5 ZBA, at the Town Hall, 21 Milton  
6 Turnpike, Milton, New York on February  
7 10th, 2022 at 6:00 P.M. or soon  
8 thereafter as may be heard. The  
9 owner/applicant: 39 Main Street,  
10 Milton, LLC, Robert Pollock is seeking  
11 relief from Town of Marlborough Code,  
12 Section 155-30 B.(2) regarding minimum  
13 distances between buildings and Section  
14 155-27 A.(1)(a) regarding parking space  
15 size on-site and off-site. Location:  
16 39 Main Street, Milton, New York 12547.  
17 Tax parcel: Section 103.1. Block 2.  
18 Lots 44 & 55 (C1 ZONE). Location:  
19 Parking, 12 Brewster Street, Milton,  
20 New York 12547. Tax parcel: Section

21 103.9 block two, lot 21.100 (C1 Zone).  
22 Any interested parties either for or  
23 against this application will have the  
24 opportunity to be heard at this time.  
25 William Giometta, Chairman, Town of

LISA MARIE ROSSO - (845) 674-3937

4

1 ROBERT POLLOCK - PUBLIC HEARING

2 Marlborough Zoning Board of Appeals.

3 CHAIRMAN CONN: Did we get the  
4 return receipts?

5 MS. CASHMAN: Yes. There are 42  
6 that were mailed, 33 were returned  
7 signed, one returned unable to forward  
8 and eight not returned yet.

9 CHAIRMAN CONN: Okay. At this  
10 time, I will open up the public hearing  
11 to anyone who wants to speak for or  
12 against this particular project. All I  
13 ask is if you can come up to the center  
14 here so our court reporter can hear  
15 clearly, please state your name and  
16 state the address that you're living.

17 MR. ROZA: Richard Roza, 26 Milton  
18 Turnpike. I have been asked to come  
19 down, kind of like representing some of  
20 people that had had some concerns about  
21 parking with the cars. I haven't even  
22 reviewed the planning board. I know  
23 that is more of a planning board thing,  
24 unless you want to entertain a whole  
25 bunch of questions. We have 40 or 50

LISA MARIE ROSSO - (845) 674-3937

5

1 ROBERT POLLOCK - PUBLIC HEARING  
2 of them.

3 CHAIRMAN CONN: How about 30?

4 MR. ROZA: Thirty is good. I  
5 really have no questions. I have no  
6 objections at this point. I just want  
7 to see the plans and that's what I came  
8 up here for. Can we do that? Can we  
9 view them?

10 MR. MEDENBACH: There you go,  
11 right there.

12 CHAIRMAN CONN: Off the record.  
13 (Whereupon, an off-the-record  
14 discussion was held.)

15 CHAIRMAN CONN: Mr. Roza?  
16 MR. ROZA: I know, I can keep  
17 going on.

18 CHAIRMAN CONN: That is fine. I'm  
19 all for having you look at the plans,  
20 but for the sake of tonight's meeting,  
21 I want to keep everything -- because a  
22 lot of what you're looking for are  
23 answers for our planning board issues.

24 MR. ROZA: I know that. And that  
25 is why I stated that when I walked up

LISA MARIE ROSSO - (845) 674-3937

6

1 ROBERT POLLOCK - PUBLIC HEARING  
2 here. I kind of know that.

3 CHAIRMAN CONN: That is fine.

4 MR. ROZA: Unfortunately, we  
5 missed the planning board meeting. I  
6 wasn't even going to go, but other  
7 people missed the planning board  
8 meeting and so they have to have a  
9 sign-in or a letter because the public  
10 hearing is still open but viewing is  
11 not.

12 CHAIRMAN CONN: Yes.

13 MR. ROZA: So, therefore, I have  
14 no clue of what was going on, and this

15 has given me the opportunity, and I  
16 don't want to take up your time.  
17 CHAIRMAN CONN: That is fine. For  
18 the sake of speeding up the process and  
19 not asking questions, the same  
20 questions over and over, and being  
21 redundant, is there anything anybody  
22 else in the audience that wants to know  
23 what this is about, or is confused so  
24 we can kind of summarize it for you and  
25 that may help?

LISA MARIE ROSSO - (845) 674-3937

7

1 ROBERT POLLOCK - PUBLIC HEARING

2 MR. ROZA: I will step out and  
3 maybe I will catch up with these guys  
4 later.

5 CHAIRMAN CONN: If you have any  
6 more questions, let us know. The two  
7 variances that Mr. Pollock came to the  
8 zoning board for was vested by the  
9 planning board. One was to reduce  
10 these parking size spaces in the  
11 codebook from a 10 by 20 space to a 9  
12 by 18 space. Nine by 18 is typically  
13 standard on most parking places,  
14 complexes, things like that. A 10 by  
15 20 space was put in the codebook years  
16 ago. They're not exactly sure why, but  
17 10 by 20 typically corresponds to  
18 parking indoors and underground garage  
19 type parking for a larger space. Nine  
20 by 18 is a standard size that's used in  
21 most of the building industry. Now,  
22 that was the one variance. The other  
23 variance was a mistake in the codebook  
24 that was put in, and it required a  
25 commercial zoning. To put it in the

1 ROBERT POLLOCK - PUBLIC HEARING  
2 code, that building had to be one and a  
3 half times the distance away from the  
4 next structure from the height of the  
5 first structure, which if you got a  
6 30-foot building, you've got to be  
7 45 feet away before you can put your  
8 next building in. That doesn't make  
9 sense in the commercial zoning, and it  
10 wasn't intended for that. It was an  
11 oversight when the law was written into  
12 the books to not include that in the  
13 commercial zoning. So those are two  
14 variances. Commercial zoning typically  
15 requires a zero side yard variance from  
16 structures -- from one structure to the  
17 next. So, those are the two variances  
18 that were workshops a month or two ago  
19 that we have sent and approved to come  
20 to public hearing. And tonight is the  
21 first public hearing for anybody who  
22 has any questions regarding that. So,  
23 now, if you still have questions,  
24 please come up, state your name and  
25 address and we will be happy to answer

LISA MARIE ROSSO - (845) 674-3937

1 ROBERT POLLOCK - PUBLIC HEARING  
2 as best as we can.  
3 MS. RYAN: Elizabeth Ryan, and Ted  
4 McKnight, but I am not speaking for  
5 him. We live at 10 Milton Turnpike in  
6 the big white house on top of the hill.  
7 It turns out to have been designed by  
8 Calvert Vaux who did Central Park, and

9 right here in Milton we have a Calvert  
10 Vaux house that we're in the process of  
11 putting on the national registry. It's  
12 pretty exciting. We know and admire  
13 these two gentlemen and we want to be  
14 supportive, but we are also deeply  
15 concerned about potential negative  
16 impact on our house or property. And  
17 so, we're here to try to understand the  
18 scope of the project, the particulars.  
19 We did not come tonight prepared to  
20 speak to the variances, although I have  
21 some thought on that, but we're really  
22 trying to make sure that the project  
23 does no harm, which we're sure is the  
24 intended goal here. But we are  
25 concerned about impacts on our

LISA MARIE ROSSO - (845) 674-3937

10

1 ROBERT POLLOCK - PUBLIC HEARING  
2 property, tree removal, blasting, scope  
3 of the project, appropriateness, and  
4 that is why we're here to listen and  
5 learn right now.

6 CHAIRMAN CONN: Okay, thank you.

7 MS. CALABRESE: Hi, I'm Stephanie  
8 Calabrese. I own the building across  
9 from the project, and is it understood  
10 that we've missed substantial  
11 information at prior meetings, that we  
12 would not have been invited to? This  
13 is the first time that this is being  
14 presented to the community.

15 CHAIRMAN CONN: This is the first  
16 meetings that you would have been  
17 allowed to attend for the Zoning Board  
18 of Appeals. I do not know when the  
19 planning board process started or when

20 their public hearing started for the  
21 planning board.

22 MS. CALABRESE: Well, the first  
23 letter that I received was for the  
24 meeting that just took place on  
25 Tuesday. So that would have been the

LISA MARIE ROSSO - (845) 674-3937

11

1 ROBERT POLLOCK - PUBLIC HEARING  
2 first notification that we would be  
3 allowed to be in public. And from that  
4 meeting, it was that if anybody had any  
5 grievances or any other concerns that  
6 they had to put it in writing further  
7 within a two-week period that was to be  
8 held open. And like this young lady  
9 who just spoke, my concerns are very  
10 great, especially if there is going to  
11 be blasting, concerned about what  
12 impact it is going to have on the  
13 blocking of Main Street parking for  
14 businesses that exist there. If there  
15 is going to be designated areas for the  
16 construction vehicles so that it  
17 doesn't bottleneck the entire village  
18 and harm other businesses during this.  
19 This is not going to be a slow process.  
20 And again, with the blasting and all of  
21 that, you know, liability issues and  
22 how that works. So that is my concern,  
23 and I just wanted to know if we are too  
24 late, if this has already been  
25 approved, if this has been pushed

LISA MARIE ROSSO - (845) 674-3937

12

1 ROBERT POLLOCK - PUBLIC HEARING  
2 through, or we still have an

3 opportunity to gain more information  
4 about this project.  
5 CHAIRMAN CONN: A lot of the  
6 information that you are looking for is  
7 in the planning board's hands and is a  
8 planning board issue, and I'm not  
9 trying to pass the buck. I know  
10 everyone has concerns about that. But  
11 there is two separate entities, us  
12 being the zoning board, and the two  
13 things -- and I don't want to say the  
14 only thing -- but the two things that  
15 we are concerned about in discussing in  
16 tonight's meeting is the size of the  
17 parking space being reduced, which is a  
18 common parking space designed 9 by 18  
19 and if the codebook had not had an  
20 error in it, he wouldn't be before us  
21 for the side yard variance in between  
22 the buildings. That was an error in  
23 the code when it was written.  
24 MS. CALABRESE: Okay.  
25 CHAIRMAN CONN: Ninety percent of

LISA MARIE ROSSO - (845) 674-3937

13

1 ROBERT POLLOCK - PUBLIC HEARING  
2 everything else that you're looking for  
3 is a question for the planning board.  
4 MS. CALABRESE: Okay.  
5 CHAIRMAN CONN: As far as design  
6 and lighting and trees and things,  
7 environmental impact, it's all planning  
8 board.  
9 MR. MEDENBACH: And can I just  
10 speak up a little bit since I was at  
11 the planning board meeting. It's not  
12 too late, so nothing has been approved  
13 yet, so the public hearing, you know,

14 you had the opportunity to speak Monday  
15 at the meeting and you have two weeks  
16 to present other comments if you have  
17 them or resummarize what you have, but  
18 I will tell you, all of the comments  
19 that you brought up and the other  
20 public, we're considering, and we will  
21 be responding to the planning board.  
22 And the planning board still has the  
23 opportunity to address those issues  
24 before they approve it, so it's not  
25 like you're too late.

LISA MARIE ROSSO - (845) 674-3937

14

1 ROBERT POLLOCK - PUBLIC HEARING  
2 MS. CALABRESE: Okay, all right.  
3 Thank you.  
4 CHAIRMAN CONN: Anyone else?  
5 MR. GAROFALO: James Garofalo, 3  
6 Young Avenue. I am a member of the  
7 planning board. Anything that I say  
8 does not represent a consensus of  
9 anything that the planning board is  
10 talking about. As mentioned, the  
11 public hearing was closed but left open  
12 for written comments two weeks from  
13 Monday. All of the plans are in the  
14 planning board planning office in the  
15 town hall here, if you want to look at  
16 them. You will not have the benefit of  
17 seeing our minutes, nor will we have  
18 the benefit of seeing your minutes  
19 before our next meeting, which is in  
20 March. Certainly, the concern about  
21 removing the rock, making parking  
22 spaces longer would be more rock  
23 removal, so that is one thing that  
24 certainly you should be concerned

25 about. Smaller spaces --

LISA MARIE ROSSO - (845) 674-3937

15

1 ROBERT POLLOCK - PUBLIC HEARING

2 CHAIRMAN CONN: He's just not  
3 looking to make the parking spaces  
4 longer, he is actually reducing the  
5 sizes.

6 MR. GAROFALO: Right. That is  
7 what I'm saying. The variances  
8 actually helps reduce the amount of  
9 rock that might be removed.

10 MR. MEDENBACH: He's speaking  
11 positively for us.

12 MR. GAROFALO: If he followed the  
13 code, he would have to remove more  
14 rock.

15 CHAIRMAN CONN: Okay.

16 MR. GAROFALO: So, in that sense,  
17 it's environmentally sensitive in the  
18 sense that it would be less paving.  
19 That's certainly environmentally good.  
20 The normal design size of a passenger  
21 vehicle is 7 by 19, which is a little  
22 bit bigger than the 18-foot width,  
23 however, when you have perimeter  
24 parking, you can extend over the  
25 parking space. Also, the aisle space

LISA MARIE ROSSO - (845) 674-3937

16

1 ROBERT POLLOCK - PUBLIC HEARING

2 is not narrow, so if there is a little  
3 overhang into the aisle space you're  
4 probably going to be okay. The  
5 planning board did discuss with the  
6 applicant the concept of moving a  
7 second accessible spot from behind the

8 building into the street as part of the  
9 five parking spaces allowed in the  
10 street creating an additional parking  
11 space in back. And one of the  
12 suggestions that came out was to remove  
13 the parking space that is nearest the  
14 building, and to widen all of these  
15 four parking spaces to 10 by 20 so that  
16 there would be four 10 by 20 spaces  
17 available for people who do have larger  
18 cars. A rental facility has much more  
19 control over the number of cars where  
20 they park, et cetera, and owner  
21 occupied. So, they could in theory  
22 tell people that have 22 feet long  
23 vehicles to park over here. But this  
24 is one thing that was discussed at the  
25 planning board meeting that you would

LISA MARIE ROSSO - (845) 674-3937

17

1 ROBERT POLLOCK - PUBLIC HEARING  
2 not become aware of until after we vote  
3 on the minutes. I just wanted to make  
4 that clear to you. Certainly, the size  
5 of the road I know, they've widened  
6 that, they've added more to sidewalks,  
7 and all of those make their property  
8 narrower. They've gone to the length  
9 of adding property so that they can fit  
10 these things in. So, there is some  
11 public good coming out of the narrow  
12 spaces. At the planning board meeting,  
13 there was no objection that we heard  
14 about the size of the space. They were  
15 much more concerned about the number of  
16 spaces that were being provided, and if  
17 you use larger spaces, you have fewer  
18 spaces. So, in that sense, allowing

19 narrower spaces respond to some of the  
20 public interest that you have more  
21 parking spaces, not less. So I just  
22 want to bring those items to your  
23 attention since, again, you will not be  
24 seeing our minutes until sometime in  
25 March.

LISA MARIE ROSSO - (845) 674-3937

18

1 ROBERT POLLOCK - PUBLIC HEARING  
2 CHAIRMAN CONN: Okay, thank you.  
3 MR. GAROFALO: Thank you.  
4 CHAIRMAN CONN: Anybody else? Any  
5 questions?  
6 (No audible response)  
7 CHAIRMAN CONN: You want to make a  
8 motion to close the public hearing?  
9 MR. SALINOVICH: I will make a  
10 motion to close the public hearing.  
11 MR. NIKOLA: I will second it.  
12 CHAIRMAN CONN: All in favor?  
13 MR. NIKOLA: Aye.  
14 MR. SALINOVICH: Aye.  
15 MR. MEKEEL: Aye.  
16 CHAIRMAN CONN: Okay. Public  
17 hearing closed.  
18 (Whereupon, an off-the-record  
19 discussion was held.)  
20 MR. NIKOLA: Okay. I'm going to  
21 make a motion to approve the applicant,  
22 39 Main Street, Milton, LLC, Robert  
23 Pollock is seeking relief from Town of  
24 Marlborough Code, Section 155-30 B.(2)  
25 regarding the minimum distances between

LISA MARIE ROSSO - (845) 674-3937

19

1 ROBERT POLLOCK - PUBLIC HEARING

2 buildings and Section 155-21 A (1)(a)  
3 regarding parking space size on-site  
4 and off-site reducing them to 9 by 18.  
5 CHAIRMAN CONN: Somebody want to  
6 second?  
7 MR. SALINOVICH: I will second.  
8 CHAIRMAN CONN: All in favor?  
9 MR. SALINOVICH: Aye.  
10 MR. NIKOLA: Aye.  
11 CHAIRMAN CONN: Jeff, are you good  
12 with that?  
13 MR. MEKEEL: Aye.  
14 CHAIRMAN CONN: Aye for me.  
15 Anything else? Motion to adjourn?  
16 MR. SALINOVICH: I will make to  
17 adjourn.  
18 MR. MEDENBACH: What about in  
19 between buildings? That was in the  
20 same motion? I am sorry.  
21 CHAIRMAN CONN: Yes, we  
22 consolidated it.  
23 MR. NIKOLA: I second.  
24 MR. MEDENBACH: Thank you all very  
25 much.

LISA MARIE ROSSO - (845) 674-3937

20

1 ROBERT POLLOCK - PUBLIC HEARING  
2 CHAIRMAN CONN: Closed.  
3 (Whereupon, at 6:32 P.M., the  
4 hearing was concluded.)  
5  
6 ? ? ? ?  
7  
8  
9  
10  
11  
12

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LISA MARIE ROSSO - (845) 674-3937

21

1 ROBERT POLLOCK - PUBLIC HEARING

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

3

4 STATE OF NEW YORK )  
5 : 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 16th day of February 2022.

20  
21  
22  
23

---

LISA M. ROSSO

24

25

LISA MARIE ROSSO - (845) 674-3937