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

----- X
4 In the Matter of

5

6 MICHAEL GWILLIAM
512 Milton Turnpike
7 Section 102.2; Block 1; Lot 10.110

8

9 ----- X

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11 CONTINUATION OF PUBLIC HEARING

12

13 Date: September 8, 2022
14 Time: 7:45 p.m.
15 Place: Town of Marlborough
16 Town Hall
17 21 Milton Turnpike
18 Milton, NY 12547

19

20 BOARD MEMBERS: WILLIAM GIAMETTA, Chairman
21 GEORGE SALINOVICH
22 JEFFREY MEKEEL
23 LENNY CONN

24

25 ALSO PRESENT: PENNY CASHMAN, Secretary

26

27 APPLICANT'S REPRESENTATIVE: MICHAEL GWILLIAM

28

29 ----- X
30 MICHELLE L. CONERO
31 3 Francis Street
32 Newburgh, New York 12550
33 (845) 541-4163

1 MICHAEL GWILLIAM

2 CHAIRMAN GIAMETTA: We're back
3 on the record and we have the second
4 item of the evening, Mr. Gwilliams'
5 project that we've recalled from
6 twelve months ago.

7 Mr. Gwilliam, would you
8 summarize your project for us, please?

9 MR. GWILLIAM: We were asked to
10 remove the portion of the house that
11 was beginning to collapse and put a
12 new roof on the old assessor's
13 office, and those were completed.
14 Mr. Salinovich was up there and
15 verified it.

16 CHAIRMAN GIAMETTA: And you did
17 get a permit to do that?

18 MR. GWILLIAM: Yes.

19 CHAIRMAN GIAMETTA: Okay. Has
20 that been finally inspected yet or
21 just --

22 MR. GWILLIAM: No. We're
23 waiting for the new house to be
24 completed and then the transition
25 will move -- will remove the C of O

1 MICHAEL GWILLIAM

2 from the old house and apply it to
3 the new house.

4 CHAIRMAN GIAMETTA: I see.

5 MR. GWILLIAM: And that's when the
6 conversion paperwork will take place.

7 CHAIRMAN GIAMETTA: Okay. Let
8 the record reflect this is a
9 continuation of a public hearing from
10 last year, and, as required, Mr.
11 Gwilliam has reappeared before the
12 Board.

13 I'd like to ask the Board if
14 there's any questions regarding the
15 project, concerns?

16 MR. CONN: Do we need to grant
17 the variance for an accessory
18 structure in the front yard before he
19 transfers his CO or after? We can't
20 really do an accessory structure in
21 the front yard now until the primary
22 structure becomes the new house.

23 Correct?

24 MR. GWILLIAM: The good news is
25 I think all this should happen in the

1 MICHAEL GWILLIAM

2 next couple months. I keep pushing
3 my general contractor. If we just
4 move slowly enough, everything will
5 happen.

6 MR. CONN: My next question is
7 if I believe that's correct, the way
8 we have to do it, then would he have
9 to come before us again to get a
10 variance for an accessory structure
11 in the front yard?

12 MR. MEKEEL: The final
13 variance. I think he would.

14 CHAIRMAN GIAMETTA: I think he
15 would, too.

16 MR. GWILLIAM: It would be good
17 to see you guys again.

18 MR. CONN: What's that?

19 MR. MEKEEL: Make it final and
20 legal. Yes, correct.

21 CHAIRMAN GIAMETTA: But your
22 primary house has to be ready for CO.

23 MR. GWILLIAM: I know. And
24 it's not my choice that it's taken
25 this long to happen.

1 MICHAEL GWILLIAM

2 CHAIRMAN GIAMETTA: Is it
3 getting there?

4 MR. GWILLIAM: Yeah, it's
5 getting there. We're -- they're
6 hanging the final doors inside and
7 completing the stairs. The
8 electrician and the plumber have to
9 come back with the final stuff, but
10 there's no more construction. It's
11 just all details.

12 CHAIRMAN GIAMETTA: And that's
13 an active building permit also?

14 MR. GWILLIAM: Yes.

15 CHAIRMAN GIAMETTA: Okay. So
16 what has to be done is when that's
17 ready for a CO inspection,
18 immediately following, I would think, --

19 MR. GWILLIAM: Yes.

20 CHAIRMAN GIAMETTA: -- the
21 meeting should be for the
22 consideration of a variance for the
23 structure that's in the front yard.

24 MR. GWILLIAM: Okay. So we get
25 the -- whenever the certificate of

1 MICHAEL GWILLIAM

2 occupancy is issued for the new
3 house, then I should contact --

4 CHAIRMAN GIAMETTA: Ms. Cashman.

5 MR. GWILLIAM: Contact Ms. Cashman.

6 MR. MEKEEL: Penny works in
7 that department, so we'll know.

8 MR. GWILLIAM: Right. And then
9 we'll schedule and I'll show up at
10 the next meeting and then we'll do the --

11 MR. SALINOVICH: Clean it up.

12 Yeah.

13 MR. GWILLIAM: Right. And I
14 just want to know, Tom is going to
15 come, he'll issue the certificate of
16 occupancy, but he won't be able to
17 issue the changing of the old
18 building until I talk to you?

19 CHAIRMAN GIAMETTA: Well, yes
20 and no. He's going to be ready to
21 issue that CO. He may issue it
22 contingent to the Zoning Board's
23 approval. He may hold it on his
24 desk.

25 MR. GWILLIAM: Well, no. I

1 MICHAEL GWILLIAM

2 think initially when we were planning
3 to demolish the house in order to
4 build the new house, we had spoken to
5 him and he said he could issue a
6 temporary certificate of occupancy
7 until the old house is demolished.

8 CHAIRMAN GIAMETTA: Right.

9 MR. GWILLIAM: My suggestion
10 would be when he approves it, he can
11 issue me a temporary certificate of
12 occupancy.

13 CHAIRMAN GIAMETTA: Yes.

14 Right, Mr. Salinovich?

15 MR. GWILLIAM: Does that sound
16 right?

17 CHAIRMAN GIAMETTA: Very likely.

18 MR. SALINOVICH: We can do that
19 any time.

20 CHAIRMAN GIAMETTA: That's good
21 for a period of time. At least six
22 months with two renewals I believe it
23 is.

24 MR. GWILLIAM: So as soon as I
25 get the --

1 MICHAEL GWILLIAM

2 CHAIRMAN GIAMETTA: The
3 temporary CO.

4 MR. GWILLIAM: -- either the
5 temporary CO or the CO. I guess it
6 would probably be -- I should ask for
7 a temporary CO in this case. And
8 then I'll notify Ms. Cashman and then
9 I'll be here shortly after.

10 MR. CONN: To make everything
11 legal for you, we need to have it on
12 record that we have granted or
13 entertained the variance for an
14 accessory structure in the front yard.

15 MR. GWILLIAM: Yes. This is a
16 very unusual circumstance. Finding
17 the steps have been difficult.

18 MR. CONN: Well you've gone
19 through a lot of steps to help the
20 previous owners, otherwise we were
21 just going to demolish it and we'd be
22 done with it.

23 MR. SALINOVICH: We're just all
24 working together. That's all. We
25 can give you a certificate of

1 MICHAEL GWILLIAM

2 compliance for the shed, what it's
3 called now, any time. It doesn't
4 matter.

5 MR. GWILLIAM: Okay.

6 MR. SALINOVICH: We're working
7 on a trust system here. I would say
8 damned if you do, damned if you
9 don't. So I mean to me, you can do
10 the conversion now and come back in
11 to us any time and we'll give the go
12 with the variance and we're done with
13 that part of it.

14 CHAIRMAN GIAMETTA: Is there
15 anything further you want to get done
16 on the older building?

17 MR. SALINOVICH: It doesn't matter.

18 CHAIRMAN GIAMETTA: But what's
19 on the permit? Is it just demolishing of
20 the --

21 MR. GWILLIAM: Yeah. Take off
22 the roof and the other -- the western
23 part.

24 CHAIRMAN GIAMETTA: Has that
25 been done yet?

1 MICHAEL GWILLIAM

2 MR. GWILLIAM: Yes.

3 CHAIRMAN GIAMETTA: That's been
4 done?

5 MR. GWILLIAM: Yeah.

6 MR. SALINOVICH: What's that
7 been labeled as?

8 MR. GWILLIAM: Pardon me?

9 MR. SALINOVICH: What did Tommy
10 label it as?

11 MS. CASHMAN: One family
12 conversion to accessory storage barn.

13 MR. CONN: I think, if I
14 remember right, in the minutes or in
15 the requirements were to keep it as
16 an accessory structure we had to take
17 out the kitchen. I believe that's
18 what was in the minutes.

19 MR. SALINOVICH: Right.

20 MR. CONN: That will happen
21 when the certificate of occupancy
22 happens.

23 MR. SALINOVICH: Okay.

24 CHAIRMAN GIAMETTA: Anything
25 further, gentlemen?

1 MICHAEL GWILLIAM

2 (No response.)

3 CHAIRMAN GIAMETTA: So we're
4 going to have to keep this open then
5 as a continuation.

6 MR. GWILLIAM: Okay.

7 CHAIRMAN GIAMETTA: So it's in
8 your court, but what do you think the
9 maximum timeframe, roughly, for you
10 and your partner? Roughly.

11 MR. GWILLIAM: I don't know.

12 My expectation is in the next month
13 or two I'll be able to get the C of O
14 from Tommy, but my builder has blown
15 past the deadline so many times it's
16 difficult for me to predict.

17 MR. SALINOVICH: You did an
18 application for a variance, right,
19 through Penny to come here?

20 MR. GWILLIAM: That must have
21 been, yeah. I guess we did that
22 initially, yeah.

23 MR. SALINOVICH: You did.

24 Okay. I was just wondering.

25 MR. GWILLIAM: That must have

1 MICHAEL GWILLIAM

2 been because there was some paperwork.

3 MR. SALINOVICH: You should

4 have a building permit plus that.

5 MR. GWILLIAM: Right.

6 Initially this was being handled by

7 Mr. Welch, but he's out of the

8 country so I had to pick up.

9 MR. SALINOVICH: Right.

10 CHAIRMAN GIAMETTA: Do we need

11 a recall date, Lenny, on this matter?

12 MR. MEKEEL: I don't think we

13 do. If he gets the C of O, and Penny

14 will let us know, and then we can

15 plan it for that next month.

16 MR. GWILLIAM: You can set a

17 date and say if he doesn't show up in

18 six months, then --

19 MR. MEKEEL: Do we have to talk

20 to him again about the same thing?

21 MR. GWILLIAM: I should be back

22 in a month or two or three at the

23 latest.

24 MR. MEKEEL: What if something

25 goes wrong and he doesn't get his

1 MICHAEL GWILLIAM

2 part done?

3 MR. GWILLIAM: You know where I
4 live.

5 MR. MEKEEL: I'm just saying.
6 A recall date may be in order.

7 MR. GWILLIAM: That's fine.

8 MS. CASHMAN: Say three months
9 or four months.

10 MR. MEKEEL: I mean you're
11 anticipating two months. If your
12 contractor goes over a month, that's
13 three months. Let's give it, you
14 know -- right now we're in September,
15 right. October, November, December,
16 January.

17 MR. GWILLIAM: Sure. But I can
18 show up before then.

19 MR. MEKEEL: If it happens
20 before that and we need to schedule,
21 that's fine, we can schedule earlier.
22 Let's do --

23 CHAIRMAN GIAMETTA: For control
24 purposes.

25 MR. GWILLIAM: Yeah, that

1 MICHAEL GWILLIAM

2 sounds reasonable.

3 MR. CONN: It can't hurt.

4 MR. GWILLIAM: It's good for
5 you guys because you've got a date.

6 MR. CONN: So that would be
7 January 12th.

8 MR. MEKEEL: 2023.

9 CHAIRMAN GIAMETTA: Anything
10 further, gentlemen, at this point?

11 MR. CONN: It's actually December.

12 MR. MEKEEL: Give him four.

13 MR. CONN: January 12th, on or
14 before.

15 CHAIRMAN GIAMETTA: Thank you,
16 Mr. Gwilliam.

17 MR. GWILLIAM: Thank you.

18 CHAIRMAN GIAMETTA: No other
19 matters are on the agenda this
20 evening for this Board. A motion to
21 adjourn.

22 MR. SALINOVICH: I'll make a
23 motion to adjourn.

24 MR. MEKEEL: I will second that.

25 CHAIRMAN GIAMETTA: All in

1 MICHAEL GWILLIAM

2 favor?

3 MR. CONN: Yes.

4 MR. MEKEEL: Yes.

5 MR. SALINOVICH: Yes.

6 CHAIRMAN GIAMETTA: Yes.

7 The meeting is adjourned.

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1 MICHAEL GWILLIAM

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3 C E R T I F I C A T I O N

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6 I, MICHELLE CONERO, a Notary Public
7 for and within the State of New York, do
8 hereby certify:

9 That hereinbefore set forth is a true
10 record of the proceedings transcribed from
11 a recording provided by the Town of
12 Marlborough.

13 I further certify that I am not
14 related to any of the parties to this
15 proceeding by blood or by marriage and that
16 I am in no way interested in the outcome of
17 this matter.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 16th day of September
20 2022.

21

22

23

Michele Conero

24

25

MICHELLE CONERO