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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

JOHN MAZZA

6

Project No. 23-6  
2 Dragotta Road, Marlboro  
Section 108.4; Block 6; Lots 5.1 & 5.2

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9 ----- X

10 PUBLIC HEARING - 155-2 1  
11 ACCESSORY STRUCTURE, SIDE YARD & REAR YARD VARIANCES

12 Date: July 11, 2024  
13 Time: 6:00 p.m.  
14 Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15

16 BOARD MEMBERS: LENNY CONN, Chairman  
17 LARRY BARTOLOTTI  
JEFF MEKEEL  
18 ANDREW NIKOLA  
GEORGE SALINOVICH

19 ALSO PRESENT: JEN FLYNN, Zoning Board Secretary

20

21 APPLICANT'S REPRESENTATIVE: CARMEN MESSINA  
22 and JOHN MAZZA

23

----- X

24 MICHELLE L. CONERO  
Court Reporter  
25 Michelleconero@hotmail.com  
845-541-4163

1           John Mazza

2           CHAIRMAN CONN: I'd like to welcome  
3           everybody to the July 11th Town of  
4           Marlborough Zoning Board of Appeals  
5           meeting.

6           First we would like to enter into  
7           the record the hour of training we had  
8           on June 24th.

9           MS. FLYNN: One hour, did you say?

10          CHAIRMAN CONN: One hour.

11          MS. FLYNN: Thank you. Perfect.

12          CHAIRMAN CONN: Now I'll need a  
13          motion to approve the meeting minutes from  
14          last month's meeting.

15          MR. BARTOLOTTI: I'll make a motion.

16          MR. NIKOLA: Second.

17          CHAIRMAN CONN: All in favor?

18          MR. SALINOVICH: Yes.

19          MR. MEKEEL: Yes.

20          CHAIRMAN CONN: Yes.

21          MR. NIKOLA: Yes.

22          MR. BARTOLOTTI: Yes.

23          CHAIRMAN CONN: So moved.

24          First up we have a public hearing for  
25          John Mazza. Let's read the notice. "Town

1           John Mazza  
2           of Marlborough Zoning Board of Appeals,  
3           legal notice. Please take notice that a  
4           public hearing will be held by the Town of  
5           Marlborough Zoning Board of Appeals,  
6           further known as ZBA, at the Town Hall,  
7           21 Milton Turnpike, Milton, New York on  
8           July 11, 2024 at 6 p.m. or as soon  
9           thereafter as may be heard. The  
10          owner/applicant, John Mazza, is seeking  
11          relief from Town of Marlborough Code  
12          155, Attachment 2, Schedule 1. Lot 1,  
13          a 5-foot and a 4-foot variance for an  
14          accessory structure on South Street;  
15          lot 2, a 5-foot variance for side yard  
16          on Dragotta Road; lot 2, an 11.9-foot  
17          rear variance on Dragotta Road. The  
18          location is 19 South Street and 6  
19          Dragotta Road, Marlboro. The tax  
20          parcel is Section 108.4; Block 6, Lots  
21          5.100 and 5.200. Any interested  
22          parties either for or against this  
23          application will have the opportunity  
24          to be heard at this time. Lenny Conn,  
25          Chairman, Town of Marlborough Zoning

1       John Mazza

2                   Board of Appeals."

3                   Do we have the certified cards?

4                   MS. FLYNN: How many went out and  
5                   came back?

6                   MR. MESSINA: 43 went out and 35  
7                   returned.

8                   We're here for --

9                   CHAIRMAN CONN: Just for the record,  
10                  if you --

11                  MR. MESSINA: For the record, my name  
12                  is Carmen Messina. I'm the licensed land  
13                  surveyor for this project.

14                  This project is located at the  
15                  intersection of South Street and Dragotta  
16                  Road. It is a lot line revision and a  
17                  three-lot subdivision. It involves two  
18                  lots, existing lots, one at 19 South Street  
19                  and the other one at Dragotta Road.

20                  The lot on Dragotta Road is existing.  
21                  There is a house under construction. The  
22                  other lot is a lot that is nonconforming  
23                  because it has two houses on one lot. The  
24                  lot line revision is between the one that  
25                  was on South Road and the one with the land

1           John Mazza

2           that has the house under construction.

3                   After we did that, we subdivided the  
4           lot that was on South Road into two so that  
5           each piece of property will have its own  
6           house, therefore eliminating the  
7           nonconforming use of the two lots -- two  
8           houses on one lot.

9                   CHAIRMAN CONN: If anyone is here for  
10           the public hearing for John Mazza, now is  
11           the time to speak up.

12                   (No response.)

13                   CHAIRMAN CONN: Okay. Any comments?

14                   MR. SALINOVICH: No.

15                   MR. MEKEEL: No.

16                   MR. NIKOLA: No.

17                   MR. BARTOLOTTI: No.

18                   MR. MEKEEL: I'll make a motion that  
19           we close the public hearing.

20                   MR. SALINOVICH: Second.

21                   CHAIRMAN CONN: All in favor?

22                   MR. SALINOVICH: Yes.

23                   MR. MEKEEL: Yes.

24                   CHAIRMAN CONN: Yes.

25                   MR. NIKOLA: Yes.

1           John Mazza

2           MR. BARTOLOTTI: Yes.

3           CHAIRMAN CONN: The variances. Any  
4           questions on the variances?

5           MR. BARTOLOTTI: No.

6           MR. NIKOLA: No.

7           MS. FLYNN: Are you off the record?

8           CHAIRMAN CONN: I'm just making sure  
9           everybody is good.

10          MR. BARTOLOTTI: Good.

11          MR. NIKOLA: Good.

12          MR. MEKEEL: Good.

13          CHAIRMAN CONN: Did you make a motion  
14          to --

15          MR. NIKOLA: I'll make a motion to  
16          approve the variances on the legal notice.

17          MR. BARTOLOTTI: Second.

18          CHAIRMAN CONN: All in favor?

19          MR. SALINOVICH: Yes.

20          MR. MEKEEL: Yes.

21          CHAIRMAN CONN: Yes.

22          MR. NIKOLA: Yes.

23          MR. BARTOLOTTI: Yes.

24          MR. MAZZA: There are two open other  
25          issues, the 25-foot frontage and to reserve

1           John Mazza

2           a piece, that debacle, and the front  
3           address being South Street for lot 1.

4           MR. MESSINA: Lot number 2.

5           MR. MAZZA: Lot 1 is fronted -- the  
6           front was 19 South Street. That address  
7           would remain, because there was a question  
8           as to whether the front was going to be  
9           Dragotta Road. It's been 19 South Street  
10           for the last hundred years, but there was a  
11           question at the Planning Board which would  
12           be the front of the house. I'd like to  
13           know if we could get it resolved, the 25  
14           feet be reserved, not dedicated, and that  
15           there is no issue, that I don't have to  
16           give the property up in order to do that.  
17           I just want to go to the Planning Board  
18           with a clear understanding that that is the  
19           way it is.

20           CHAIRMAN CONN: The 25 feet was  
21           discussed. We had a group meeting between  
22           the Town Board, the Planning Board and  
23           ourselves, the Zoning Board, last month.  
24           That was one of the main issues that came  
25           up. We wanted to have it resolved once and

1 John Mazza

2 for all, because it's come up two or three  
3 different times with other applicants.

4           With the Town Board and everybody, to our  
5           knowledge that's a dead issue now. It says  
6           reserved in the book. That's what it will  
7           be, reserved. It will not be interpreted.  
8           It's dedicated. That's been resolved.

17 CHAIRMAN CONN: I believe that's why  
18 we thought it was a non-issue. It's an  
19 existing address or whatever.

20 MR. MESSINA: We don't need variances  
21 for that?

22 CHAIRMAN CONN: Correct.

1           John Mazza

2           it's understood, because there was question  
3           about the front of the house.

4           MS. FLYNN: Do you want to put a note  
5           at the bottom of the letter that I'm going  
6           to send to the Planning Board that the  
7           address will stay as is?

8           CHAIRMAN CONN: I could put that in.

9           MR. MAZZA: Thank you. That would be  
10           appreciated.

11           CHAIRMAN CONN: As far as the 25 feet  
12           in the code book; for the record, 25 feet  
13           is considered reserved. That was confirmed  
14           by the Town Board and Supervisor Corcoran  
15           and Mr. Corcoran, the Code Enforcement  
16           Officer, also. We're going by what's  
17           stated in the code book which says  
18           reserved. It's our opinion that South  
19           Street has always been the address, that  
20           that's what it should remain.

21           MR. MAZZA: Good. I appreciate that.  
22           Thank you.

23           MR. NIKOLA: You should not have to  
24           come to us again.

25           MR. MAZZA: At least not now.

1           John Mazza

2                   MR. NIKOLA: There you go. Thank  
3                   you.

4

5                   (Time noted: 6:07 p.m.)

6

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

8

9                   I, MICHELLE CONERO, a Notary Public for  
10                  and within the State of New York, do hereby  
11                  certify:

12                  That hereinbefore set forth is a true  
13                  record of the proceedings.

14                  I further certify that I am not related  
15                  to any of the parties to this proceeding 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 18th of July 2024.

20

21

22

*Michele Conero*

23

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MICHELLE CONERO

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2 STATE OF NEW YORK : COUNTY OF ULSTER  
3 TOWN OF MARLBOROUGH ZONING BOARD OF APPEALS  
----- X  
In the Matter of

5

DARRIN SCALZO

6

Project No. 23-9

28 Winston Place, Marlboro  
Section 108.3; Block 4; Lot 23.700

8

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DRIVEWAY VARIANCES - 134-18 C

11

Date: July 11, 2024  
Time: 6:08 p.m.  
Place: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, NY 12547

15

BOARD MEMBERS: LENNY CONN, Chairman  
LARRY BARTOLOTTI  
JEFF MEKEEL  
ANDREW NIKOLA  
GEORGE SALINOVICH

18

19

ALSO PRESENT: JEN FLYNN, Zoning Board Secretary

20

21

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

22

23

24

MICHELLE L. CONERO

## Court Reporter

Michelleconero@hotmail.com

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1 Darrin Scalzo

2 CHAIRMAN CONN: Next up we have a  
3 workshop for Darrin Scalzo, 28 Winston  
4 Place, Marlboro for a driveway variance.

5 MR. SCALZO: Good evening, Mr.  
6 Chairman, Members of the Board. My name is  
7 Darrin Scalzo. I am the owner, I am the  
8 applicant and I am the engineer for this  
9 property.

10 I purchased this lot in 2019. As the  
11 narrative states, it's Section 134-18 C,  
12 driveways need 25 feet of road frontage.

13 In this instance I'm proposing a  
14 two-lot subdivision. One of those lots  
15 will have 25 feet of road frontage. The  
16 other will have 23.77. I am faced with  
17 48.3 feet as my total road frontage  
18 existing. I am seeking an area variance  
19 for 1.23 feet.

20 It's up on the screen as well as you  
21 folks have it in front of you. The Board  
22 Members have the map in front of you.

23 I'm also proposing a common driveway  
24 to service both lot 1 and lot 2. That  
25 common driveway will extend only to, say,

1 Darrin Scalzo

2 206 feet to access proposed lot 1.

3 The current 6.05 acre lot, as I said,  
4 has 48.77 feet of road frontage on Winston  
5 Place. The smaller of the two lots that  
6 I'm proposing will have 1.4 acres, which is  
7 equal or larger than four of the lots in  
8 that sixteen-lot subdivision. The larger  
9 lot will be over 4 acres.

10 The property has an elevation change  
11 of nearly 90 feet from the road elevation  
12 to the upper portion of the lot. The views  
13 from the top of the lot are spectacular. I  
14 can see Connecticut. It's just beautiful.

15 The proposed other lot will require a  
16 driveway length of over 800 feet to be  
17 below the maximum driveway grade  
18 requirements required by the Town of  
19 Marlborough.

20 The parcel is in the RAG-1 Zone  
21 which requires 1 acre per lot.

22 The proposed layout will either  
23 exceed or meet all the other bulk table  
24 requirements.

25 The proposed layout also shows, as I

1 Darrin Scalzo

2 mentioned, a common driveway serving both  
3 lots. As it is now, the access to that  
4 area, there are three driveways in a row.  
5 I wouldn't want to add an additional. A  
6 common driveway there would simplify that  
7 access area.

8 To help with what the Zoning Board of  
9 Appeals requires for area variance  
10 criteria, the proposed benefit cannot be  
11 achieved by other means feasible to me at  
12 this time.

13 The proposed lot layout will not  
14 create an undesirable change in the  
15 character of the neighborhood as the lot  
16 sizes are similar to or larger than other  
17 lots in the subdivision.

18 Additionally, all but one of the  
19 lots in the subdivision has manicured  
20 landscaping. As the guy that's developing  
21 this lot, I don't know if the Board has  
22 had a chance to drive by the subdivision  
23 and look at this, but the lower portion  
24 of the lot that I own is old, unmaintained  
25 apple trees. My intent would be, should

1 Darrin Scalzo

2 we be successful with the subdivision,  
3 that lower lot would then also be  
4 maintained, manicured, very similar in  
5 nature to the other lots in the  
6 subdivision.

7 The request is not substantial as  
8 the 1.23 foot variance request equates  
9 to only 4.9 percent over the required  
10 25 feet.

11 It appears the request will not  
12 have adverse physical or environmental  
13 effects.

14 While it is relevant to what your  
15 determination will eventually be, the  
16 alleged difficulty is self-created.

17 Having gone through the criteria,  
18 I can also note that while New York  
19 Subdivision Law Section 280-A does  
20 require 15 feet of road frontage,  
21 Marlborough has exceeded that. I will  
22 not be violating the New York State  
23 Subdivision Law with this request.

24 Not that the Town of Marlborough  
25 Code allows it, but there are existing

1 Darrin Scalzo

2 lots currently. I can call your  
3 attention perhaps to Theresa Place,  
4 which is up on Ridge Road, which has  
5 three lots with 10 foot of road  
6 frontage each. They have a common  
7 driveway leading into those. That's  
8 existing. It's been there for many  
9 years. There's also a lot now on Lyons  
10 that only has 15 feet of road frontage.  
11 It's not something that I'll say you  
12 are doing often, but that condition  
13 does exist here in Marlborough.

14 At this time that's really all I  
15 have for, I'll say, the presentation  
16 portion of my appeal to the Board. If  
17 you have any questions for me, I'd be  
18 happy to entertain them.

19 CHAIRMAN CONN: Any questions?

20 MR. NIKOLA: No. It's pretty  
21 straightforward.

22 MR. MEKEEL: I'm good.

23 I'll make a motion that we move to a  
24 public hearing on this.

25 MR. BARTOLOTTI: I'll second it.

1 Darrin Scalzo

2 CHAIRMAN CONN: All in favor?

3 MR. SALINOVICH: Yes.

4 MR. MEKEEL: Yes.

5 CHAIRMAN CONN: Yes.

6 MR. NIKOLA: Yes.

7 MR. BARTOLOTTI: Yes.

8 MS. FLYNN: For the 1.23?

9 MR. NIKOLA: For the 1.23 area  
10 variance.

11 MR. SCALZO: I appreciate your time.

12 Thank you very much.

13 CHAIRMAN CONN: Thank you.

14

15 (Time noted: 6:14 p.m.)

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1 Darrin Scalzo

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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 for  
7 and within the State of New York, do hereby  
8 certify:

9 That hereinbefore set forth is a true  
10 record of the proceedings.

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

15 IN WITNESS WHEREOF, I have hereunto set  
16 my hand this 18th day of July 2024.

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*Michele Conero*

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MICHELLE CONERO

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## 1 Someplace Upstate

2 CHAIRMAN CONN: Next up we have  
3 Someplace Upstate, five structure variances  
4 and consolidation.

5 MR. ALEXANDER: Good evening again,  
6 Chairman. Neil Alexander from Cuddy &  
7 Feder. Also here is Patti, who you know.

I think we were last in front of you on June 13th. You had asked for some additional materials and that we clarify which lots were involved, which Patti's office prepared the exhibits, as you saw, which were to our June 27th submission. We basically redid the drawings to show the adjacent other lots. She recalculated the zoning compliance table based upon the new lot area and detailed in the zoning table on the far right, as well as the bottom left structure table, the exact distances for each of the five structures for which we're seeking a variance from the setback requirements.

1       Someplace Upstate  
2                was looking back to the December stuff, all  
3                of them had been provided before, but we  
4                repackaged it so it was only the three  
5                parcels, lots 56.1, 57 and 58. As well, we  
6                provided you principal points as far as  
7                entitlement to the variances under the  
8                statutory test, the test of the Town of  
9                Marlborough Code.

10               There's also a sentence in there,  
11                based upon our discussion, that we  
12                volunteer to merge the tax lots upon  
13                receipt of our final approvals from the  
14                Planning Board.

15               We can go back and Patti can go over  
16                or I can go over which structures.  
17                Essentially it really comes down to there  
18                are three structures on the southern side  
19                of the primary tax lot. Basically it's on  
20                either side of the laneway. The road  
21                extension will be on both sides. Those are  
22                three of the five structures that are  
23                involved in being less than the 50 feet  
24                required for a resort hotel. Those were H,  
25                I and K.

1       Someplace Upstate

2                   On the north side there's F, which is  
3                   the Casas' which is actually built, as you  
4                   may be aware, into the side grade. That is  
5                   within -- it's 27.7 feet away.

6                   The last one is a structure that's  
7                   close to the building, the way the code is  
8                   written as it relates to structures, and  
9                   that's the gazebo in sort of the  
10                  northeastern corner that sits at about 39  
11                  feet.

12                  CHAIRMAN CONN: Being that the  
13                  gazebo, from my understanding, you guys  
14                  tell me what your opinion is, the gazebo is  
15                  an accessory structure so it only needs 10  
16                  feet, not 50. In my opinion that should  
17                  come out of what's needed for variances.

18                  MS. BROOKS: The only reason we  
19                  included it was because of the section of  
20                  the code with regard to the special use  
21                  permit for the resort use said any  
22                  structure used as part of the special use  
23                  permit. We wanted to err on the side of  
24                  caution and include it, just because it's  
25                  going to be used, potentially, for wedding

1       Someplace Upstate  
2                   ceremonies.

3                   MR. ALEXANDER: I'm actually pulling  
4                   up the language right now just to have it  
5                   in front of me again. Patti has a  
6                   photographic memory. The exact provision  
7                   as it relates -- just so we're all on the  
8                   same page, Section 155-18 B, supplemental  
9                   regulations for tourist and vacation  
10                  buildings. It's in that section they talk  
11                  about resort hotels. In subsection  
12                  B(1) (d), it says, "No structure in such use  
13                  shall be within 50 feet of any property  
14                  line." We're not pushing one way or the  
15                  other. As long as everyone is clear that  
16                  that is intended to be part of the resort  
17                  hotel.

18                  CHAIRMAN CONN: Typically a gazebo is  
19                  an accessory structure, not a residence or  
20                  something like that.

21                  MR. ALEXANDER: Right. It is  
22                  definitely different language than you  
23                  would find if you were thinking about a  
24                  single-family home or something like that,  
25                  looking for setback variances.

1                   Someplace Upstate

2                   MS. BROOKS: It's 155-18 B(1) (d).

3                   CHAIRMAN CONN: Am I correct the  
4                   gazebo is 39.9?

5                   MR. ALEXANDER: That is correct.

6                   As you're pointing out, and it's a  
7                   great point, no new construction is  
8                   proposed. What's happening is existing  
9                   structures are going from their current use  
10                  to this resort use.

11                  MR. SALINOVICH: Right. Okay.

12                  CHAIRMAN CONN: Questions?

13                  MR. NIKOLA: No.

14                  MR. BARTOLOTTI: No.

15                  CHAIRMAN CONN: George, are you good?

16                  MR. SALINOVICH: I'm good.

17                  MR. NIKOLA: I'll make the motion to  
18                  send the applicant to a public hearing for  
19                  the five variances that they are asking for  
20                  in accordance with Section 155-18 B(1) (d)  
21                  for those variances.

22                  CHAIRMAN CONN: A second?

23                  MR. MEKEEL: I'll second.

24                  CHAIRMAN CONN: All in favor?

25                  MR. SALINOVICH: Yes.

1                   Someplace Upstate

2                   MR. MEKEEL: Yes.

3                   CHAIRMAN CONN: Yes.

4                   MR. NIKOLA: Yes.

5                   MR. BARTOLOTTI: Yes.

6                   MR. ALEXANDER: Thank you very much.

7                   MS. BROOKS: That will be August?

8                   CHAIRMAN CONN: I think it's August  
9                   8th.

10                  MS. FLYNN: August 8th.

11                  MS. BROOKS: Thank you very much.

12

13                  (Time noted: 6:25 p.m.)

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1       S o m e p l a c e    U p s t a t e

2

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

4

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

8               That hereinbefore set forth is a true  
9       record of the proceedings.

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

14              IN WITNESS WHEREOF, I have hereunto set  
15       my hand this 18th day of July 2024.

16

17

*Michele Conero*

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MICHELLE CONERO

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1

2           STATE OF NEW YORK : COUNTY OF ULSTER  
3           TOWN OF MARLBOROUGH ZONING BOARD OF APPEALS  
4           In the Matter of

5

6                           FRED & SHARON WILKLOW

7

8                           Project No. 23-11  
9                           341 Pancake Hollow Road, Highland  
10                           Section 95.4; Block 1; Lot 15

11

12                           - - - - - X

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14                           AREA VARIANCES FOR AN AGRICULTURE BUFFER  
15                           SECTION 155-52 C

16

17                           Date:     July 11, 2024  
18                           Time:     6:25 p.m.  
19                           Place:    Town of Marlborough  
20                            Town Hall  
21                            21 Milton Turnpike  
22                            Milton, NY 12547

23

24                           BOARD MEMBERS:    LENNY CONN, Chairman  
25                            LARRY BARTOLOTTI  
                          JEFF MEKEEL  
                          ANDREW NIKOLA  
                          GEORGE SALINOVICH

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27                           ALSO PRESENT:      JEN FLYNN, Zoning Board Secretary

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29                           APPLICANT'S REPRESENTATIVE: PATTI BROOKS

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31                           - - - - - X  
32                           MICHELLE L. CONERO  
33                           Court Reporter  
34                           Michelleconero@hotmail.com  
35                           845-541-4163

1                   Fred & Sharon Wilklow

2                   CHAIRMAN CONN: Next we have Fred and  
3                   Sharon Wilklow, 341 Pancake Hollow Road,  
4                   Highland, an area variance for agricultural  
5                   buffer.

6                   You again?

7                   MS. BROOKS: Yes. This is a  
8                   subdivision that we're proposing on the  
9                   northerly right-hand side of Baileys Gap  
10                   Road. It was an existing farm, or is an  
11                   existing farm. Of course at the point in  
12                   time that farms were originally developed,  
13                   it was customary that the dwelling would be  
14                   fairly in close proximity to the cooler,  
15                   the barns. This has been in existence for  
16                   many years.

17                   Fred and Sharon own the property. At  
18                   this point in time they're doing some  
19                   estate planning and they're looking to  
20                   separate it, because their son runs the  
21                   business, the cidery, and their daughter  
22                   and son-in-law live in the dwelling. They  
23                   would like to separate the house out so  
24                   that their daughter can continue to live in  
25                   the home and their son can continue to run

1       Fred & Sharon Wilklow

2       the business.

3           They've been co-existing in this  
4       nature for probably, I think about ten  
5       years. Fred and Sharon have owned the  
6       property almost fifteen years. They  
7       purchased it with this intent.

8           Unfortunately we are unable to meet  
9       the 75-foot setback that's required for the  
10       agricultural buffer because of the existing  
11       location of the structures.

12           To create a separation, the brother  
13       and sister have installed a fence which has  
14       been in place for many years. It has  
15       worked very, very well for both of them.

16           At this point in time we are looking  
17       for a variance to allow the existing  
18       structure to remain and to permit the  
19       residential structure to be 44.7 feet from  
20       the boundary line where the required  
21       setback is 75 feet.

22           We did also prepare a draft variance  
23       test. Whether an undesirable change will  
24       be produced. We're stating the neighborhood  
25       character will not be altered. The

1       Fred & Sharon Wilklow

2           structures are existing and the separation  
3           would have no outward appearance. The  
4           subdivision will have no outward appearance.

5           There is no feasible alternative as  
6           all of the structures on the site are  
7           preexisting and predate the setback zoning  
8           requirements.

9           The variance is somewhat substantial  
10          as it is a 30.3 foot area variance, but  
11          that is not avoidable because all of the  
12          structures are existing. The residential  
13          dwelling adjacent to the agricultural  
14          building has been used for over sixty  
15          years, so this has been an existing  
16          condition.

17           MR. SALINOVICH: Off the rear deck of  
18          this house, the 44.7 --

19           MS. BROOKS: So the corner of the  
20          building is here. That's where the 44.7  
21          is. We're supposed to have 75.

22           MR. SALINOVICH: I thought that was  
23          an apple orchard.

24           MS. BROOKS: A lot of it is grapes.  
25          It's Bad Seed. It's because there's an

1       Fred & Sharon Wilklow

2           agricultural use happening on the remaining  
3           lands on lot 2. It's whenever there's a  
4           residential part of the code of the Town,  
5           because they don't want you creating new  
6           residential subdivisions too close to  
7           existing agricultural uses to protect the  
8           agricultural.

9                    MR. SALINOVICH: It used to be 50  
10                   feet.

11                   MS. BROOKS: Right. This is existing  
12                   already. We're not creating any -- we're  
13                   creating a new lot, but we're creating a  
14                   new lot around an existing house.

15                   MR. SALINOVICH: I thought it was  
16                   always if you have an apple orchard, you  
17                   had to be 75 feet away. That's just where  
18                   the barn is.

19                   MS. BROOKS: It says a boundary with  
20                   any agricultural use. Technically the barn  
21                   is part of that agricultural use. Maybe  
22                   that's one of the things that the Zoning  
23                   Board can take into consideration, because  
24                   it's not next to agricultural that's going  
25                   to be spraying.

1                   Fred & Sharon Wilklow

2                   MR. SALINOVICH: Right.

3                   MS. BROOKS: That definitely could be  
4                   a weighing factor.

5                   MR. NIKOLA: Is that an active field?

6                   MS. BROOKS: Behind there, yes.

7                   MR. SALINOVICH: Behind it, yeah.

8                   MS. BROOKS: We will be more than 75  
9                   feet from any active agricultural  
10                  practices, but not from any agricultural  
11                  structures.

12                  MR. MEKEEL: Okay.

13                  CHAIRMAN CONN: Any questions?

14                  MR. BARTOLOTTI: I'm good.

15                  MR. NIKOLA: I'm good.

16                  MR. MEKEEL: I'm good.

17                  MR. SALINOVICH: Do you know what  
18                  section that is, Patti?

19                  MS. BROOKS: The section of the code  
20                  is Section 155-52 C.

21                  MR. NIKOLA: Patti, for the lot 1  
22                  house, I know where the driveway is. What  
23                  is the blacktop that's going across the  
24                  boundary line?

25                  MS. BROOKS: Originally when the

1       Fred & Sharon Wilklow

2           Wilkows purchased the property there was  
3           only one driveway. The driveway did not  
4           exist on the easterly side of the house.  
5           The brother and sister, as part of them  
6           kind of taking care of the property now,  
7           they moved the driveway to the easterly  
8           side of the house. That blacktop still  
9           remains, but there's -- she sometimes uses  
10           it. There will not be a right-of-way.  
11           That was something that the Planning Board  
12           asked about and I asked the landowner.  
13           There will not be a right-of-way because  
14           they have their own separate driveways so  
15           there can be that separation.

16           MR. NIKOLA: Okay.

17           MR. BARTOLOTTI: A couple questions.  
18           Where are the wells? I see you have one  
19           septic area.

20           MS. BROOKS: There's one existing  
21           well at the corner of the cidery building  
22           that we're showing there, the southeast  
23           corner. It's a circle with a W in it.  
24           That right now is a shared well between the  
25           two lots. The Planning Board has

1       Fred & Sharon Wilklow

2           determined that they'll allow that to  
3           continue to stay as a shared well as long  
4           as the proper well maintenance and easement  
5           agreement is put in place.

6           MR. BARTOLOTTI: The septic system  
7           for lot 1?

8           MS. BROOKS: The septic system for  
9           lot 1, it's just under the 1.06 acres where  
10           it says septic area as shown by owner. The  
11           septic area for the other one is just  
12           southerly of the garage.

13           MR. BARTOLOTTI: Okay.

14           CHAIRMAN CONN: George.

15           MR. SALINOVICH: I'm totally confused  
16           with this definition. When they did this  
17           way back when, it was because of the  
18           spraying. Back then it was 50 feet and it  
19           went to 75, so the spray doesn't get your  
20           kids and everything else.

21           MR. MEKEEL: The property is an  
22           agricultural property.

23           MR. SALINOVICH: I know that. It's  
24           all agricultural. If your tractors are  
25           spraying --

1       Fred & Sharon Wilklow

2            MR. MEKEEL: There's a reason for it.

3            MR. SALINOVICH: 75 feet would be  
4            enough from the house. I guess that's how  
5            you read it.

6            MR. MEKEEL: I'll make a motion that  
7            we send this to a public hearing for the  
8            30.3.

9            MS. BROOKS: I'm sorry?

10          MR. MEKEEL: Is that right, Patti,  
11          the 30.3 variance?

12          MS. BROOKS: Yes, 30.3.

13          MR. NIKOLA: I'll second it.

14          CHAIRMAN CONN: All in favor?

15          MR. SALINOVICH: Yes.

16          MR. MEKEEL: Yes.

17          CHAIRMAN CONN: Yes.

18          MR. NIKOLA: Yes.

19          MR. BARTOLOTTI: Yes.

20          CHAIRMAN CONN: So moved.

21          MS. BROOKS: Thank you.

22          CHAIRMAN CONN: Any other business?

23          MR. MEKEEL: I don't think so.

24          MR. NIKOLA: I'm good.

25          MR. SALINOVICH: I'll make a motion

1       Fred & Sharon Wilklow

2           to close the hearing.

3           MR. NIKOLA: Second.

4           CHAIRMAN CONN: All in favor?

5           MR. SALINOVICH: Yes.

6           MR. MEKEEL: Yes.

7           CHAIRMAN CONN: Yes.

8           MR. NIKOLA: Yes.

9           MR. BARTOLOTTI: Yes.

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11           (Time noted: 6:35 p.m.)

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1       Fred & Sharon Wilklow

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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 for  
7       and within the State of New York, do hereby  
8       certify:

9               That hereinbefore set forth is a true  
10      record of the proceedings.

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

15              IN WITNESS WHEREOF, I have hereunto set  
16      my hand this 18th day of July 2024.

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*Michele Conero*

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MICHELLE CONERO

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