

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

----- X
In the Matter of

JOHN MAZZA

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

----- X

PUBIC HEARING - 155-2 1
ACCESSORY STRUCTURE, SIDE YARD & REAR YARD VARIANCES

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

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

ALSO PRESENT: JEN FLYNN, Zoning Board Secretary

APPLICANT'S REPRESENTATIVE: CARMEN MESSINA
and JOHN MAZZA

----- X

MICHELLE L. CONERO
Court Reporter
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 J o h n M a z z a

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 J o h n M a z z a

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.

9 South Street, that should remain, I
10 would think. That hasn't come before us.

11 MR. MESSINA: I think last time we
12 were here we decided, because otherwise we
13 would have needed other variances, Dragotta
14 was the front. We needed a variance for
15 the accessory building being closer to the
16 road than the house.

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.

23 MR. MAZZA: The reason I'm asking is,
24 when we go to the Planning Board, I would
25 like to have a clear path that is the way

1 J o h n M a z z a

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.

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Michelle Conero

MICHELLE CONERO

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

- - - - - X

In the Matter of

DARRIN SCALZO

Project No. 23-9
28 Winston Place, Marlboro
Section 108.3; Block 4; Lot 23.700

- - - - - X

DRIVEWAY VARIANCES - 134-18 C

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

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

ALSO PRESENT: JEN FLYNN, Zoning Board Secretary

APPLICANT'S REPRESENTATIVE: DARRIN SCALZO

- - - - - x

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

1 D a r r i n S c a l z o

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 D a r r i n S c a l z o

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 D a r r i n S c a l z o

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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Michelle Conero

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MICHELLE CONERO

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

- - - - - X
In the Matter of

SOMEPLACE UPSTATE

Project No. 23-3
20 Mt. Rose Road, Marlboro
Section 109.1; Block 4; Lots 56.1, 57 & 58

- - - - - X

FIVE STRUCTURE VARIANCES &
VERIFICATION ON CONSOLIDATION

Date: July 11, 2024
Time: 6:15 p.m.
Place: Town of Marlborough
Town Hall
21 Milton Turnpike
Milton, NY 12547

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

ALSO PRESENT: JEN FLYNN, Zoning Board Secretary

APPLICANT'S REPRESENTATIVE: PATTI BROOKS
and NEIL ALEXANDER

- - - - - x

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

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.

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

23 We also provided to you all the deeds
24 for the three parcels of property that were
25 involved. Actually, it turns out, when I

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 Someplace Upstate

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

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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.

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Michelle Conero

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MICHELLE CONERO

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

- - - - - X
In the Matter of

FRED & SHARON WILKLOW

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

- - - - - X

AREA VARIANCES FOR AN AGRICULTURE BUFFER
SECTION 155-52 C

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

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

ALSO PRESENT: JEN FLYNN, Zoning Board Secretary

APPLICANT'S REPRESENTATIVE: PATTI BROOKS

- - - - - X

MICHELLE L. CONERO
Court Reporter
Michelleconero@hotmail.com
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 Wilklows 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.

10

11 (Time noted: 6:35 p.m.)

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1 Fred & Sharon Wilklow

2
3 C E R T I F I C A T I O N
4

5
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.
17
18
19

20 *Michelle Conero*

21 _____
22 MICHELLE CONERO
23
24
25