

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

In the Matter of

JOHN MAZZA - CONTINUED WORKSHOP

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

DATE: June 13, 2024

TIME: 6:00 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

GERARD J. COMATOS, ESQ.
CARMEN MESSINA, Surveyor

JEN FLYNN, Zoning Board
Secretary

LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
(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

1 JOHN MAZZA - WORKSHOP
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

1 JOHN MAZZA - WORKSHOP
2 want. So, this -- the 25 feet, I mean,
3 I could go into a lot of detail, I
4 would just start with this, and then
5 you can ask me the questions that you
6 would like. This comes up because this
7 is a highway, South Street is a highway
8 by use. Which means the property owns
9 the center of the road. The traveling
10 public and the Town have a right to use
11 that road, so an easement over there,
12 John Mazza's property. And -- but
13 ownership remains with the property
14 owner. And so, now, we -- this issue
15 has been, just for myself, the project
16 that I have been there four times, and
17 every time we ask, the engineer tells
18 us, it's a long-standing policy. And
19 we ask them for that policy, and we
20 have yet to see it. Now I see the
21 attorney here today, he may have that
22 policy that Pat Hines talks about, and
23 we can get his opinion on what it
24 means. I could give you -- the only
25 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

1 JOHN MAZZA - WORKSHOP
2 some time. Since this came to our
3 attention a few weeks ago, I have had
4 discussions with Scott Corcoran, town
5 supervisor; Tom Corcoran, code
6 enforcement officer, who also had on
7 the phone while I was in his office,
8 John Alonge, highway superintendent,
9 and up until this morning when I met
10 with Tom again -- he called Pat Hines
11 while I was there -- it's been my
12 interpretation and my board's
13 interpretation that we're going by
14 what's stated in the Town code book.
15 And in the Town code for subdivision in
16 Section 134-19B says reserved. If
17 somebody meant intended it to be
18 dedicated or meant something different,
19 that is not up to us. What it says in
20 the book, that is what we're ruling on.
21 It is not the Town's -- they don't want
22 to own more property. They don't want
23 to take the responsibility for it.
24 Everybody that I've spoken to in the
25 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.

17 MR. COMATOS: Chairman, I would
18 suggest then that a note to that effect
19 be put on each map.

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

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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.

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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

1 JOHN MAZZA - WORKSHOP

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?

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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: (Hanging.)

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

1 JOHN MAZZA - WORKSHOP

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.

4 MR. BARTOLOTTI: Do you want to do
5 it at the end?

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

8 MS. FLYNN: Sorry.

9 MR. BARTOLOTTI: Thank you for
10 reminding me.

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.)

21

22 ° ° ° °

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 _____
LISA M. ROSSO
23
24
25

LISA MARIE ROSSO - (845) 674-3937

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

-----X

In the Matter of

SOMEPLACE UPSTATE - WORKSHOP

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

-----X

DATE: June 13, 2024

TIME: 6:31 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

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

-----X

LISA MARIE ROSSO
140 Mahoney Road
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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

SOMEPLACE UPSTATE - WORKSHOP

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.

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

1 SOMEPLACE UPSTATE - WORKSHOP
2 better, is the property, as you all
3 know very well, has had a long historic
4 use in a certain way. We have an
5 application pending in front of the
6 planning board that we're looking to
7 move forward to revert the property to
8 fall within the definition of a resort
9 hotel, which is a special permit use in
10 the R-1 zone. And I think that is why
11 Adam is highlighting right away we need
12 these variances, but there is no new
13 construction. What's happening is
14 these buildings were either legally
15 nonconforming, but they meet the R1
16 setbacks in which they're in. But the
17 special permit criteria that Adam
18 referenced, the 50-foot setback, is
19 required for buildings that are
20 associated with the resort hotel. So,
21 we're going to put those buildings that
22 are closer. And I think our second
23 page of the drawings gets in a little
24 tighter, which may make it easier for
25 you at the end of the day to see.

1 SOMEPLACE UPSTATE - WORKSHOP

2 Gerry, do you have the drawings or not?

3 MR. COMATOS: I do.

4 MR. ALEXANDER: Okay. So,
5 basically, five of the structures in
6 their existing condition, which fall
7 within that 50-feet. And interestingly
8 enough, the laneway on the south side
9 of the 2 lots, these 2 lots, the
10 laneway here is actually a Town
11 dedicated road. So, as a result, that
12 creates a need. Even though we own on
13 both sides of that laneway, after the
14 Dinero property, which is the first
15 property in. So, once you get about --
16 I'm going to call it 100, 200 feet
17 in -- we own both sides. So, and that
18 is where we have a few structures that
19 are labeled as MIH that are within 50
20 feet of our property line. Because
21 even though we own on both sides, it's
22 a dedicated Town road, to our
23 understanding. So, that is the 50-foot
24 setback building issue for those three
25 structures. Interestingly enough, the

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2 way the code provision is referenced,
3 it references structures, not
4 buildings. So, the gazebo that is on
5 Front Street in the upper right-hand
6 corner of the drawing is a structure.

7 CHAIRMAN CONN: Is that remaining?

8 MR. ALEXANDER: I am sorry?

9 CHAIRMAN CONN: Is that staying?

10 MR. ALEXANDER: That will stay.
11 We were looking to replace it in kind,
12 sits on a formatory.

13 CHAIRMAN CONN: So, if it's going
14 to say, it needs a variance. If
15 something is going to replace it, it
16 still needs a variance.

17 MR. ALEXANDER: Chairman, you're
18 100 percent right. What I was focusing
19 on the difference between being -- as
20 opposed to the others, which are
21 buildings, which have, you know, rooms,
22 it's open to the air, the gazebo. And
23 we would be looking to keep it as a
24 gazebo that's open to the air and sits
25 on a concrete foundation. The last

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2 structure is F, which if you have been
3 out there, it sits sunken down, it's on
4 the north side on James Street and that
5 has been in that condition for a very,
6 very long time. Actually, it's fair to
7 say close to 100 years maybe even, and
8 that is looking to remain. And that is
9 only to be used -- you know, these are
10 rooms for the resort, as we go through
11 the process with the planning board,
12 that is the intention for that. So,
13 those are the, let's say two, three,
14 four, five structures in buildings for
15 which we need relief in the 50 feet,
16 and why we focused on the fact that
17 there is no construction. And there is
18 not really change in use, other than
19 people will be in there, and the
20 difference would be they would be in
21 there instead of on an annual basis of
22 a residential rental, they will be on a
23 shorter term associated with the resort
24 hotel. But in an arguably less time
25 than if it were rented continuously.

1 SOMEPLACE UPSTATE - WORKSHOP

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

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2 to it for the ponds that we discovered
3 and hoping to turn back on the water.
4 We also have, just as an example, the
5 tennis court that is there that we were
6 able to bring it back to life. It's
7 been in use as a heavy machinery
8 parking lot for a long time, and when
9 we did that we found the original
10 owner's hand-inscribed signature on it
11 from 1930. That is kind of the color
12 of what we're trying to bring back
13 there. Again, we don't really know
14 what it looked like at the time, so we
15 used these photos as reference to try
16 to imagine as close as we can to create
17 that as an experience, which means
18 we're also very much hoping to leave,
19 for example, the farm preserved. We
20 worked really hard for the past two
21 years and not do like everybody else
22 did when they bought other pieces of
23 farm, which is they demolished 70,
24 80-plus-year-old pears, grapes, and
25 other things, and put in kind of modern

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2 efficient-type farming rows. We spent
3 a long time learning and making a lot
4 of mistakes, trying to find a way not
5 to have to do that. Because,
6 obviously, farming is not most
7 lucrative nowadays, and this is one of
8 those strategies that we would like to
9 be able to that.

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 --

14 MR. ALEXANDER: Actually, can I
15 clarify, Chairman, that lot 71 is not
16 part of the application anymore. That
17 is the extreme rear property.

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

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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

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2 it as a farm first and foremost so we
3 have horses, livestock and goats and
4 alpacos, things like that. We have
5 other livestock and a pig for a little
6 bit. So, we live there full time and
7 we lived there since we came into the
8 property. By the way, the gazebo is
9 also where we got married ten days
10 after we moved in. So that we also had
11 tenants for the entire existence since
12 they moved in. We inherited the
13 tenants that were there and kept them
14 from there for as long as we could
15 until we had to do certain repairs and
16 move on with our lives. And then,
17 yeah, besides that, my partner and I
18 live there full time.

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.

23 MR. ALEXANDER: Assuming a
24 consolidation, we could figure what our
25 structure is under the resort hotel and

1 SOMEPLACE UPSTATE - WORKSHOP
2 either make appropriate -- consolidate
3 it in one entity and then figure out an
4 appropriate structure for that entity
5 vis-a-vis from the two of them.

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.

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2 We don't have to decide right now. You
3 have a public hearing probably next
4 month I'm hoping.

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

7 MR. ALEXANDER: We would have to
8 update the maps. You're 100 percent
9 right, thank you.

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

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2 uncoordinated review from the SEQRE
3 standpoint.

4 CHAIRMAN CONN: One more time.

5 MR. ALEXANDER: I want to make
6 sure that we're going to do this as an
7 uncoordinated review from a SEQRE
8 standpoint, because the planning board
9 has its process going as well.

10 MR. COMATOS: I don't know how you
11 got to this point without a
12 determination having been made as to --

13 MR. ALEXANDER: Planning board
14 referred us, and I assumed that since
15 the variances are for existing
16 structures that we could just do an
17 uncoordinated review and then the
18 planning board would do its review.

19 MR. COMATOS: It sounds that is
20 exactly what we're doing.

21 MR. ALEXANDER: I just want to
22 make sure. I want to make sure. I
23 guess what I'm saying is I don't want
24 come next month have a completeness and
25 then I want -- I wanted to flag that

1 SOMEPLACE UPSTATE - WORKSHOP
2 issue now to make sure everyone is
3 comfortable.

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.

9 MR. ALEXANDER: Just on the
10 variance.

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-acre 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

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2 meeting minutes. We're in now, and
3 we're here to try and make sure
4 everything is transparent and clear.
5 And that is why, again, I brought up
6 the SEQR issue to make sure we're very
7 open with you all and how our
8 understanding is of the situation.

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.

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2 MR. NIKOLA: Two weeks from today.

3 MR. ALEXANDER: Thank you.

4 CHAIRMAN CONN: Any other
5 questions?

6 MR. ALEXANDER: When you do your
7 site visits, do you just come
8 independently and announce yourself? I
9 didn't know if you want to schedule a
10 meeting.

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.

22 MR. BARTOLOTTI: I received one
23 hour of training from the New York
24 Planning Federation for utility scale
25 solar electrician in New York State,

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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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C E R T I F I C A T E

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 June 2024.

LISA M. ROSSO