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2

STATE OF NEW YORK : COUNTY OF ULSTER

3

TOWN OF MARLBOROUGH ZONING BOARD

4

-----X
In the Matter of

5

VITO TRIOLO PIZZA TOWN

6

1326 Route 9W

7

Marlboro, New York 12542

SBL #108.4-3-28

8

9

-----X
DATE: February 8, 2024

10

TIME: 6:00 P.M.

11

PLACE: Town of Marlborough

12

Town Hall

21 Milton Turnpike

13

Milton, New York 12547

14

BOARD MEMBERS:

15

LENNY CONN, CHAIRMAN

JEFF MEKEEL

16

GEORGE SALINOVICH

ANDREW NIKOLA

17

LARRY BARTOLOTTI

18

ALSO PRESENT:

19

JOSEPH MINUTA, MINUTA

ARCHITECTURE

20

JEN FLYNN, Zoning Board

21

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

2

1 VITO TRIOLO PIZZA TOWN

2 CHAIRMAN CONN: Let's stand for
3 the pledge, please.

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: Welcome everybody
6 to the February 8th Zoning Board of
7 Appeals meeting. Did everybody have a
8 chance to read the meeting minutes from
9 the last meeting?

10 MR. MEKEEL: Yes.

11 MR. NIKOLA: Yes.

12 MR. BARTOLOTTI: Yes.

13 MR. SALINOVICH: Yes.

14 CHAIRMAN CONN: Any discussion?

15 MR. MEKEEL: No.

16 CHAIRMAN CONN: Someone make a
17 motion to approve?

18 MR. NIKOLA: I will make a motion
19 to approve the January 11th Town of
20 Marlborough Zoning Board of Appeals

21 minutes.

22 MR. MEKEEL: I will second that
23 motion.

24 CHAIRMAN CONN: All in favor?

25 MR. MEKEEL: Aye.

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1 VITO TRIOLO PIZZA TOWN

2 MR. NIKOLA: Aye.

3 MR. BARTOLOTTI: Aye.

4 MR. SALINOVICH: Aye.

5 CHAIRMAN CONN: Aye. So moved.

6 (LEGAL NOTICE INSERTED BY COURT
7 STENOGRAPHER)

8 Town of Marlborough Zoning Board
9 of Appeals. Legal Notice. Please take
10 notice that a public hearing will be
11 held by the Town of Marlborough Zoning
12 Board of Appeals ("ZBA") at the Town
13 Hall, #21 Milton Turnpike, Milton, New
14 York on February 8, 2024 at 6:00 P.M.,
15 or soon thereafter as may be heard.
16 Owner/Applicant: Vito Triolo Pizza
17 Town is seeking relief from Town of

18 Marlborough Code 155-1, area variances
19 for front yard, back yard, building
20 height. Location: 1326 Route 9W,
21 Marlboro, New York 12542. Tax Parcel:
22 Section 108.4, Block 3, Lot 28. Any
23 interested parties, either for or
24 against this application will have the
25 opportunity to be heard at this time.

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1 VITO TRIOLO PIZZA TOWN
2 Lenny Conn, Chairman, Town of
3 Marlborough Zoning Board of Appeals.
4 CHAIRMAN CONN: First on our
5 agenda is a public hearing for Vito
6 Triolo Pizza Town. Do you want to give
7 us a synopsis of what you're wanting to
8 do, what you would like to do? And if
9 you have any return receipts, you can
10 hand them to Ms. Flynn.

11 MR. MINUTA: Okay, let's do that.
12 My name is Joseph Minuta. I'm the
13 architect from Minuta Architecture.
14 I'm representing the project for Mr.

15 Vito Triolo, and I do have here 43
16 mailings -- certified mailings and
17 receipts that went out. So, that is
18 what came back to us, and that is what
19 we sent certified mail. Would you like
20 copies of these?

21 MS. FLYNN: Yes, thank you.

22 MR. MINUTA: (Handing.) Thank
23 you. Quick synopsis of the project,
24 there is really -- it's existing
25 nonconforming condition. Mr. Trivoli

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1 VITO TRIOLO PIZZA TOWN
2 did not create any of this. It's got a
3 front yard at one corner, which is 0
4 foot lot line, rear yard is 2.1 inches,
5 and the height on the building is --
6 give me one second -- we're allowed 35,
7 we have 37.7 plus or minus. So,
8 they're minor in nature, and, again,
9 they're all existing.

10 CHAIRMAN CONN: Questions,
11 discussions?

12 MR. MEKEEL: I have no questions.
13 MR. NIKOLA: No questions.
14 MR. BARTOLOTTI: No questions.
15 MR. MINUTA: So, in light of
16 those, we're here before you to have a
17 variance of the items.
18 CHAIRMAN CONN: Is there anybody
19 here from the public about this
20 particular issue?
21 (No audible response)
22 CHAIRMAN CONN: Okay. Thoughts?
23 MR. NIKOLA: All good.
24 MR. MEKEEL: All good.
25 MS. FLYNN: Can I just say nine

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1 VITO TRIOLO PIZZA TOWN
2 returned and -- I'm sorry, five came
3 back -- no, nine came back and five
4 returned.
5 CHAIRMAN CONN: Okay. Do you want
6 to read it, Andrew?
7 MR. NIKOLA: Town of Marlborough
8 Zoning Board of Appeals, February 8th,

9 2024, at 6:00. Applicant Vito Triolo
10 Pizza Town, 1326 Route 9W, Marlboro,
11 New York 12542, SPL number 108.4-3-28,
12 site plan change of use, planning board
13 file 23-1024, various requested for
14 front yard, 5 foot required where 0
15 exists, a rear yard variance for 20
16 foot required where 2.1 exists, and a
17 variance for the building 2.1 two
18 stories, 35 foot max where three
19 stories are at 37.5 feet, the height is
20 existing. I will make a motion to
21 approve that.

22 CHAIRMAN CONN: One correction, we
23 determined at the last meeting it was
24 not a change in use, it was an area
25 variance.

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1 VITO TRIOLO PIZZA TOWN

2 MR. NIKOLA: Oh, sorry.

3 CHAIRMAN CONN: That is fine, that
4 is how it was stated. I just want to
5 make sure the record is clear.

6 MR. NIKOLA: Change of area
7 variance. I make a motion.
8 MR. MEKEEL: I'll second that
9 motion.
10 CHAIRMAN CONN: All in favor?
11 MR. MEKEEL: Aye.
12 MR. NIKOLA: Aye.
13 MR. BARTOLOTTI: Aye.
14 MR. SALINOVICH: Aye.
15 CHAIRMAN CONN: Aye. So moved.
16 MR. MINUTA: Thank you all very
17 much.
18 (Whereupon, at 6:05 P.M., the
19 Hearing was concluded.)

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1 VITO TRIOLO PIZZA TOWN

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

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STATE OF NEW YORK)
 : SS.:
COUNTY OF ULSTER)

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

That I was authorized to and did
stenographically report the foregoing
proceedings, and that the transcript is a
true record.

I further certify that I am not related
to any of the parties to this action by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 22nd day of February 2024.

LISA M. ROSSO



2 STATE OF NEW YORK : COUNTY OF ULSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

-----X

4

In the Matter of

5

FRANCES FREMGEN

6

Clarks Lane

7

Marlboro, New York 12547

SBL #102.2-3-13.100

8

-----X

9

DATE: February 8, 2024

10

TIME: 6:06 P.M.

11

PLACE: Town of Marlborough

12

Town Hall

21 Milton Turnpike

13

Milton, New York 12547

14

BOARD MEMBERS:

15

LENNY CONN, CHAIRMAN

JEFF MEKEEL

16

GEORGE SALINOVICH, Recused

ANDREW NIKOLA

17

LARRY BARTOLOTTI

18

ALSO PRESENT:

19

GEORGE SALINOVICH

20

JEN FLYNN, Zoning Board

Secretary

21

22

23

-----X

LISA MARIE ROSSO

24

140 Mahoney Road

Milton, New York 12547

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2

1 FRANCES FREMGEN

2 CHAIRMAN CONN: Next one up, we
3 have a new application to review for
4 Frances Fremgen on Clarks Lane.

5 MR. MEKEEL: George recuses
6 himself.

7 CHAIRMAN CONN: Are you ready
8 there, Mr. Salinovich?

9 MR. SALINOVICH: I am ready.

10 CHAIRMAN CONN: You want to give
11 us a synopsis, Mr. Salinovich?

12 MR. SALINOVICH: This was a three
13 lot subdivision back in 1979. I think
14 Brown did it, I don't know if you
15 remember him, and somebody wanted to
16 buy a lot so we had two lots left. One
17 was my mother-in-law's house on it, and
18 the other was an empty acre. So, we
19 had a guy name Spence come in and that
20 is the guy who did the maps and
21 resurvey it to make sure what was what.

22 Then we found out after he did a survey
23 that the lot line went right through
24 the garage, the center of the garage.
25 How did that happen? I have no idea.

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3

1 FRANCES FREMGEN

2 Because that was back in '79. So that
3 is where the lot line is, it's coming
4 from the middle of the garage to about
5 10 foot past the wall of the garage,
6 and that line that you see, you guys
7 have got maps?

8 CHAIRMAN CONN: Yes.

9 MR. SALINOVICH: The line that you
10 see makes up the one acre, that is why
11 it had to go that way, and we couldn't
12 go to 35 feet into that lane because it
13 would've made that an undersized lot.
14 When my mother in law has always been
15 undersized. So that is about it
16 really.

17 MR. MEKEEL: So we're looking at a
18 simple lot line change?

19 MR. SALINOVICH: Yes.

20 MR. MEKEEL: You're maintaining
21 the one acre on the one side and you're
22 just moving the line over so it's not
23 going through the garage?

24 MR. SALINOVICH: Right.

25 MR. MEKEEL: Okay.

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1 FRANCES FREMGEN

2 MR. SALINOVICH: Not gaining much,
3 just making it legal.

4 MR. MEKEEL: Just making it legal
5 so it doesn't go through the garage,
6 okay.

7 MR. SALINOVICH: That's about it.

8 MR. MEKEEL: I don't have any
9 questions.

10 MR. BARTOLOTTI: I don't either.

11 MR. NIKOLA: No questions.

12 MR. SALINOVICH: The front yard is
13 supposed to be 50. I think it's less.

14 MR. NIKOLA: What's that, George,
15 I am sorry?

16 MR. SALINOVICH: The front yard is
17 supposed to be 50, but that is another
18 variance that we have to get.

19 MR. NIKOLA: It says it in the
20 bulk table.

21 MR. SALINOVICH: So, it's the
22 front and side yard, that is it.

23 CHAIRMAN CONN: All good? Make
24 motion a motion to move him to public
25 hearing.

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1 FRANCES FREMGEN

2 MR. MEKEEL: I'm going to make a
3 motion Frances Fremgen property, Clarks
4 Lane, Milton New York 12547, SBL
5 102.2-3-13.100, lot line revision, I
6 make a motion that we go to public
7 hearing for a 16.9-foot front yard
8 variance and a 24.5 side yard variance.

9 MS. FLYNN: What was the side?
10 I'm sorry.

11 CHAIRMAN CONN: 24.5.

12 MS. FLYNN: Thank you.

13 MR. MEKEEL: The existing acreage
14 is .47, but it's a preexisting lot
15 so...

16 MR. NIKOLA: I will second the
17 motion.

18 CHAIRMAN CONN: All in favor?

19 MR. MEKEEL: Aye.

20 MR. NIKOLA: Aye.

21 MR. BARTOLOTTI: Aye.

22 MR. SALINOVICH: Aye.

23 CHAIRMAN CONN: Aye. So moved.

24 (Whereupon, at 6:13 P.M., the
25 Hearing was concluded.)

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1 FRANCES FREMGEN

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

3

4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF ULSTER)

7

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

10 That I was authorized to and did
11 stenographically report the foregoing
12 proceedings, and that the transcript is a
13 true record.

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 22nd day of February 2024.

20

21

22 LISA M. ROSSO

23

24

25

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1

2 STATE OF NEW YORK : COUNTY OF ULSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

In the Matter of

5 LYNNDAVID PROPERTIES

6 397-407 Willow Tree

7 Milton, New York 12547
SBL #102.2-5-23,26
8
-----X
9
10 DATE: February 8, 2024
11
12 TIME: 6:13 P.M.
13
14 PLACE: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, New York 12547
15
16 BOARD MEMBERS:
17
18 LENNY CONN, CHAIRMAN
JEFF MEKEEL
19 GEORGE SALINOVICH
ANDREW NIKOLA
20 LARRY BARTOLOTTI
21
22 ALSO PRESENT:
23
24 CARMEN MESSINA
KEVIN HARDY
25
JEN FLYNN, Zoning Board
Secretary
26
-----X
27
28 LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
(845) 674-3937

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2

1 LYNNDavid PROPERTIES
2 CHAIRMAN CONN: Next on the
3 agenda, we have a workshop for

4 LynnDavid Properties, 397-407 Willow
5 Tree, Milton. Please state your name
6 for the record, and give us a little
7 idea of what you want to do.

8 MR. MESSINA: For the record, and
9 for those of you who don't know me, my
10 name is Carmen Messina. I'm the
11 surveyor and the engineer for this
12 project. This project involves three
13 different lots all located in the
14 southwest corner of the intersection of
15 Willow Tree Road and Mulberry Lane.
16 The first property is a 9-acre property
17 owned by LynnDavid Properties, which
18 has three existing single-family
19 houses. The second parcel is a
20 0.15-acre parcel with an existing house
21 owned by Fash, F-A-S-H. And the third
22 one is a 3-acre parcel that has an
23 existing accessory build without a
24 principal dwelling, and that is owned
25 by LynnDavid Properties. This project

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1 LYNNDavid PROPERTIES

2 proposes that we have a lot line
3 revision between the 9-acre parcel with
4 a 01-acre parcel, giving them deed to
5 them .85-acres making it --

6 MR. MEKEEL: So, you're increasing
7 it from .15 to .85?

8 MR. MESSINA: No, to 1 acre.

9 MR. MEKEEL: .15 to 1 acre?

10 MR. MESSINA: Yes.

11 MR. MEKEEL: Okay.

12 MR. MESSINA: And the geometry
13 will be such that all the requirements,
14 sidelines, rear yard will be up to
15 standards so it would be a good forming
16 lot. Also proposing a lot line
17 revision between the 3-acre parcel,
18 which has the accessory building, we're
19 going to join that to the 9-acre
20 parcel, with the accessory building
21 making that now having the principal
22 dwelling with an accessory building.
23 And then we propose that we were going
24 to take the remainder of the 9-acre
25 parcel and subdivide it into four lots,

1 LYNNDavid PROPERTIES
2 three new lots, and three -- and one
3 residual lot. And so, we're asking for
4 a variance for the 9-acre parcel too so
5 we could subdivide that piece of
6 property, because it's nonconforming
7 because it has three houses on one
8 piece of property, and which we
9 can't -- we're not subdividing any of
10 the requirements. So, in effect, we
11 will be changing three nonconforming
12 lots into one conforming --
13 nonconforming lot. And I don't know if
14 you have it in your paperwork, but we
15 submitted the letter from the code
16 enforcement officer recommending that
17 we be considered for this variance from
18 Dominick -- I am sorry, from Tommy
19 Corcoran.

20 MR. BARTOLOTTI: How long have the
21 houses been there, the three houses in
22 question?

23 MR. MESSINA: Three houses on the
24 9-acre lot, I don't know the answer to
25 that. Do you know?

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1 LYNNDavid PROPERTIES

2 MR. HARDY: They have been there
3 long, '20s I guess they were there,
4 '20s, '30s.

5 MR. BARTOLOTTI: How long?

6 MR. HARDY: They were built in the
7 '20s and '30s.

8 MR. NIKOLA: I must be confusing
9 it because one of those are brand new
10 on the corner that intersects with
11 Willow Tree and --

12 MR. SALINOVICH: That's the other
13 side.

14 CHAIRMAN CONN: Any questions?

15 MR. NIKOLA: No.

16 CHAIRMAN CONN: Any questions,
17 George?

18 MR. SALINOVICH: The one thing
19 missing was the barn.

20 MR. HARDY: The barn is going to
21 go with the three houses.
22 MR. MEKEEL: They're going to join
23 the property?
24 MR. SALINOVICH: That is all one
25 property?

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1 LYNNDavid PROPERTIES
2 MR. HARDY: It's two separate
3 pieces.
4 MR. MESSINA: It's two separate
5 pieces of property.
6 MR. SALINOVICH: Where the barn
7 is?
8 MR. HARDY: Yeah, it's the barn
9 with the 3-acres.
10 CHAIRMAN CONN: Looks like you had
11 fun with this big jigsaw puzzle. Any
12 questions?
13 MR. BARTOLOTTI: No.
14 MR. SALINOVICH: No.
15 MR. MEKEEL: I'm good.
16 MR. NIKOLA: I'm good.

17 CHAIRMAN CONN: Make a motion to
18 send them to public hearing?

19 MR. BARTOLOTTI: I will make a
20 motion to move this matter to the
21 public hearing.

22 MR. SALINOVICH: I will second.

23 CHAIRMAN CONN: All in favor?

24 MR. MEKEEL: Aye.

25 MR. NIKOLA: Aye.

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1 LYNNDavid PROPERTIES

2 MR. BARTOLOTTI: Aye.

3 MR. SALINOVICH: Aye.

4 CHAIRMAN CONN: Aye. And the date
5 of that is?

6 MS. FLYNN: March 14th.

7 MR. MESSINA: Thank you very much.

8 CHAIRMAN CONN: Thank you. Motion
9 to close?

10 MR. NIKOLA: I'll make a motion to
11 adjourn.

12 MR. MEKEEL: I will second.

13 CHAIRMAN CONN: All in favor?

14 MR. MEKEEL: Aye.
15 MR. NIKOLA: Aye.
16 MR. BARTOLOTTI: Aye.
17 MR. SALINOVICH: Aye.
18 CHAIRMAN CONN: Aye. Meeting is
19 closed.

20 (Whereupon, at 6:23 P.M., the
21 Hearing was concluded.)
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1 LYNNDavid PROPERTIES
2 C E R T I F I C A T E
3

4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF ULSTER)

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

10 That I was authorized to and did

11 stenographically report the foregoing
12 proceedings, and that the transcript is a
13 true record.

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 22nd day of February 2024.

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LISA M. ROSSO

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