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

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4 In the Matter of

5 JOHN MAZZA - CONTINUED WORKSHOP

6 2 Dragotta Road
7 Marlboro, New York 12542
7 SBL #108.4-6-5.1,5.2

-----X

9 DATE: June 13, 2024

10 TIME: 6:00 P.M.

11 PLACE: Town of Marlborough
12 Town Hall
12 21 Milton Turnpike
13 Milton, New York 12547

14 BOARD MEMBERS:

15 LENNY CONN, CHAIRMAN
16 JEFF MEKEEL, Absent
16 GEORGE SALINOVICH, Absent
17 ANDREW NIKOLA
17 LARRY BARTOLOTTI

18 ALSO PRESENT:

19 GERARD J. COMATOS, ESQ.
19 CARMEN MESSINA, Surveyor

20 JEN FLYNN, Zoning Board
21 Secretary

-----X

23 LISA MARIE ROSSO
24 140 Mahoney Road
24 Milton, New York 12547
25 (845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 JOHN MAZZA - WORKSHOP

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

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: Welcome everybody
6 to the June 13, 2024, Town of
7 Marlborough Zoning Board of Appeals
8 meeting. Two things on our agenda. Do
9 you want to make a motion to approve
10 the minutes?

11 MR. NIKOLA: I'll make a motion to
12 approve the Zoning Board of Appeal
13 minutes from May 9th, 2024.

14 CHAIRMAN CONN: Second?

15 MR. BARTOLOTTI: Second.

16 CHAIRMAN CONN: All in favor?

17 MR. NIKOLA: Aye.

18 MR. BARTOLOTTI: Aye.

19 CHAIRMAN CONN: Aye. So moved.
20 We are continuing the workshop from our
21 last meeting for John Mazza. Mr.
22 Messina, you're representing John
23 Mazza?

24 MR. MESSINA: For the record, my
25 name is Carmen Messina. I'm the

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2 surveyor for the project. I want to
3 recap, this is the third time. The
4 first time we came, we discovered that
5 the garage was over the line, and we
6 worked out an agreement to solve it.
7 And then we came back and we had been
8 to the planning board and we thought
9 maybe we could get what they would
10 require. But I think we all came to
11 the conclusion that it would be best
12 for us to go to the planning board, see
13 what they require, that way we can tell
14 what variances we would need. So, we
15 went to the planning board on June the
16 3rd. Unfortunately, they didn't make a
17 decision on the issues that we know are
18 going to be at issue. One, being they
19 want us to dedicate 25 feet from the
20 center line. And the other one may be,
21 Mr. Garofalo brings up often on the
22 corner lot, which is the front and
23 which is the side. Depending on which
24 one we choose, it may require more
25 variance than we might differently

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want. So, this -- the 25 feet, I mean, I could go into a lot of detail, I would just start with this, and then you can ask me the questions that you would like. This comes up because this is a highway, South Street is a highway by use. Which means the property owns the center of the road. The traveling public and the Town have a right to use that road, so an easement over there, John Mazza's property. And -- but ownership remains with the property owner. And so, now, we -- this issue has been, just for myself, the project that I have been there four times, and every time we ask, the engineer tells us, it's a long-standing policy. And we ask them for that policy, and we have yet to see it. Now I see the attorney here today, he may have that policy that Pat Hines talks about, and we can get his opinion on what it means. I could give you -- the only thing that I could tell you is what

1 JOHN MAZZA - WORKSHOP

2 comments he has given us about the 25

3 foot -- I can read them to you, or I

4 could just submit them to you. But I

5 think we all know the issue is -- it

6 says reserve for highway use. And now

7 they tell us the long-standing policy

8 is that we have to dedicate them in

9 feet time. Now, I can tell you, I have

10 been doing this a lot of years, and I

11 did the subdivision across the street,

12 the LynnDavid project that I represent

13 on Mulberry Lane, we got that approved

14 in two thousand -- I want to say '12.

15 Now, we put 25 feet reserved for future

16 highway use, but we didn't dedicate --

17 we didn't have a dedication map to show

18 that we were --

19 MR. COMATOS: Excuse me's, was

20 this in this Town of Marlboro?

21 MR. MESSINA: In the Town of

22 Marlboro on Mulberry Lane.

23 MR. COMATOS: Okay.

24 CHAIRMAN CONN: Let me stop you

25 right there, and it will save us all

JOHN MAZZA - WORKSHOP

some time. Since this came to our attention a few weeks ago, I have had discussions with Scott Corcoran, town supervisor; Tom Corcoran, code enforcement officer, who also had on the phone while I was in his office, John Alonge, highway superintendent, and up until this morning when I met with Tom again -- he called Pat Hines while I was there -- it's been my interpretation and my board's interpretation that we're going by what's stated in the Town code book. And in the Town code for subdivision in Section 134-19B says reserved. If somebody meant intended it to be dedicated or meant something different, that is not up to us. What it says in the book, that is what we're ruling on. It is not the Town's -- they don't want to own more property. They don't want to take the responsibility for it. Everybody that I've spoken to in the Town that I just mentioned is on board

1 JOHN MAZZA - WORKSHOP

2 with what we just mentioned. So, from
3 this point going forward, when this
4 issue comes up again, and I am trying
5 to find a way, I will speak with Gerry
6 later about how to put this to bed, for
7 lack of a better term, between the
8 planning board and us going forward so
9 it saves the applicant time and saves
10 the applicant money, how do we put this
11 to bed for good, because this is our
12 determination. And from this point
13 forward always will be our
14 determination until it's changed in the
15 code book, 25 feet is reserved, not
16 dedicated.

20 CHAIRMAN CONN: Each map?

21 MR. COMATOS: Yes.

22 MR. MESSINA: A note that states
23 what?

24 MR. COMATOS: That the Town
25 reserves the area to the center line

1 JOHN MAZZA - WORKSHOP

2 for road widening.

3 MR. MESSINA: If you see our map,
4 we have that line on there. It says
5 reserved for future highway use. We
6 have a note that says reserved for
7 future highway use. I don't know if
8 this is for sure, but I think what they
9 meant when they formulated this
10 subdivision rules in the State of New
11 York Highway Law, it says a road by
12 use -- South Street is, that wasn't
13 dedicated at the time, they just built
14 it. They have the right Section 189 of
15 the Highway Law that says they can open
16 the road to three garage wide, that is
17 9 and a half, so we won't argue. So,
18 50. So, I'm thinking that the Town in
19 the subdivision want people on notice
20 that maybe in the future the Town has a
21 right to take the 25 feet from the
22 center line.

23 CHAIRMAN CONN: Well, they do as
24 eminent domain in New York State
25 anyway. But no one that I spoke to

1 JOHN MAZZA - WORKSHOP
2 wants to be paying people for the Town
3 to own the property from 25 feet from
4 the center of the road. No one that I
5 spoke to today said we're not in that
6 business. I said, okay, as long as
7 we're all on the same page.

8 MR. COMATOS: Chairman?

9 CHAIRMAN CONN: Yes, sir.

10 MR. COMATOS: The Town hasn't been
11 paying for it. If the planning board
12 exercises its right to require a
13 reservation or dedication, whatever
14 word you want to use, previously the
15 area in question to the center line has
16 actually been deeded to the Town for no
17 consideration. That has been the past
18 practice. But I understand what you're
19 doing, and I understand that there is a
20 new consensus being built, and it seems
21 to me that the way to address it is to
22 place an appropriate note regarding the
23 reservation on the map. I don't see
24 any note on this map.

25 MR. MESSINA: Well, I don't know

1 JOHN MAZZA - WORKSHOP

2 if you have the latest -- you have the
3 revised map, 4/20/24?

4 MR. COMATOS: No, this is dated
5 2/27/24. But, you know, if you have a
6 more recent map, and you have that note
7 on it, I think that is exactly what the
8 ZBA should be looking for.

9 MR. MESSINA: I believe I
10 submitted those copies.

11 CHAIRMAN CONN: I got 2/27.

12 MR. NIKOLA: We have the February
13 map as well.

14 MR. MESSINA: I can show you this
15 map that I have from my own copy.

16 MS. FLYNN: Is that the map that
17 you submitted to the planning board?
18 Because I didn't get a new map or the
19 zoning.

20 MR. MESSINA: That could be. The
21 planning board has that map. Maybe we
22 didn't reapply with new maps for the
23 ZBA. That could be true. I just want
24 to -- I just want to note --

25 MS. FLYNN: Carmen, can I see that

1 JOHN MAZZA - WORKSHOP

2 map?

3 MR. MESSINA: (Handing.)

4 CHAIRMAN CONN: I just don't want
5 to bring up another variance that we
6 have to address that we don't think
7 needs to be addressed. So, going
8 forward, what the attorney says, we can
9 ask to put a note on the map going
10 forward, and that may easily solve it.
11 But for you tonight, we don't think
12 that a variance is required. We see it
13 as reserved. You meet the reservation
14 of over 25 feet. We're ready to move
15 on with the other variances that you're
16 asking for.

17 MR. MESSINA: Okay. The only
18 other question that I have there that I
19 think would come up is the -- which is
20 the frontage? Because South Street has
21 been there for --

22 CHAIRMAN CONN: South Road was
23 there before Dragotta; correct?

24 MR. MESSINA: Dragotta Road was
25 dedicated in 1962. South Street has

1 JOHN MAZZA - WORKSHOP

2 been there since 1880 under a different
3 name, but it was there. So, obviously
4 Dragotta Road was dedicated 50 feet
5 wide. I don't know if you have the
6 authority to say which is the front and
7 which is not. But if Dragotta Road was
8 considered the front now, because it's
9 the wider road, then we would need a
10 variance for the garage, because it
11 would be closer to the road than the
12 house. We would need a rear yard
13 variance, because the rear yard would
14 not be 20 feet, and so that is the
15 issue.

16 MR. COMATOS: Chairman, if I
17 understand correctly, the applicant is
18 looking for a determination as to
19 whether the frontage of this property
20 is on South Street or Dragotta Road. I
21 don't know if you have enough
22 information to make that determination,
23 but what we do know is that I believe
24 all of these structures were built
25 before Dragotta Road was established.

1 JOHN MAZZA - WORKSHOP

2 CHAIRMAN CONN: Correct.

3 MR. COMATOS: And that fact alone
4 might be the basis for determination
5 that, under the circumstances, the
6 frontage of this property is South
7 Street.

8 CHAIRMAN CONN: That's what I was
9 just going to discuss with the other
10 two members. You both agree with it?

11 MR. NIKOLA: I agree.

12 MR. BARTOLOTTI: Yes.

13 CHAIRMAN CONN: There is some
14 discussion about the garage being on
15 the line, but the Town and you and your
16 applicant have a letter; everything is
17 good? So we don't even have to rule on
18 the garage. There was a letter between
19 you and your attorney and the Town's
20 attorney that solved that problem.

21 MR. MESSINA: Yes.

22 CHAIRMAN CONN: And it's our
23 determination that the structures were
24 there and South Street was there before
25 Dragotta Road. South Street is the

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2 front.

3 MR. MESSINA: Thank you.

4 MR. NIKOLA: I will make a motion
5 to send Mr. Mazza and what he is
6 seeking for a public hearing at the
7 Town of Marlborough Zoning Board of
8 Appeals to be held July 11, 2024, here
9 at Town Hall at 6:00 P.M. or soon
10 thereafter as may be heard to be
11 seeking relief from the Town of
12 Marlborough, Code 155, attachment 2,
13 schedule 1, lot 1, 5-foot and a 4-foot
14 variance for an accessory structure
15 South Street. And lot 2, a 5-foot
16 variance for the side yard of Dragotta
17 Road. The location is 19 South Street
18 and 6 Dragotta Road, Marlboro, tax
19 parcel, Section 108.4, lot 6, lot 5.100
20 and 5.200. Any interested parties,
21 either for or against this application
22 will have the opportunity to be heard
23 at that time.

24 MR. BARTOLOTTI: Second.

25 CHAIRMAN CONN: All in favor?

1 JOHN MAZZA - WORKSHOP
2 MR. NIKOLA: Aye.
3 MR. BARTOLOTTI: Aye.
4 CHAIRMAN CONN: Aye.
5 MR. MESSINA: Just for --
6 CHAIRMAN CONN: Yes, sir?
7 MR. MESSINA: Now, the house on --
8 you have my map there, but I think I
9 can do it from memory.
10 MR. BARTOLOTTI: You can have it
11 (handing).
12 MR. MESSINA: Thanks. On lot
13 number two, the house, the rear yard,
14 it's my understanding from the property
15 line that years ago he got the variance
16 for that, because it's only 8.1 and it
17 needs to be 20. We didn't -- that is
18 an existing condition. I don't know if
19 we need a variance for that, because
20 normally, what we used to do whenever
21 we created a line, we had to follow the
22 setbacks. And when we didn't, we
23 needed a variance, but I don't know
24 what your determination -- we didn't
25 set that line. The building has been

1 JOHN MAZZA - WORKSHOP

2 there for 60 years and so --

3 CHAIRMAN CONN: Preexisting.

4 MR. MESSINA: Preexisting, just
5 wanted to make note of that.

6 MR. BARTOLOTTI: You have that in
7 your letter on the top left.

8 MR. MESSINA: Yes. I don't know
9 if it requires a variance. There is
10 nothing we can do about it, and we
11 couldn't change it if we wanted to.

12 CHAIRMAN CONN: Did anything that
13 you do at the other properties change
14 lot 2? Nothing changed with lot 2;
15 correct, as far as moving lines or
16 buildings?

17 MR. MESSINA: Once we -- we had a
18 lot line revision between the front
19 section of that lot 1 and lot number 2,
20 I think a bigger portion of lot number
21 2 was one lot and formally -- maybe if
22 I give you this map.

23 MS. FLYNN: (Handing.)

24 CHAIRMAN CONN: The house
25 obviously hasn't moved.

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2 MR. MESSINA: This is the
3 subdivision that we did, and these are
4 the lots that we were talking about.

5 So, on this proposal that was I believe
6 1989, we subdivided this property. Lot
7 number 2 had 30,000 square feet, and
8 lot number 1 had 15. And so, it all
9 started that Mr. Mazza wanted to take
10 the lot line revision from that
11 previous lot number 2, and add some
12 property to lot number 1 so he could
13 build a garage, so that is what we're
14 doing in this project also. Then after
15 we had that lot -- we proposed this lot
16 line revision, then we took the
17 property we had left. And since there
18 were two houses on one piece of
19 property, which was not conforming, we
20 subdivided it so we could make them
21 more conforming. But the house was
22 there since -- obviously this map says
23 1989, but long before that.

24 CHAIRMAN CONN: Is lot 2 an
25 existing driveway from the road to

1 JOHN MAZZA - WORKSHOP

2 Dragotta?

3 MR. MESSINA: We had a -- if I
4 show you this dedication map, you will
5 see how it all happened. When they
6 dedicated Dragotta Road, it was a
7 building in the middle of Dragotta
8 Road, and it was stipulated that, when
9 that building was going down, then
10 Dragotta Road would go straight. But
11 in the meantime, there was a -- I will
12 give you this map (handing).

13 (Whereupon, an off-the-record
14 discussion was held.)

15 CHAIRMAN CONN: We will make an
16 addendum to the public hearing.

17 MS. FLYNN: Okay. You're going to
18 write it on there so I can state it?

19 CHAIRMAN CONN: Yes. The
20 applicant states that there is a
21 preexisting variance for lot 2 where
22 they have 8.1 feet and 20 feet is
23 required -- or the rear yard, excuse me
24 to clean it up. We're just going to
25 continue that variance tonight at

1 JOHN MAZZA - WORKSHOP

2 11.9 feet. Everybody in favor?

3 MR. NIKOLA: Aye.

4 MR. BARTOLOTTI: Aye.

5 CHAIRMAN CONN: Aye. So moved.

6 MR. NIKOLA: So, the three

7 variances for the public hearing,

8 because we announced the first two and

9 then we just added the third one.

10 MR. MESSINA: There is four.

11 CHAIRMAN CONN: Correct.

12 MR. MESSINA: Yes.

13 CHAIRMAN CONN: Correct.

14 MR. NIKOLA: Hopefully this helps

15 your applicant.

16 MR. MESSINA: Thank you.

17 MR. NIKOLA: I'll make a motion to

18 close this part of the workshop.

19 MR. BARTOLOTTI: Second.

20 CHAIRMAN CONN: All in favor?

21 MR. NIKOLA: Aye.

22 MR. BARTOLOTTI: Aye.

23 CHAIRMAN CONN: Aye.

24 MS. FLYNN: So, Chairman Conn, Mr.

25 Bartolotti forgot in the beginning to

1 JOHN MAZZA - WORKSHOP

2 do his training to put into the
3 minutes. Sorry.

6 CHAIRMAN CONN: We can do it at
7 the end.

8 MS. FLYNN: Sorry.

11 MR. MESSINA: What is the new
12 rules?

13 MS. FLYNN: It's not new for here.
14 You have to do return receipts. It's
15 only new for planning.

16 MR. MESSINA: 500 feet?

17 MS. FLYNN: And return receipts.

18 MR. NIKOLA: Bring both back.

19 (Whereupon, at 6:31 P.M., the
20 Hearing was concluded.)

23

24

25

1 JOHN MAZZA - WORKSHOP

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

3

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

6

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 June 2024.

20

21

22

23 LISA M. ROSSO

24

25

2 STATE OF NEW YORK : COUNTY OF ULMER
3 TOWN OF MARLBOROUGH ZONING BOARD

-----X

4 In the Matter of

5 SOMEPLACE UPSTATE - WORKSHOP

6 20 Mount Rose Road
7 Marlboro, New York 12542
7 SBL #108.1-4--56.1,57,58,71

8 -----X

9 DATE: June 13, 2024

10 TIME: 6:31 P.M.

11 PLACE: Town of Marlborough
12 Town Hall
12 21 Milton Turnpike
13 Milton, New York 12547

14 BOARD MEMBERS:

15 LENNY CONN, CHAIRMAN
15 JEFF MEKEEL, Absent
16 GEORGE SALINOVICH, Absent
16 ANDREW NIKOLA
17 LARRY BARTOLOTTI

18 ALSO PRESENT:

19 GERARD J. COMATOS, Esq.
19 NEIL J. ALEXANDER, Esq.
20 ADAM BROZA, Applicant
20 JEN FLYNN, Zoning Board
21 Secretary

22

23

24 -----X
24 LISA MARIE ROSSO
24 140 Mahoney Road
25 Milton, New York 12547
25 (845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 SOMEPLACE UPSTATE - WORKSHOP

2 MS. FLYNN: Mr. Chairman, the
3 lawyer is going to sit in on this one
4 as well.

5 CHAIRMAN CONN: Okay.

6 MR. NIKOLA: Fantastic.

7 CHAIRMAN CONN: Next we have
8 applicant Someplace Upstate for their
9 first meeting. Go ahead.

10 MR. BROZA: Good morning, my name
11 is Adam Broza. I'm representing
12 Someplace Upstate. I have with me my
13 counselor, Mr. Neil Alexander, who is
14 helping us out with this application.
15 This is the first time I'm doing this,
16 so please if I'm misstepping -- I will
17 just jump right in when the application
18 was submitted. So, we're looking to
19 request a variance from Section
20 155-18-E1-D, as in David. This section
21 provides that no structure in such use
22 shall be within 50 feet of any property
23 line. We are proposing to have this
24 variance in regard to our application.
25 With regard to this, we are not

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planning any new construction or anything like that. The application is nonconforming in its current state. Certain structures deviate from the setbacks -- responding setbacks to distance, which we have listed in the application, and I believe they're also now on the screen, it's a little hard to see the detail. In particular, the three main buildings that have all been there for over 100 years. The application involves several tax laws, which we plan to combine. Those are 109.1-4-57, 109.1-4-58, 109.1-4-56.100. That's at the beginning, which I don't know if I should continue going or not. I've been told in the past that I can talk quite a lot, and I pay by the word so I'm trying to be as conservative as I can.

22 MR. ALEXANDER: My name is Neil
23 Alexander. I'm a partner over at Cuddy
24 & Feder. So part of what's going on
25 here, if I could help frame it a little

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2 So, that is the essence. I hope that
3 framed it a little bit more.

4 MR. BROZA: I don't know if you
5 have in front of you or not, but we
6 have submitted the application some
7 photos that we have from earlier. The
8 main reason that we did those is just
9 to have it. This is an area, from what
10 we can tell, from 1937 the property
11 from the original owners. I bring that
12 up because that was one of the first
13 things that we found at the property
14 after we moved in from one of the
15 neighbors. You asked about the gazebo,
16 if it was planning on staying. Our
17 goal with all of these buildings is the
18 same thing as if, as far as reasonably
19 possible, we are trying to almost put a
20 bell jar over it and preserve things as
21 how long as they feel like they would
22 have been, if they were properly
23 maintained. The gazebo is a good
24 example. It was built by hand, it's
25 beautiful, it's got plumbing that goes

10 CHAIRMAN CONN: I have two points
11 right now. Based on the maps that we
12 have in front of us, those four
13 properties that I'm looking at --

18 MR. NIKOLA: 12.49-acre one?

19 MR. ALEXANDER: That is correct,
20 yes. So it's the front two properties
21 and the one that is on Front Street
22 Extension. So it amounts to about 14
23 acres, just shy.

24 CHAIRMAN CONN: Are you combining
25 those? Meaning there is a 10-acre

1 SOMEPLACE UPSTATE - WORKSHOP

2 minimum.

3 MR. ALEXANDER: Yes. We would
4 anticipate that the planning board is
5 going to require, and if the zoning
6 board was to require it as well, that
7 the variances are coming from the
8 resort hotel special permit criteria,
9 right. So, if, assuming we get -- we
10 obtain site plan special permits
11 approval for the resort hotel, then we
12 will merge the three lots into one and
13 consolidate them and operate that way.
14 We wouldn't want to obviously -- we
15 would want to obligate our rights to
16 use those lands.

17 CHAIRMAN CONN: That changes your
18 original application?

19 MR. ALEXANDER: Yes, that is
20 correct.

21 MR. BARTOLOTTI: I have a letter
22 here from Control Point Associates.
23 Your letter of intent says entirely
24 different.

25 MR. ALEXANDER: So, we submitted a

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2 supplemental on December 26, 2023.

3 MR. BARTOLOTTI: We have not
4 received it.

5 MR. ALEXANDER: I'm sorry?

6 MR. BARTOLOTTI: The zoning board
7 has not received it.

8 MS. FLYNN: I have not received
9 anything after Patty gave me something.

10 MR. ALEXANDER: We have your
11 acknowledgment of receiving it.

12 MR. BROZA: It's part of our
13 application of being here today. And
14 then you asked me to make sure to send
15 it in a PDF with the pictures.

16 MS. FLYNN: I don't remember
17 getting it. Oh, yes, I sent you guys
18 this. The two-page letter. I
19 forwarded it to you guys.

20 MR. ALEXANDER: Yes, it was on May
21 29th.

22 MR. NIKOLA: Oh, this one.

23 MR. ALEXANDER: That is the
24 narrative that supercedes the prior
25 explanation.

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2 MR. NIKOLA: May 29th, got it.

3 CHAIRMAN CONN: So some of which
4 you're saying, the 12.49 is no longer
5 part of the application?

6 MR. ALEXANDER: That is correct,
7 Chairman.

8 CHAIRMAN CONN: And your intention
9 is to take the 4.3-acre lot, the
10 6.27-acre lot, and the 3.45-acre lot
11 and make them one lot?

12 MR. ALEXANDER: Correct. They all
13 touch each other as is. The 4.3 and
14 the 3.45 touch each other, and the 6.27
15 touch each other.

16 CHAIRMAN CONN: So, then that is
17 going to change your area variance
18 then?

19 MR. ALEXANDER: No, an area
20 variances will remain the same because
21 it's a laneway is what's causing the 50
22 foot. Can I come up? Is that okay?

23 CHAIRMAN CONN: Yes.

24 (Whereupon, an off-the-record
25 discussion was held.)

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2 CHAIRMAN CONN: After discussions,
3 the applicant removing the 12.49-acre
4 lot from the application, it reduces
5 the amount of area variances by 3,
6 because there were 3 structures that
7 needed variances on that lot.

8 MS. FLYNN: So, instead of 5, you
9 only have 2?

10 CHAIRMAN CONN: Instead of 7, we
11 only have 4.

12 MR. ALEXANDER: Gazebo.

13 CHAIRMAN CONN: Well, and now the
14 gazebo, yes.

15 MR. ALEXANDER: Sorry, Chairman --

16 CHAIRMAN CONN: So, now we're
17 going up one more.

18 MS. FLYNN: So now we're at 5.

19 CHAIRMAN CONN: 5.

20 MR. NIKOLA: The gazebo was not
21 listed

22 MR. BARTOLOTTI: What is the
23 property being used for right now?

24 MR. BROZA: So, the property where
25 my wife and I and my son live, we run

19 MR. BARTOLOTTI: Are you looking
20 to change the zoning classification?

21 MR. ALEXANDER: Yeah, we're
22 looking to -- we have an application
23 pending in front of the planning board
24 for this to be a resort hotel to fall
25 within the definition of that, special

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2 permit use in the R1 zone.

3 MR. BARTOLOTTI: Okay.

4 CHAIRMAN CONN: Were all of these
5 properties combined in the same
6 ownership?

7 MR. ALEXANDER: So, at present, I
8 think you were given a deed package,
9 maybe it went to the planning board.

10 But basically some of these properties
11 are owned through LLCs that Adam
12 controls and some of them are owned
13 directly by Adam and Dan. So, I think,
14 correct me if I'm wrong, Adam, the
15 6.72-acre and the 4.3-acre are owned
16 personally by Adam and Danny and then
17 Mount Rose Road is owned by a separate
18 LLC --

19 MR. BROZA: That we both own a
20 hundred percent.

21 MS. FLYNN: The Bell Flower?

22 MR. BROZA: Yes, The Bell Flower.

6 CHAIRMAN CONN: I would like to
7 see some verification on all of that,
8 that those are all being consolidated
9 under one ownership. Because,
10 otherwise --

11 MR. NIKOLA: It's a mess.

12 CHAIRMAN CONN: Yeah, the
13 variances that would be required for
14 acreage would be significant. Whereas
15 if we have verification, it's all under
16 one, you don't even need a variance for
17 them.

18 MR. ALEXANDER: Right. So I have
19 with me here a page from the assessor
20 and I believe -- and I can hand this
21 page in to you right now it was
22 submitted in December of 2023, and it
23 shows that 57 and 58 are in ownership
24 of, you know -- it shows the ownership
25 for all of those, I guess it's sort of

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2 a --

3 CHAIRMAN CONN: Those two aren't
4 necessarily my concern. It's the 3.45.
5 If it is not formally included with the
6 two, then for a 10-acre minimum, you're
7 looking at a 6.5-acre variance, which
8 is extremely significant.

9 MR. ALEXANDER: If you're looking
10 for something in writing saying here
11 are three deeds, we control entities
12 and upon approval, we consent to a
13 condition requiring us to formally
14 merge them into one entity upon receipt
15 of approvals from the planning board,
16 you know, or before pulling a building
17 permit consistent with the resort. I
18 just need the timeline to be open in
19 the sense of for structure. So, if it
20 was -- we can talk with you and your
21 attorney, but whether it's -- I would
22 love it after the planning board
23 approval or for sure and also ideally
24 before we pull the building permit for
25 resort hotel would be our preference.

5 MR. BARTOLOTTI: We were going to
6 need the accurate maps.

10 MR. COMATOS: Merger of the
11 parcels can be a condition of approval.

12 CHAIRMAN CONN: I'm sorry?

13 MR. COMATOS: Merger of the
14 parcels can be a condition of planning
15 board approval.

16 CHAIRMAN CONN: Yes.

17 MR. ALEXANDER: Thank you.

18 CHAIRMAN CONN: We're going to
19 keep the workshop open. We have two
20 members, unfortunately, that are
21 missing, and a lot of information to go
22 over with them and catch them up on.
23 Also, making sure we get the updated
24 maps, the variances, and everything
25 required and the 12.49 is no longer

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2 part of the application.

3 MR. ALEXANDER: Yup.

4 CHAIRMAN CONN: And at the same
5 time, maybe before the next meeting, we
6 will want to do a site visit just to go
7 up and see for ourselves.

8 MR. ALEXANDER: Sure.

9 MS. FLYNN: Do they need to redo
10 part of the application without the
11 7. -- the 71 lot?

12 CHAIRMAN CONN: Yeah, we need to
13 update the map and the application,
14 correct.

15 MS. FLYNN: Okay. Especially,
16 with the other buildings coming out,
17 the gazebo going in.

18 MR. NIKOLA: And the gazebo needs
19 to be listed that it's in the bulk
20 table.

21 MR. BROZA: Okay.

22 CHAIRMAN CONN: Any another
23 questions for us?

24 MR. ALEXANDER: No, I just wanted
25 to confirm that we can do this as

4 MR. COMATOS: It sounds as though
5 they're here on a referral from the
6 planning board, and we will be making
7 our own SEQRE determinations on this
8 application.

11 CHAIRMAN CONN: Is that how you
12 originally got here; was a referral
13 from the planning board?

14 MR. ALEXANDER: Yes. I believe it
15 was --

16 CHAIRMAN CONN: Okay. That's
17 there letter, December 28th, I'm
18 looking at it, but I just don't know
19 unless something changed, you know, how
20 you got past the 6.55-area acre
21 variance and 7 buildings that needed
22 setback variances, how it got to the
23 planning board before us anyway.

24 MR. ALEXANDER: I can't speak to
25 all of that. I mean, I read the

9 CHAIRMAN CONN: We will keep the
10 workshop open. Two things we need.
11 One we need updated application --

12 MR. ALEXANDER: Yup.

13 CHAIRMAN CONN: -- with the
14 variance requested, and the ones that
15 are no longer needed removed. And
16 updated maps reflecting all of that.

17 MR. ALEXANDER: Yes. What is the
18 submission deadline for the July 11
19 meeting?

20 CHAIRMAN CONN: Ms. Flynn has
21 that. When does he have to have his
22 paperwork in to meet the July 11th
23 deadline?

24 MS. FLYNN: The last Thursday of
25 the month.

11 CHAIRMAN CONN: I don't know if we
12 can because we all have our own
13 different schedules. We will
14 communicate within ourselves to see if
15 there is a date and time that we can
16 meet as a majority and all of us get
17 there at the same time, and there has
18 been times where --

19 MR. ALEXANDER: However your
20 schedule is just because there is
21 animals and livestock, just so if you
22 could just knock and let somebody know
23 that you are there so people aren't
24 confused.

25 CHAIRMAN CONN: Okay, thank you.

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2 MR. ALEXANDER: Thank you very
3 much.

4 MR. BROZA: Thank you.

5 MR. BARTOLOTTI: I make a motion
6 to close the workshop.

7 MR. NIKOLA: Second.

8 CHAIRMAN CONN: All in favor?

9 MR. BARTOLOTTI: Aye.

10 MR. NIKOLA: Aye.

11 CHAIRMAN CONN: Aye.

12 MR. BARTOLOTTI: I received the
13 certificate --

14 MS. FLYNN: I thought we left the
15 workshop open; no, for them?

16 CHAIRMAN CONN: We're closing
17 tonight's meeting, not closing the
18 workshop so we can dismiss the
19 applicant.

20 MS. FLYNN: Okay, thank you. I am
21 sorry. I got confused.

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2 that is on record.

3 CHAIRMAN CONN: Okay. Thank you.

4 MR. BARTOLOTTI: Motion to
5 adjourn.

6 MR. NIKOLA: Second.

7 MR. BARTOLOTTI: Aye.

8 CHAIRMAN CONN: Aye.

9 MR. BARTOLOTTI: Aye.

10 CHAIRMAN CONN: So moved.

11 (Whereupon, at 6:58 P.M., the

12 Hearing was concluded.)

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

3

4 STATE OF NEW YORK)
5 COUNTY OF ULMSTER) : SS.:)

6

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 June 2024.

20

21

22

LISA M. ROSSO

23

24

25