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Town of Marlborough Zoning Board of Appeals
August 8, 2024

1 ANTHONY GIOFFRE: Thank you, Mr.
2 Chairman, again, for the record, my name is Tony
3 Gioffre, I'm a member of the Law Firm Cuddy &
4 Feder. We have offices both in White Plains as
5 well as in Fishkill, New York. Here on behalf of
6 Marlborough Resorts, LLC, seeking a single
7 variance for an existing structure at the subject
8 premises which has frontage on Lattintown Road as
9 well as Ridge Road here in the town.

10 I'm joined this evening by Michael
11 Achenbaum on behalf of ownership, Chris LaPorta,
12 engineer for the project, and my colleague, Dan
13 Patrick.

14 The premises is classified in a rural
15 agricultural district, and we are before the
16 Planning Board right now seeking approvals to
17 utilize the premises for a resort hotel. We've
18 received a notice that we are required to obtain
19 a variance for an existing structure that is
20 situated on the premises, on the Ridge Road side
21 of the premises. The premises has been there for
22 decades. We don't know the exact date of the
23 original construction of the structure, but it --
24 we believe it's been there for decades.

25 And we are seeking to repurpose and

1 utilize that existing structure for an accessory
2 distillery to the resort hotel use. We believe
3 that there is, and we went through in significant
4 detail in our written correspondence dated June
5 25th which analyzing the variance tests that this
6 Board must consider for the grant of the
7 variance. But we believe this proposal will have
8 zero impact whatsoever on the surrounding
9 community.

10 It's an existing structure that's been
11 there for decades. We are not proposing to
12 increase the size of the structure, enlarge the
13 structure, move the structure closer, encroach
14 further into the existing setback. We are merely
15 going to be reutilizing the existing structure.
16 We are going to make improvements to the
17 structure. And importantly for your
18 consideration, we are going to provide additional
19 landscaping between this existing structure and
20 the Ridge Road setback. So, we'll provide an
21 overall and enhanced benefit to the area.

22 As I mentioned, we're not proposing to
23 enlarge it, move it closer to the premises, but
24 we are going to provide a significant facelift
25 which is, again, can be an overall benefit. I'd

1 be happy to go through the balancing analysis in
2 more detail or the five factors if you have any
3 questions. But again, this is really an 11.38-
4 foot variance request for an existing structure
5 that's been there for decades.

6 CHAIRMAN LENNY CON: Anybody got any
7 questions?

8 BOARD MEMBER ANDREW NIKOLA: No.

9 BOARD MEMBER: I don't have any
10 questions.

11 CHAIRMAN LENNY CON: Concerns?

12 BOARD MEMBER ANDREW NIKOLA: No.

13 BOARD MEMBER: No.

14 CHAIRMAN LENNY CON: I think we're
15 good.

16 BOARD MEMBER ANDREW NIKOLA: I make a
17 motion to move this matter to a public hearing.

18 BOARD MEMBER: I'll second that.

19 CHAIRMAN LENNY CON: All in favor?

20 ALL: Yes.

21 CHAIRMAN LENNY CON: So, moved.

22 ANTHONY GIOFFRE: Thank you very much.
23 I appreciate it, thank you so much.

24 CHAIRMAN LENNY CON: Yes, sir.

25 Next, we have Darrin Scalzo for a

1 public hearing driveway variance. Yes, you will.
2 Public hearing notice.

3 SECRETARY JEN FLYNN: Chairman, can I
4 just say I have a three-minute timer for all
5 public hearings. Whoever wants to speak has
6 three minutes.

7 CHAIRMAN LENNY CON: Yes, ma'am. We
8 good?

9 All right. For the record, Town of
10 Marlborough Zoning Board of Appeals legal notice.
11 Please take notice that a public hearing will be
12 held by the Town of Marlborough Zoning Board of
13 Appeals, further known as ZBA at the Town Hall,
14 21 Milton Turnpike, Milton, New York, on August
15 8, 2024, at 6:00 p.m. or soon thereafter as may
16 be heard.

17 The owner applicant, Darrin Scalzo, is
18 seeking relief from Town of Marlborough Code 134,
19 Attachment 18 C, common driveway variance of 1.23
20 feet. Location, 28 Winston Place, Marlborough.
21 Tax parcel, Section 108.3, Block 4, Lot 23.700.
22 Any interested parties either for or against this
23 application will have the opportunity to be heard
24 at this time. Lenny Con, Chairman, Town of
25 Marlborough Zoning Board of Appeals. Thank you.

1 DARRIN SCALZO: Mr. Chairman, members
2 of the Board, thank you for setting up the public
3 hearing this month. I sent out 25 certified
4 mailings, and I received 20 back. I've handed
5 those off to Ms. Flynn.

6 CHAIRMAN LENNY CON: Thank you.

7 DARRIN SCALZO: To recap the
8 application from last month. My name is Darrin
9 Scalzo, I am the owner of the parcel, I am also
10 the applicant, I am also the engineer. I
11 purchased the lot in December of 2019, and I am
12 seeking an area variance of 1.23 feet of road
13 frontage on Winston Place.

14 As mentioned during the public hearing
15 announcement, at Section 134 -- I'm seeking
16 relief from Section 134-18 C, lots -- Subsection
17 C Driveway. I'm looking for 23.77 feet at the
18 right-of-way line on Winston Drive. That does
19 meet the New York Subdivision Law 280-A, which
20 requires 10 feet on a road. Obviously,
21 Marlborough's requirement is 25. Pardon me, the
22 280-A is a minimum of 15 feet of frontage,
23 Marlborough's is 25.

24 Now, the current lot is 6.05 acres, and
25 it has a -- and I'm proposing a two-lot

1 subdivision, and each lot requires 25 feet of
2 road frontage. The smaller of the two lots will
3 be 1.40 which is equal to or larger than four
4 lots in the 16-lot subdivision. The larger lot
5 will be over four acres.

6 The property has an elevation change of
7 nearly 90 feet from the road elevation to the
8 upper portion of the lot. The proposed upper lot
9 will require a driveway length of over 800 feet.
10 I could probably have shortened that up if I went
11 to the Town of Marlborough maximum of 15 percent
12 grade for a private driveway. However, I set it
13 up for an 800-footer to make a little more
14 gentle, easier drive.

15 The parcel is in the RAG1 Zone which
16 requires a minimum of one acre per lot. The
17 proposed layout will meet or exceed all other
18 bulk table requirements. The proposed layout
19 also shows a common driveway which will serve
20 both lots for approximately 210 feet.

21 In reviewing the summary of the area
22 variance criteria, the proposed benefit can't be
23 achieved by other means feasible to the -- me, as
24 the applicant, I don't own any other real
25 property contiguous with that lot. The proposed

1 layout will not create an undesirable change in
2 the character of the neighborhood as the lot
3 sizes are similar or larger than other lots in
4 this subdivision.

5 In addition, the character of the
6 neighborhood is mature lot landscaping which if
7 you folks have been up to the lot, you'll see my
8 lot is, while it's lovely and has a great
9 elevation change, it's the worst looking lot in
10 the subdivision with the old apple trees that are
11 there.

12 So, the intent with the development of
13 the lower lot would be it would be very similar
14 in nature to the other lots with landscaping.
15 Let's see, the proposed -- all but one of the
16 lots in the subdivision have manicured
17 landscaping as mentioned.

18 I don't have any restrictions on
19 proposed home sizes, but it would be similar in
20 nature to what the subdivision currently has.
21 The request is not substantial as the 1.23 feet
22 variance request equates to only 4.9 percent over
23 the required 25 feet. The request will not have
24 adverse physical or environmental effects.

25 And while it is relevant, but not

1 determinative, this difficulty is self-created.
2 So, that's all I have to present with regards to
3 this application and if you have any questions,
4 I'm happy to answer them.

5 CHAIRMAN LENNY CON: Any questions of
6 Mr. Scalzo?

7 BOARD MEMBER ANDREW NIKOLA: I have no
8 questions.

9 BOARD MEMBER: No questions.

10 CHAIRMAN LENNY CON: Is any body or
11 anybody here for Mr. Scalzo, for or against?
12 Okay. Make a motion?

13 BOARD MEMBER: Yeah, to close it or
14 approve it.

15 CHAIRMAN LENNY CON: Let's close the
16 public hearing.

17 BOARD MEMBER: I'll make a motion to
18 close the public hearing for Mr. Scalzo.

19 BOARD MEMBER: I'll second that.

20 CHAIRMAN LENNY CON: All in favor?

21 All: Yes.

22 BOARD MEMBER ANDREW NIKOLA: I'll make
23 a motion to approve owner applicant Darrin Scalzo
24 to receive the relief from Town of Marlborough
25 Code 134, Attachment 18 C, Common Driveway

1 Variance of 1.23 feet.

2 BOARD MEMBER: Second it.

3 CHAIRMAN LENNY CON: All in favor?

4 ALL: Yes.

5 DARRIN SCALZO: Thank you very much, I
6 appreciate your time.

7 BOARD MEMBER: Good luck. We look
8 forward to seeing it.

9 BOARD MEMBER: 800-foot driveway, phew.
10 Look at it though, that's a winding driveway.

11 CHAIRMAN LENNY CON: Ready for the next
12 one. Next up we have Brad and Sharon Wilklow
13 public hearing for an area variance for
14 agriculture buffer.

15 BOARD MEMBER: Read the notice.

16 CHAIRMAN LENNY CON: Sure. Keep it
17 going.

18 SUZANNE DEMSKIE: Hi, I'm Sue Demskie.

19 CHAIRMAN LENNY CON: Oh, we're going to
20 read the public hearing.

21 SUZANNE DEMSKIE: Oh, yeah, go ahead.

22 CHAIRMAN LENNY CON: Hold on one
23 minute, no worries. That's not the -- I got it.

24 BOARD MEMBER: You got it there?

25 CHAIRMAN LENNY CON: The Town of

1 Marlborough Zoning Board of Appeals legal notice.
2 Please take notice that a public hearing will be
3 held by the Town of Marlborough Zoning Board of
4 Appeals, further known as ZBA at the Town Hall,
5 21 Milton Turnpike, Milton, New York, on August
6 8, 2024, at 6:00 p.m. or soon thereafter as may
7 be heard.

8 The owner applicant, Fred, Sharon
9 Wilklow, is seeking relief from Town of
10 Marlborough Code 155, Attachment 52 C,
11 agricultural buffer of 30.3. Location, 341
12 Pancake Hollow Road, Highland. Tax parcel,
13 Section 95.4, Block 1, Lot 15. Any interested
14 parties either for or against this application
15 will have the opportunity to be heard at this
16 time. Lenny Con, Chairman, Town of Marlborough
17 Zoning Board of Appeals.

18 SUZANNE DEMSKIE: Okay, hi.

19 CHAIRMAN LENNY CON: How are you?

20 SUZANNE DEMSKIE: I'm Sue from
21 Controlled Point Associates. So, we mailed 19
22 legal notice letters, and 17 were returned.
23 Thank you, there you go. And I believe at the
24 last meeting Patti Brooks went through the
25 variance test for the -- she answered all the

1 questions to the variance test for the --

2 CHAIRMAN LENNY CON: I believe so, yes.

3 SUZANNE DEMSKIE: -- variance? I think
4 the only question that was brought up was the
5 travel of root for the spring, any spring will be
6 done for the agricultural.

7 FRED WILKLOW: Well, there's two gates.
8 One right along the road by the cidery and then
9 one right behind it. So, it's either one.

10 SUZANNE DEMSKIE: So, no spring will be
11 done --

12 FRED WILKLOW: Right, no.

13 SUZANNE DEMSKIE: -- by the dwelling.

14 FRED WILKLOW: Right.

15 SUZANNE DEMSKIE: Okay. And I'm not
16 sure if the Board had any other questions at the
17 last meeting.

18 CHAIRMAN LENNY CON: What's the mobile
19 gate? Am I looking at the right one? Here.
20 It's near the agricultural field. Is that one of
21 the gates that you're referring because I see
22 there's a couple different gates listed around
23 the property. It's right near the garage --

24 SUZANNE DEMSKIE: Is that a mobile
25 gate?

1 CHAIRMAN LENNY CON: -- alongside the
2 gravel.

3 FRED WILKLOW: That's in the Bad Seed
4 parking lot, that's just a temporary --

5 CHAIRMAN LENNY CON: Okay.

6 FRED WILKLOW: -- that they put up.

7 CHAIRMAN LENNY CON: That's not for
8 agricultural use?

9 FRED WILKLOW: No, it's not.

10 CHAIRMAN LENNY CON: Okay.

11 BOARD MEMBER: The only question I had
12 was the question last time with the well, but
13 that was taken care of, correct? With the well,
14 is it a community well, with the two?

15 FRED WILKLOW: Yes.

16 SUZANNE DEMSKIE: So, right now it's
17 being shared.

18 BOARD MEMBER: Yes.

19 SUZANNE DEMSKIE: As long as it's owned
20 by the same owners, it'll stay shared. Once a
21 lot is sold off then the new owner will have to
22 get their own well.

23 BOARD MEMBER: Right, okay.

24 FRED WILKLOW: Yes.

25 BOARD MEMBER: That was the question I

1 had last time too.

2 SUZANNE DEMSKIE: Yeah, and Shawn
3 Murphey's preparing that easement agreement.

4 CHAIRMAN LENNY CON: Good?

5 BOARD MEMBER: I'm good.

6 CHAIRMAN LENNY CON: Want to close the
7 public hearing?

8 BOARD MEMBER: Sure. I'll make a
9 motion to close the public hearing.

10 BOARD MEMBER: I'll second it.

11 CHAIRMAN LENNY CON: All in favor?

12 ALL: Yes.

13 CHAIRMAN LENNY CON: There was nobody
14 here for -- I was a little premature, there was
15 nobody here before we closed the public hearing
16 was there? Okay. Motion before we vote on the
17 variance.

18 BOARD MEMBER: Yes, go ahead. What is
19 it? I need it again.

20 CHAIRMAN LENNY CON: It was right
21 there.

22 BOARD MEMBER: There is it.

23 CHAIRMAN LENNY CON: Yes, ma'am.

24 WOMAN 1: So, with the spring
25 pesticides and stuff like that, it doesn't get

1 into -- the possibility of getting into the wells
2 and drift, you know, to homes and -- but I think
3 that's a major concern in this area. I don't
4 know if it justifies for this or --

5 CHAIRMAN LENNY CON: Were you here for
6 the Wilklow or are you were for the --

7 WOMAN 1: I am here actually with the
8 next one.

9 CHAIRMAN LENNY CON: Oh, okay, all
10 right.

11 WOMAN 1: I'm not allowed to talk, am
12 I?

13 CHAIRMAN LENNY CON: Well, we closed
14 the public hearing for the Wilklow applicant.

15 WOMAN 1: I see.

16 CHAIRMAN LENNY CON: And so, we have
17 moved onto to Someplace Upstate, but that's maybe
18 --

19 WOMAN 1: It's just as well, maybe.

20 CHAIRMAN LENNY CON: Thank you. I'll
21 make a motion --

22 BOARD MEMBER: That's a valid question,
23 but that's something for probably for the DEC if
24 you wanted to speak to the DEC about that.

25 WOMAN 1: The DEC?

1 BOARD MEMBER: Yeah. We don't control
2 chemical spraying, we don't control any of that,
3 that's all a part of farming.

4 BOARD MEMBER ANDREW NIKOLA: Okay.
5 I'll make a motion to approve for the owner
6 applicant Fred and Sharon Wilklow to receive the
7 relief from Town of Marlborough Code 155,
8 Attachment 52 C, agricultural buffer of 30.3 feet
9 located at 341 Pancake Hollow Road in Highland.

10 BOARD MEMBER: I'll second that motion.

11 CHAIRMAN LENNY CON: All in favor?

12 ALL: Yes.

13 CHAIRMAN LENNY CON: So moved.

14 SUZANNE DEMSKIE: Thank you, Board.

15 CHAIRMAN LENNY CON: Okay, thank you.

16 BOARD MEMBER: What's that?

17 BOARD MEMBER: Let me give you these
18 while I'm here. So, we don't mix these up
19 anymore. Scalzo and Wilklow. Okay.

20 CHAIRMAN LENNY CON: Next up we have
21 the public hearing for Someplace Upstate for a
22 five-structure variance and varication on
23 consolidation.

24 BOARD MEMBER: I got it.

25 CHAIRMAN LENNY CON: You got it? The

1 Town of Marlborough Zoning Board of Appeals legal
2 notice. Please take notice that a public hearing
3 will be held by the Town of Marlborough Zoning
4 Board of Appeals, further known as ZBA at the
5 Town Hall, 21 Milton Turnpike, Milton, New York,
6 on August 8, 2024, at 6:00 p.m. or soon
7 thereafter as may be heard.

8 The owner applicant, Someplace Upstate,
9 is seeking relief from Town of Marlborough Code
10 155, Attachment 18 B, Section 1 D, five structure
11 variances. Location, 20 Mount Rose Road,
12 Marlborough. Tax parcel, Section 109.1, Block 4,
13 Lot 56.1, Lot 57, Lot 58. Any interested parties
14 either for or against this application will have
15 the opportunity to be heard at this time. Lenny
16 Con, Chairman, Town of Marlborough Zoning Board
17 of Appeals.

18 NEIL ALEXANDER: Good evening,
19 Chairman. For the record Neil Alexander, Cuddy &
20 Feder, here tonight on behalf of the applicant.
21 The applicant's actually to my left, Mr. Borza.
22 I'm not sure, I think Sue's right behind me from
23 the Controlled Point. I don't know if you
24 received already --

25 SECRETARY JEN FLYNN: None.

1 NEIL ALEXANDER: Okay, here are the
2 cards, the return, the mail, and so forth for the
3 public hearing. So --

4 SECRETARY JEN FLYNN: So, just one
5 second.

6 NEIL ALEXANDER: Yep.

7 SECRETARY JEN FLYNN: 30 were mailed,
8 22 were returned, and eight not returned.

9 CHAIRMAN LENNY CON: Thank you.

10 NEIL ALEXANDER: So, this application -
11 - I know the public's here so I'm -- I know we've
12 also met two or three times, but I figure maybe
13 it'll be helpful if I just sort of.

14 CHAIRMAN LENNY CON: Brief synopsis.

15 NEIL ALEXANDER: Yeah, I'll try and do
16 my best here and move me along if I'm not being
17 brief enough. In any event, so this application
18 was initially submitted in December of 2023.
19 There was a supplemental submission in May of
20 2024. When we came and met with on June 13th
21 there were some questions and we rarefied the
22 application, we jettisoned that rear parcel.

23 If you may recall, we made a
24 supplemental submission cleaning all those, that
25 housekeeping in June of 2024 and came here on

1 July 11th and that's when you scheduled the
2 public hearing for tonight.

3 As every -- all may know is, we are
4 really only talking about three tax parcels at
5 this point, 56.1, 57, and 58. They total 14
6 acres. This property is all in the R1 Zone. In
7 the R1 Zone by special permit you can seek a
8 resort hotel. You need a minimum of 10 acres,
9 we're 40 percent larger than that at 14.02 acres.

10 The section of the code that's at issue
11 requires a 50-foot setback for all structures
12 specific to a resort hotel. We have five
13 structures that are within the 50, that 50 feet,
14 which, and I'll talk about them in a second. But
15 what's really important and seminal here in my
16 opinion is this application for a variance does
17 not lead to any new construction whatsoever.

18 So, the gazebo which is a structure in
19 the northeastern corner of the property has been
20 there for decades it shows up on aerials. But to
21 use it for a resort hotel as opposed to the way
22 it'd been previously used, it's a structure
23 within 50 feet. But even though, and you can
24 look at the grades, it sits up on the promontory,
25 right in that spot.

1 On the south side of the property the
2 laneway for Mount Rose Road we actually own the
3 property on both sides that's at issue here, but
4 we don't own the town road, but opposite
5 ourselves we have three buildings that are within
6 that 50-foot lineal distance, I -- and I can read
7 the lineal distances that are at issue.

8 So, Structure K is 38.2 feet, that is
9 the most southeastern of the structures on the
10 laneway right as you come on the left. And if
11 you -- Structure I is the next structure and
12 that's the north side, that's 44.3 feet, very,
13 very close right here.

14 And then, Structure H which is our barn
15 event space is 36.2 feet. But again, it's
16 opposite our own selves because we own both of
17 these lots on either side here. The last
18 structure that's at issue we call the Casas.
19 It's Structure F, it's on the north side of the
20 property. It's a low story building, it is 27.7
21 feet from the road. It actually the road, and we
22 have some photos tonight we can show you; we
23 actually sit below the level of the James Street,
24 and we're tucked in on that. And again, it's not
25 new construction and it sits low.

1 So, to tie it all back, that's what
2 we're seeking variances for. It's not for new
3 construction. We did provide you as part of the
4 application to sort of go over the five part test
5 really quickly, aerials and other materials to
6 show that these structures have all been in this
7 position for decades. The community's grown up
8 literally around it.

9 As you know, the history of this estate
10 and what's trying to be accomplished here is
11 essentially a way to restore it, the estate back
12 to its, you know, fashion of where it's been and
13 historically use for hospitality in one function
14 or another. And that's what we're looking to get
15 the permits for.

16 And so, our sense is that there's no
17 change to the character of the neighborhood with
18 granting these variances. We gave you an aerial
19 also as well. And candidly, because we're not
20 building anything, the reality here is under
21 prong two that there's no other avenue available
22 for us to accomplish the purpose of a resort
23 hotel when we're not building anything. The only
24 other choice would be to raise a building which
25 is environmentally insensitive, right? You have

1 all the latent energy associated with crafting
2 those building materials, using, and deploying
3 those building materials, and their continued
4 existence in that fashion.

5 It's also not a substantial request.
6 None of these building -- the whole neighborhood,
7 the roads have been built this way. It's not
8 substantial. And our notion is that at 40
9 percent larger than what a 10-acre minimum
10 required it's -- and adaptively repurposing and
11 reusing these properties in the most -- is the
12 most environmentally sensitive and therefore it
13 will not have an adverse effect on the physical
14 environment or condition of the neighborhood
15 because we don't need any disturbance in order to
16 reuse these as opposed to be building new
17 constructions.

18 So, for those reasons we believe that
19 approval is warranted and that's the essence of
20 our presentation. We do have some photos that we
21 didn't submit to you before that gave you some
22 more context if you'd like to see them, I can
23 hold them up to you and then put them in a way
24 that the public can see them. And I can try and
25 do both at the same time with not too much of my

1 back.

2 But these are taken on the north -- on
3 standing uphill on James Street. Our property is
4 on the right-hand side in all these photos. I'm
5 sorry, I'm trying to do my best to show everybody
6 at once. But maybe I'll show you and then I'll
7 do it again, if that's okay with you gentlemen?

8 CHAIRMAN LENNY CON: They need to see
9 them.

10 NEIL ALEXANDER: Yeah.

11 CHAIRMAN LENNY CON: Sure.

12 NEIL ALEXANDER: So, our property's on
13 the right-hand side on all of these photos. So,
14 part of what to the extent that the public can
15 come and have concerns, what we wanted to show
16 here is that our property and structures other
17 than the Casa which we'll talk about in two
18 seconds, are all are our structures are far away
19 from the road.

20 To the extent that anyone feels that
21 we're near them by doing this, part of that is
22 because of the existing conditions of their
23 properties which may or may not actually comply
24 with R1 Zone today. We didn't really survey out
25 how far back, but they're very close and I think

1 we can show you on our drawing that we over here,
2 I can pick that up in a second, that their
3 properties are very close so there's really not
4 much we can do about an existing condition when
5 our structures are far away.

6 And then, I want to bring up the Casa
7 here because as you can see it's sitting lower
8 than the road. And if you look at its
9 fenestration, it's really there's not much that's
10 really exposed. So, we feel like, you know,
11 adaptively reusing that makes sense. You can see
12 how there's almost like a small retaining wall
13 there, so it's really sitting low.

14 So, we've tried to use all the existing
15 structures as part of the resort, not build
16 anything new, no construction issues for the
17 neighborhood, right, no -- so, and we're trying
18 to bring it back to hospitality use that was
19 historic on this property.

20 So, I can hold these photos up or I can
21 just put it right --

22 CHAIRMAN LENNY CON: Set them right
23 there.

24 NEIL ALEXANDER: -- in front of here.

25 CHAIRMAN LENNY CON: Thank you.

1 NEIL ALEXANDER: So, the public can see
2 that. We had -- on our drawing just so as you
3 know we did -- we didn't survey it, we don't have
4 dimensions, but those are roughly using the
5 aerials which is the same aerial from GIS that
6 everyone has public access to.

7 CHAIRMAN LENNY CON: Okay.

8 NEIL ALEXANDER: Thank you.

9 CHAIRMAN LENNY CON: Any questions
10 before I open it? You got any questions for
11 (indiscernible)?

12 SECRETARY JEN FLYNN: Okay.

13 CHAIRMAN LENNY CON: The gazebo's only
14 a six-foot structure, right?

15 BOARD MEMBER: It is in this matter,
16 yes.

17 CHAIRMAN LENNY CON: That was it.

18 BOARD MEMBER: I mean, it's semantics.

19 BOARD MEMBER: That's why it's part of
20 it, yeah.

21 CHAIRMAN LENNY CON: Okay.

22 BOARD MEMBER: Because (indiscernible)
23 it is technically.

24 CHAIRMAN LENNY CON: At this time,
25 we'll open it up to the public hearing. Come up,

1 state your name, address, and try and limit it to
2 three minutes so we can get everybody in.

3 IRENE DENARO: My name is Irene Denaro.
4 I live on Mount Rose Road, and I'm a property
5 owner there. I want to start to clarifying a
6 false narrative. 20 Mount Rose Road was never a
7 resort, lodge, or hotel. It has always been a
8 private residence. And I am sure that the town
9 records would show that. I have been on Mount
10 Rose Road since the mid-1960s. Mr. La Valle
11 built the estate in 1929 for his family to reside
12 in during holidays, weekends, and summers as many
13 families have done, my family one of them.

14 Ray Muscarella purchased the property
15 to reside with his family as a private residence.
16 He and his family lived there full time. One of
17 my brothers actually worked on the property for
18 many years and my family knew the Muscarella
19 family.

20 Most of the neighbors who live there
21 then and now have known each other for decades
22 and there was never a problem until now. Last
23 August and this past May tour busses got stuck up
24 Mount Rose Road causing chaos for the residents
25 as well as traffic on Route 9W. It was also a

1 safety issues as the only way in and out of the
2 area is Mount Rose Road that connects to Route
3 9W. So, that was a serious problem, not once,
4 but twice.

5 This is not an appropriate location for
6 an event venue. Logistically, it is untenable.
7 The infrastructure does not support what the
8 applicant wants to do. In the minutes of a
9 November 2023 meeting a town official reported
10 being run off the road twice by a shuttle bus
11 after he went to address complaints from
12 residents of a loud party and that James Street
13 was being blocked by busses and cars, which again
14 caused a safety issue and putting residents at
15 risk if there was an emergency.

16 I believe there should not be any
17 special variances or special permits going
18 forward. This would be a hardship as well as
19 putting the families who live there for many
20 decades at risk. I want the Board to be aware
21 that many of the residents there are seniors. I
22 thank you and I never got a certified letter.

23 CHAIRMAN LENNY CON: Thank you. Yes,
24 ma'am.

25 JEN BUCKWALTER: Can I --

1 CHAIRMAN LENNY CON: It's easier
2 because we have the microphone up here.

3 JEN BUCKWALTER: Okay. Hello, sorry.
4 I'm kind of new to the area, but I live on --
5 above DJ's so I'm kind of close.

6 CHAIRMAN LENNY CON: Can you state your
7 name and address for the record?

8 JEN BUCKWALTER: I'm Jen Buckwalter and
9 1403 Route 9W, Marlborough, New York. My only
10 concern is we have the Mobile gas station built
11 and then we had the buildings for the school
12 area, and we had a lot of like dynamite. And I
13 know you said that there'd be no new buildings,
14 but my house was shaking from, you know, I mean,
15 this is like heavy duty construction and it's
16 real.

17 So, you know, I mean it's a quiet area.
18 I like quiet. My main concern here by coming
19 here is first, how much construction noise is
20 going actual, what timeline were you looking at,
21 when it was finished were there going to be like
22 big parties where we're going to be -- where he
23 neighborhood is going to become -- I mean, the
24 Falcon is an incredible venue and they have
25 wonderful music, but it's far enough away that we

1 can't hear it.

2 So, you know, I'm all in for progress
3 and yet a lot of our progress in this world is
4 completely taking us back and destroying our
5 planet as everybody knows. So, that's pretty
6 much it.

7 CHAIRMAN LENNY CON: Thank you. Next.

8 SHAWN BRENNAN: How you doing? I'm
9 Shawn Brennan, I live at 227 Mount Zion Road. My
10 wife Callie and I just moved to Marlborough about
11 a year ago from Brooklyn and we pretty quickly
12 met Adam and Danielle Broza, and they welcomed us
13 in immediately and we found quick friends with
14 them.

15 And just last weekend Callie and I had
16 our baby shower at Adam and Danielle's property.
17 It was just a thing that they did for us because
18 they're friends. And we brought up all of our
19 friends and family. And I don't know if you guys
20 have been to the property, but it's beautiful,
21 it's historic, and everyone that brought up --
22 that came up for the party was blown away by the
23 beauty of the property and the fact that they
24 were so welcoming to so many people.

25 And I think that's what Callie and I

1 are most proud of being in Marlborough is that it
2 feels the way that it does, it looks the way that
3 it does, it's a rural agricultural community, but
4 there are still things to do up here like she
5 mentioned the Falcon. I love the Falcon. And
6 it's, I think, one of the main draws to it.
7 Like, before we moved here 10 people told us that
8 we had to go to the Falcon, and it puts
9 Marlborough on the map in a way and I think
10 having that kind of appeal is valuable to a town.

11 And Adam and Danielle are not trying to
12 do something like that, they're not trying to be
13 a venue that has parties everyday as far as I
14 know. And I think that their impact on the
15 community is a net positive. They're welcoming,
16 they're community people.

17 And I think that any neighbors bring
18 with them some sort of a cause. Like, we live up
19 the street from Weeds and every weekend we've got
20 a couple 100 people parking on the street and
21 they're leaving there drunk at 6:00 in the
22 evening.

23 And like it's a net positive though,
24 it's a cool thing to have in the neighborhood,
25 it's a cool thing to be around and so we don't

1 complain about it. We have neighbors who shoot
2 guns, we don't complain about that, it's their
3 right.

4 And I think that as long as Adam and
5 Danielle are doing something that positive and a
6 contribution to the area, anything that helps
7 them move towards that especially if it's not
8 destructive and they're not building new
9 properties, it makes sense that they would be
10 enabled to do that.

11 And then, I just also want to correct a
12 couple of things that I heard in one of the
13 previous statements. There is a separate
14 entrance onto Mount Rose Road, you can enter from
15 Prospect near the South Ridge Distillery. So, if
16 Mount Rose was blocked, you could come in the
17 other way.

18 And then, also I don't know how it's
19 possible to be run off the road twice by the same
20 person in one day. I just want to correct the
21 narrative in that way. That's all. Thank you.

22 CHAIRMAN LENNY CON: Thank you.

23 JULIE CONWAY: Hi. My name is Julie
24 Conway, an owner of 43 James Street, 12542. I
25 live at 6 Water Way Newburgh, New York.

1 Someplace Upstate has been noncompliant
2 or accountable to any rules in the town. It has
3 been dismissive of or disregarded the cease and
4 desist and continues to operate without proper
5 permits but conduct business through workarounds
6 utilizing law loopholes by trying to convince
7 everyone in the neighborhood that the 12-plus
8 venues over the past two years have been weddings
9 of family and friends. It's an extreme reach,
10 wrong, and maybe somewhat illegal.

11 What is the point of establishing
12 guidelines if a business can operate without any?
13 Allowing them to continue without consequence
14 sets a dangerous precedent and further erodes our
15 rights as residents. Privacy --

16 SECRETARY JEN FLYNN: Can you just
17 speak into the mic, please?

18 JULIE CONWAY: Oh, sorry, can you hear
19 me?

20 SECRETARY JEN FLYNN: They're saying
21 they can't hear you.

22 JULIE CONWAY: Okay, sorry.

23 SECRETARY JEN FLYNN: Sorry.

24 JULIE CONWAY: There's a lack of
25 business, sorry, there's a lack of privacy

1 landscaping, bushes or trees have not been
2 installed to shield the neighborhood and their
3 patrons from being exposed to all activities or
4 events. It's like living in a fishbowl or
5 witness to a spectacle almost every weekend.
6 Daily we get to experience the unattractive light
7 plan that is on display where the strings of
8 lights are strewn randomly across trees on James
9 Street side of their property. It resembles
10 decor from a child's birthday party.

11 The lights in the horse rink are on all
12 night long, the vibrating generators are
13 intrusive and distracting. The 12-foot-wide
14 country road cannot handle the increase in
15 traffic, the hill pitch cannot accommodate
16 busses. When the ingress and egress have been
17 blocked by busses or cars parked on the side of
18 road, it is a safety and fire hazard.

19 We are essentially held prisoner by not
20 being able to get into or out of properties. The
21 road at the other end that you were referring to,
22 sir, is actually private property owned by John
23 Garado so you can't really go through that road.
24 When events are held, we are experiencing living
25 in a carnival. This chaotic, chaotic, sorry,

1 atmosphere has changed the essential
2 characteristics of the neighborhood that were
3 once harmonious.

4 The ambitious goals for monetizing this
5 beautiful property and choosing to operate in an
6 area not designated for commercial use is a self-
7 created problem. No one checked the zoning prior
8 to purchasing the property. It's public
9 knowledge. This raises concerns about the
10 responsibility for the consequences of their
11 actions and business acumen.

12 Our property values are at risk. Who
13 wants to live next door to a circus? Our right
14 to quiet enjoyment of our properties is becoming
15 a nuisance. Almost every weekend we cannot enjoy
16 our properties without the interference from the
17 activities happening across the street.

18 There's a total disregard for the
19 neighborhood, town rules, and laws. It is a
20 business that is taking from, but not really
21 giving back to the community. We are against the
22 applicant's proposal to change. Thank you.

23 CHAIRMAN LENNY CON: I have a question.

24 JULIE CONWAY: Yes, sir.

25 CHAIRMAN LENNY CON: Being this is the

1 first public hearing we've had.

2 JULIE CONWAY: Yes.

3 CHAIRMAN LENNY CON: And there's a lot
4 of hearsay that goes on obviously in a small
5 town. But you're saying there have been multiple
6 venues, I believe you stated 12.

7 JULIE CONWAY: Between last year and
8 this year, we've counted seven from last year and
9 five from this year.

10 CHAIRMAN LENNY CON: Okay.

11 JULIE CONWAY: Parties, I don't know if
12 they're, I mean, we see them, they're on the edge
13 of the road.

14 CHAIRMAN LENNY CON: You don't know
15 whether they're family or otherwise, but you've
16 said --

17 JULIE CONWAY: There's action, yes.

18 CHAIRMAN LENNY CON: Okay, I was just
19 clarifying for the record that --

20 JULIE CONWAY: It continues to happen.

21 CHAIRMAN LENNY CON: -- they've have
22 taken place already.

23 JULIE CONWAY: Right. And I have a
24 question. Am I allowed to? I mean, I'll pass
25 the mic.

1 CHAIRMAN LENNY CON: Sure.

2 JULIE CONWAY: Even if you're building
3 on an existing footprint, even if there's an
4 expansion over 107 feet for all five areas within
5 the map, that's a lot, I mean, that's -- even
6 though you're building on a footprint, you're
7 expanding on it. So, you're not really changing
8 it, but you're making it bigger and it's going to
9 have more volume to have more people in it,
10 right?

11 CHAIRMAN LENNY CON: The variances that
12 they are asking for fall under, most of them, are
13 falling under what's preexisting nonconforming.
14 Which those setbacks existed back when they were
15 built but because the laws have changed --

16 JULIE CONWAY: Right.

17 CHAIRMAN LENNY CON: -- and the
18 setbacks have increased, nothing else has
19 changed. So, to move forward with anything --

20 JULIE CONWAY: So, like if a red barn
21 is all broken down and basically falling in on
22 itself, if you build on that footprint, that's
23 still part of the -- okay.

24 CHAIRMAN LENNY CON: Yes.

25 JULIE CONWAY: I mean. All right,

1 thank you.

2 CHAIRMAN LENNY CON: Yes. Yes, sir.

3 DAVID DIAZ: My name is David Diaz, I
4 reside at 105 Mount Rose Road which on the
5 opposite of James Street, we're closer to Purdy
6 Avenue. I can hear music and ongoings of the
7 parties, so I know the residents on James Street
8 are affected even more. Impact on myself was the
9 first bus incident where I couldn't get out of
10 the neighborhood to go to work. I had to call in
11 late, which was a new job where I was only
12 working at it for a week and a half at that
13 point.

14 The second bus incident where I was
15 coming from upstate New York from doing shows. I
16 want to get home, showered, go to bed, I can't
17 get into my neighborhood, I can't get to my house
18 because the road is once again blocked by busses
19 get stuck blocking 9W. I think at that point, I
20 was by the McLaughlin Drive in a standstill.

21 Another night coming back from dinner
22 with friends driving off, the party's about maybe
23 2:45 p.m. close to 11:00 residents, people are
24 leaving the party, I can't get up the road.
25 They're driving down the middle of the road, I

1 had to drive on a -- pullover on the neighbor's
2 lawn to avoid getting run off the road.

3 It impacts the neighborhood negatively.
4 And to bring up the fact of the multiple parties,
5 I know that it was put to family and friends, but
6 yet Someplace Upstate is advertised on numerous
7 websites to book wedding parties and pool
8 parties.

9 So, if the Town hasn't given permits
10 yet for this to operate as a business, why is it
11 being advertised as a business? I have family
12 and friends, we have a large property, we don't
13 require them to book on a website to come have
14 their party. And it's contradictory to what's
15 going on.

16 CHAIRMAN LENNY CON: Is what you're
17 stating that they have a website looking for
18 bookings now and in the past or are we talking
19 about --

20 DAVID DIAZ: In the past and the
21 current. I myself compiled a list and submitted
22 to Town Supervisor Corcoran because I don't get
23 it. If it's private parties, why are there
24 websites advertising it for public bookings?

25 CHAIRMAN LENNY CON: Okay.

1 DAVID DIAZ: So, just to reiterate --
2 it does change the impact of the nature of the
3 neighborhood. Mount Rose Road leading up from 9W
4 is a bit wider, but it's a steep hill hence why
5 two tour busses couldn't round it and are
6 sticking butt end out on 9W and blocking Mount
7 Rose Road.

8 And as it was put before, the second
9 entryway is a farm access road. It is not paved,
10 it's not made for vehicles to go in and out, and
11 it is on private property, which was stated from
12 when I first spoke with Mr. Broza about the first
13 bus incident told me that he owns all of that,
14 which was proven not to be the case.

15 CHAIRMAN LENNY CON: Thank you.

16 DAVID DIAZ: Thank you.

17 CHAIRMAN LENNY CON: Anyone else?

18 LUCAS MONDELLO: Yep.

19 CHAIRMAN LENNY CON: Yes, sir.

20 LUCAS MONDELLO: My name is Lucas
21 Mondello. My property's adjacent to the property
22 in question. It's been in the family three
23 generations since 1900.

24 My concerns are as follows. When I
25 raised my family, I was told that we had to bus

1 our children to school because the road was not
2 safe for busses. So, we did that. Nothing has
3 changed in the condition of the road since that
4 time. For the past year and a half there's been
5 a lot traffic. I'm not going to go over the bus
6 thing again because it's been repeated over and
7 over again.

8 But the applicant seems to ignore any
9 codes rules about the Town that can be enforced
10 by the Town. After the police were called
11 several times to stop the music after hours, this
12 was apparent that there is no concern about his
13 neighbors.

14 I'm 82 years old. I've been in
15 business in Marlborough all my life. I'm a
16 former owner with my father of Racoon Saloon
17 which we owned for 40 years. At that time, we
18 took all the fire calls, we blew the sirens, we
19 dispatched the trucks. And I'm telling you this
20 only because I know a little bit about
21 Marlborough.

22 Right now, and for the past 40 years
23 I've been the CEO and President of Westshore
24 Marine on Dock Road in Marlborough, so I've been
25 around for a while. My experience has been that

1 this venue or proposed venue does not conform to
2 the area. It does nothing for the town but cause
3 problems.

4 And as it's been said about the busses
5 being stuck, it also causes hazards. We can't
6 get firetrucks up; we can't get ambulances. The
7 Town, I'm told, has hired an attorney because
8 they can't enforce these codes at the cost of
9 thousands to detain to take it to the New York
10 State Supreme Court.

11 In closing, I'd like to say that the
12 Town has to comply -- I understand that the Town
13 has to comply with the rules, the codes, and the
14 laws that exist, but I don't think they're being
15 enforced. I think that a good hard look needs to
16 be looked at this and not allowing any expansion
17 to the already overwhelming circus that's going
18 on. Thank you.

19 CHAIRMAN LENNY CON: Thank you, Mr.
20 Mondello.

21 BOARD MEMBER: Thank you, sir.

22 CHAIRMAN LENNY CON: Anyone else?

23 NEIL ALEXANDER: Chairman, may I
24 address some of that when you're ready?

25 BOARD MEMBER ANDREW NIKOLA: I have --

1 let me read some two letters --

2 NEIL ALEXANDER: I apologize, you were
3 --

4 BOARD MEMBER ANDREW NIKOLA: Two
5 letters from people who were unable to be --

6 NEIL ALEXANDER: My apologies.

7 BOARD MEMBER ANDREW NIKOLA: -- here
8 today.

9 NEIL ALEXANDER: My apologies.

10 BOARD MEMBER ANDREW NIKOLA: Dear
11 Zoning Board of Appeals Members, Chairman Con,
12 Secretary Flynn, Mr. Bartolotti, Mr. Mekeel, and
13 Mr. Salinovich, and Mr. Niloka.

14 We are in receipt of your letter
15 providing notice of today's hearing to review
16 Someplace Upstate's petition for relief from Town
17 of Marlborough Code Section 155, Attachment 18B
18 1D. We write in support of this Board's approval
19 of any applicable variances necessary to enable
20 Someplace Upstate to operate.

21 As neighbors to Adam and Danielle Broza
22 we appreciate their commitment to preserving the
23 aesthetic of such a unique collection of
24 structures. We say collection of structures
25 since this remarkable property is dotted with a

1 number of beautiful buildings all similarly
2 styled.

3 Ourselves, first time homeowners, we
4 would never have taken on the daunting task of
5 investing in the upkeep and maintenance of such a
6 place. We have the benefit of watching the
7 Broza's carefully improve the properties, staying
8 true to the building's original style. They've
9 come here to contribute to the community by
10 adhering to the property's history rather than
11 stripping it of its identity and converting it
12 into something wholly out of place.

13 We learned from other neighbors and
14 from Adam Broza's research that the property has
15 a colorful and lively past. They've given a
16 complicated property a new lease on life and for
17 that we are grateful. We applaud their
18 willingness to invest in this beautiful and
19 historic community, we ask this Board please
20 consider the benefit to all this community in
21 allowing for the repurposing of historic
22 buildings by approving the requested variances.
23 Respectfully, Britt Linn and Nicolas Morgan.

24 Next letter. Dear Mr. Con and Members
25 of the Zoning Board. We are writing to express

1 our strong objection to the proposed zoning
2 variances requested by Someplace Upstate for
3 their "resort" location at 20 Mount Rose Road.

4 As long-time residents of Mount Rose
5 Road we are deeply concerned about this venue's
6 current and future impact on our community. The
7 venue has been operating in clear violation of a
8 cease-and-desist order and has accumulated
9 numerous town code violations.

10 Our main concerns are noise pollution.
11 Excessive noise from loud DJ led music disrupts
12 the neighborhood peace for hours making it
13 impossible for us to enjoy our yard. On
14 beautiful weekend afternoons we are forced
15 inside, turning our home into a shelter in place
16 bunker with closed doors, windows, double shades,
17 loud TV, and fans on, yet the noise still
18 penetrates. We often leave the house for relief
19 and as a last resort.

20 On two occasions our guests left
21 stating it was quieter in Brooklyn. Contrary to
22 the applicant's claim, the venue does have an
23 adverse effect on the physical or environmental
24 conditions in the neighborhood, Application Page
25 20. During the last event, the noise and

1 screaming continued past midnight at the pool
2 area. Event he wildlife disappears. Last year
3 we canceled our Labor Day celebration
4 anticipating noise from a multi-day renewal of
5 vows event which was a wise decision. This
6 constant noise is causing stress and anxiety,
7 affecting our mental and physical health.

8 Traffic congestion. The venue
9 increases traffic on our narrow steep road posing
10 safety risks to residents. During two separate
11 events tour busses were unable to navigate the
12 incline at the intersection of 9W and Mount Rose
13 Road, James Street, causing blockages, stopping
14 traffic on both highway and local roads. This is
15 particularly concerning as many residents are
16 elderly and infirmed. An emergency vehicle
17 access would be compromised if needed.

18 Zoning violations. Allowing a
19 nonconforming commercial enterprise to operate in
20 an R1, A1 Zone under the guise of restoring the
21 premises as a resort hotel sets a concerning
22 precedent. It undermines the integrity of our
23 zoning laws and threatens quiet residential
24 nature of our neighborhood.

25 Additionally, it raises concerns about

1 property values and the overall quality of life
2 for our residents. When our family came to
3 Marlborough in 1950s, we rented a small apartment
4 over a garage near a chicken coup at the
5 northwest entrance of La Valle Estate. The
6 property was always a residence and never
7 operated as a resort hotel. Having tenants in
8 outbuildings or entertaining famous friends does
9 not change this fact.

10 Since the applicant has not
11 demonstrated the unnecessary hardship required
12 for the required variances, we urge the Zoning
13 Board to uphold the current zoning regulations
14 and deny these requests for Someplace Upstate.
15 The disregard for existing zoning regulations and
16 the impact on neighbor's wellbeing has led the
17 property owner to pursue plans that could
18 negatively effect our community.

19 Upholding the current zoning
20 regulations is essential for maintaining our
21 neighborhood physical and emotional wellbeing,
22 ensuring it remains a safe and peaceful place to
23 live. We hope town officials will fulfill their
24 fiduciary responsibilities and act in the best
25 interests of the tax paying public and the

1 municipality they serve. Thank you for
2 considering our concerns, please keep in touch
3 with us if you require any further information.
4 Respectfully, Rogelio and Elizabeth Cresta.

5 BOARD MEMBER: That's a new one.

6 BOARD MEMBER ANDREW NIKOLA: All
7 righty. To the Marlborough Town Board and all
8 other interested parties. This is letter is in
9 reference to what I got in the mail about
10 Someplace Upstate and the complaints against it.

11 I love Marlborough, lived here for
12 almost 40 years now. I've raised my family here;
13 my wife Emma served the school district for 28
14 years. My daughter, Tracy, was class
15 salutatorian, class of '97. The point in all
16 this is that I have roots here and would not
17 recommend something that I would -- that would be
18 detrimental to the Town.

19 Now, Marlborough's all about keeping
20 its cultural roots, we all know this. Someplace
21 Upstate is striving to maintain that farm
22 animals, crops, et cetera, much better than if
23 the land would go to a real estate developer with
24 new housing schemes, new students coming in that
25 would need classrooms.

1 The difficult part for me is that there
2 are no villains in this issue. Both Someplace
3 Upstate and the neighbors are all good and
4 amiable people. The neighbors are concerned how
5 it would impact their way of life, totally
6 understandable. I myself live a stones throw
7 away. I believe that Someplace should take their
8 concerns very seriously and strive to come up
9 with solutions. I think my neighbors should
10 realize that change is inevitable. The
11 neighborhood changed when they moved in years
12 ago.

13 To sum up, I support Someplace Upstate
14 and hope they get their permits. I apologize I
15 have to do this with a letter, my physical
16 condition is such that standing or sitting for
17 long periods is not an option. I would be more
18 than happy to talk with anyone from the town
19 government concerning this letter. Richard J.
20 Davis, 15 Mount Rose Road.

21 CHAIRMAN LENNY CON: Questions?

22 BOARD MEMBER: I do not.

23 BOARD MEMBER: I have a question.

24 BOARD MEMBER ANDREW NIKOLA: I have a
25 couple but go ahead.

1 BOARD MEMBER: Yes. Are you in fact
2 operating this as a resort at present?

3 NEIL ALEXANDER: We have -- there are
4 no violations open against for anything we've --
5 we are doing or have done.

6 BOARD MEMBER: The question I asked is,
7 is he operating it presently as a resort?

8 NEIL ALEXANDER: We don't have a resort
9 hotel special permit, so we're not operating as a
10 resort hotel special permit use.

11 BOARD MEMBER: So, you're not?

12 NEIL ALEXANDER: We're not.

13 BOARD MEMBER: Do have livestock on the
14 property right now?

15 NEIL ALEXANDER: On the three lots that
16 are involved right now, I believe there is --
17 there is, not the rear property has livestock on,
18 I don't believe there's livestock.

19 ADAM BROZA: On the barn.

20 NEIL ALEXANDER: Oh, in the barn.

21 ADAM BROZA: Yeah.

22 NEIL ALEXANDER: Sorry, I apologize.

23 ADAM BROZA: In the stables.

24 NEIL ALEXANDER: I'm getting corrected.

25 BOARD MEMBER: There is livestock.

1 NEIL ALEXANDER: In the stables, yes.

2 BOARD MEMBER: Have you combined the
3 lots --

4 NEIL ALEXANDER: We told you at the
5 first meeting that should we receive the approval
6 from Planning Board, and that's part of what I
7 wanted to talk a little bit too is what we're
8 asking from you and -- because I think there's
9 some misapprehensions by the public, which makes
10 sense, as to what the code says and what the code
11 doesn't allow, and what your Board's role is in
12 this overall process.

13 And if you -- I'm going to answer your
14 question, I'm not being a politician ignoring
15 your question. I'm just going to go a little
16 like three lefts instead of one quick right if
17 that's okay with you.

18 BOARD MEMBER: Sure.

19 NEIL ALEXANDER: So, in the R1 Zone a
20 resort hotel is a special permit use so long as
21 you have 10 acres. That was a legislative
22 determination by the Town Board not specific to
23 this property, but in the zoning code.

24 So, any notions of commercial activity
25 in a residential zone, that was settled years ago

1 when the code was written, and a resort hotel was
2 specifically allowed by special permit. That is
3 a special permit we will have to get from the
4 Planning Board. When we're in front of the
5 Planning Board things like traffic, parking,
6 landscaping, lighting, noise, all those issues
7 will have to be addressed in front of the
8 Planning Board and we know that and we're going
9 to keep --, you know, go back there assuming we
10 get our approval from you all.

11 I'm going to be a little bit cheeky and
12 (indiscernible) there was an equestrian center up
13 there for years, horses move in and out on really
14 long vehicles. So, whether there's some
15 maintenance that needs to be done in order to
16 get turning radius back, and I think the key word
17 there is "back" is important, equestrian vehicles
18 were going in and out, horseman pullies were
19 going in and out.

20 Your fire and police and emergency
21 response are not short either, and you're
22 providing safe, adequate, and reliable service,
23 emergency services, to all of your residents who
24 live on those roads in that area already. You
25 wouldn't have designed a road, these are town

1 roads, to not have geometry to bring EMS vehicles
2 to those houses where people have lived for 40
3 years or more.

4 So, whether there's some work relative
5 to clearing some trees that may have grown in,
6 some sight lines aren't the same so people are
7 pulling to the middle, right? I'm not a PTOE,
8 I'm not a professional traffic engineer, but
9 obviously we'll have one who will address those
10 issues when we get back to the Planning Board,
11 assuming we get back to the Planning Board.

12 Because the use is an allowed use and
13 those other quality of life aspects will be
14 addressed in front of the Planning Board. So,
15 and so that's what, you know, we're going to do
16 with the Planning Board. With you all what we're
17 asking for is to be able to use existing
18 structures for the resort hotel as opposed to
19 raising them, candidly, right, and not -- and
20 losing that history and putting more generic
21 buildings there in their place 50 feet away.
22 We're asking for the ability to not have
23 construction associated with creating the resort
24 hotel other than interior renovation.

25 And candidly, for those who are sort of

1 saying they feel that it's camp run amok up there
2 having a special permit and going through that
3 process will be a way to enforce any quality-of-
4 life concerns. And by the way, there's also a
5 noise ordinance in your town as you all know and
6 I'm speaking a little bit to the public here,
7 because I know you all know this, so please
8 don't -- I'm sort of kind of going through you to
9 bounce off the back wall, so if I'm -- I
10 apologize if my tone is not the perfect one and
11 feel -- I take correction well, so feel free.

12 There's a noise ordinance. We don't
13 have any violations. I don't want to induce them
14 to come out of the woodwork, but we don't have
15 any right now. And my understanding is the Town
16 owns, you know, an audiometer, owns audiology
17 equipment to enforce -- to ensure that we're
18 enforcing and we're compliant.

19 So, in a lot of ways the past
20 questions. This application, an approval of this
21 application and going to the Planning Board and
22 be vetted by the Planning Board resolves those
23 issues in the most expeditious way. And I think
24 I answered your question along with way, if I
25 didn't, please come at me again.

1 BOARD MEMBER: Well, the special use
2 permit also has to fit the neighborhood that it's
3 in. And that also needs to be taken into
4 consideration.

5 NEIL ALEXANDER: And that is definitely
6 something we'll have to talk to with the Planning
7 Board assuming we get to that next step.

8 CHAIRMAN LENNY CON: A couple things.
9 You referenced that it used to be a horse farm,
10 which it was for many years, owned by the
11 Lordi's. It's a lot different to get a pickup
12 truck with a horse trailer behind it with two or
13 three or four horses in it than it is a
14 commercial bus or any other large vehicle like
15 that that doesn't have the turning radius. So, I
16 --

17 NEIL ALEXANDER: No, and I think that's
18 something we're going to have to --

19 CHAIRMAN LENNY CON: -- understand what
20 you're saying, it's not like tractor trailers
21 went up there for the horse farm. It was
22 smaller.

23 NEIL ALEXANDER: And I think that's
24 something we definitely will -- what kind of
25 vehicles, right, whether it's like a 15, a 28, a

1 40, or a 50, that's exactly what the Planning
2 Board should be doing to us as part of the
3 special permit review. And we have no problem
4 with that and if it turns out that the geometry
5 isn't such that we should have a 50-foot vehicle
6 in the wheelbase of that coming, then that will
7 be a condition of our special permit, right? And
8 we have no problem with that.

9 CHAIRMAN LENNY CON: We understand for
10 the record that the majority of what's been
11 brought up here tonight are Planning Board
12 issues. That's doesn't mean that we don't have
13 some concerns of our own whether it is under our
14 purview or not. I have some concerns with
15 multiple residents bringing up that we have party
16 after party after event after event, but we call
17 them family. I guess, I mean, we all have lived
18 in Marlborough a long time with multiple
19 generations, but I don't know that I've had 100,
20 150 people at my house once a month for different
21 parties.

22 NEIL ALEXANDER: So --

23 CHAIRMAN LENNY CON: So, you know,
24 there's that concern there also. The
25 consolidation that you spoke about, yes, that can

1 be a Planning Board issue also, but it can also
2 be addressed here under us.

3 NEIL ALEXANDER: And I think, Chairman,
4 in a lot of ways the -- so, it's important to
5 understand we also looked at -- so, if we had
6 come in here for short term rental permit, this -
7 - we wouldn't need your Board. We wouldn't need
8 the variance for a short-term rental because
9 there's no setback requirement for short term
10 rentals.

11 And so, we could have just done rental
12 after rental after rental after rental after
13 rental after rental after rental, right? And we
14 could have had 50, 100 of those a year, right,
15 under the short-term rental special permit
16 process, right? Which is nowhere near as
17 extensive as this process.

18 We are open and transparent in saying
19 we'd like to run a resort hotel and therefore
20 we're here to try and get a variance to reuse our
21 buildings. Again, that's -- and again, the
22 short-term rental, and I can't remember if that's
23 just building department or if that's also, I
24 think it's a special permit, I apologize, with
25 the Planning Board.

1 But we wouldn't need your variances,
2 and I think it's the event aspect of short-term
3 rental when you have this many outbuildings is
4 not as clear for control, right, from a
5 regulatory perspective.

6 So, we are being very transparent by
7 saying you know what we'd be up on the high side
8 of short -- of the intent more than likely of a
9 short-term rental.

10 BOARD MEMBER: You would not be --

11 NEIL ALEXANDER: We're coming for a
12 resort hotel.

13 BOARD MEMBER: You would not be able to
14 do that.

15 NEIL ALEXANDER: I actually think your
16 code is not clear on that and I think we could.

17 BOARD MEMBER: It's very clear you have
18 to subdivide each building beyond its own lot.

19 NEIL ALEXANDER: I don't -- I'll agree
20 to disagree on that because neither one of us are
21 the initial interpreter of the code anyway. But
22 what I'm saying here is ultimately we're being
23 transparent. We're saying we want to run
24 something at a certain volume in a certain way.
25 Both were -- are principally permitted uses in

1 the zone. I mean, sorry, both are specially
2 permitted uses in the zone. We came in with the
3 more intense ask to be transparent as to what we
4 want to be able to do.

5 CHAIRMAN LENNY CON: In speaking for
6 the public, and again, I'm speaking for the
7 public based on what I've heard from --

8 NEIL ALEXANDER: Yeah.

9 CHAIRMAN LENNY CON: -- tonight and
10 even outside of here, but on public record
11 tonight, it almost like we're asking for
12 forgiveness rather than permission. Like, we
13 went ahead and did these things now even though
14 we're going to go on record and do them in the
15 later. And I think that's what some of the
16 concern was from the public on maybe there
17 wouldn't be such a pushback from it from the
18 neighbors if we had all of their site plan
19 approvals, zoning variances in effect --

20 NEIL ALEXANDER: Understood as to the -
21 -

22 CHAIRMAN LENNY CON: -- before all of
23 these venues started.

24 NEIL ALEXANDER: -- bygones issue,
25 completely understood.

1 CHAIRMAN LENNY CON: Because I do have
2 a problem if you're advertising it for use and
3 rental on your website even as some said on the
4 record currently now which would put you in
5 violation of it because you don't have site plan
6 approval for it.

7 NEIL ALEXANDER: Right but hold on a
8 second. But okay so I understand what you're
9 saying emotionally, I completely understand
10 emotionally what you're saying.

11 CHAIRMAN LENNY CON: It's not
12 emotionally.

13 NEIL ALEXANDER: And I understand --
14 well, no --

15 CHAIRMAN LENNY CON: It's not
16 emotionally.

17 NEIL ALEXANDER: -- because what's the
18 first thing that happens. So, you issue a
19 violation tomorrow, first thing I'm going to do
20 is go to justice court and I'm going to say I'm
21 seeking the permits that moot the justice court
22 proceeding, right?

23 CHAIRMAN LENNY CON: But how can you --
24 how can you do something without the permits in
25 place.

1 NEIL ALEXANDER: I can't continue to do
2 anything. I agree.

3 CHAIRMAN LENNY CON: But you're
4 advertising to do it.

5 NEIL ALEXANDER: I don't actually
6 think, I think there's -- look, I think their
7 codes got depth, I don't think it's as clear cut
8 under your code at all.

9 WOMAN 1: How can they do that?

10 CHAIRMAN LENNY CON: I'm sorry, the
11 public hearing --

12 NEIL ALEXANDER: I don't think your
13 code is that clear, I think that's why -- okay,
14 let's back up a whole bunch. First of all, you
15 have a building department and code enforcement,
16 they haven't enforced, and they have discretion
17 as to what to enforce or not enforce. There are
18 -- and they haven't enforced anything, we have no
19 violations out. Like I said, I'm not looking to
20 induce them. We have no violations at present.
21 Right? You have a short-term rental rule for
22 anything less than 30 days. You also don't have
23 a problem if someone rents for 31 days, there's
24 no code provisions.

25 So, while I understand people are

1 upset, that doesn't mean there's actually any
2 laws being violated here.

3 CHAIRMAN LENNY CON: And that's --

4 NEIL ALEXANDER: And the bottom line is
5 what's the way out of this. So, you issue a
6 whole bunch of violations, you're not going to
7 here our application, that's the way out?

8 CHAIRMAN LENNY CON: What I'm saying
9 was shouldn't we have done that prior?

10 NEIL ALEXANDER: And I can't talk to
11 that because I wasn't involved. Just hold on, I
12 don't want --

13 ADAM BROZA: Okay.

14 NEIL ALEXANDER: -- because I don't
15 think -- I understand what you're saying, and
16 you're heard loud and clear. I can't control
17 anything about when I wasn't involved, and I want
18 to keep it there. And what I'm saying is --

19 CHAIRMAN LENNY CON: Then what I'm
20 asking is to basically just acknowledge what you
21 know we are saying even though you weren't
22 involved in the past.

23 NEIL ALEXANDER: I hear you. I hear
24 you. And that's why I also said to you that here
25 are the legal arguments, I understand what people

1 feel they've experienced and I'm not diminishing
2 that. What I'm sort of asking for -- I guess,
3 you're right there might be a forgiveness element
4 to it, right?

5 But I think really the reason why I
6 went down the logic tree the way I went down it
7 is getting these approvals is the way to get
8 control over the situation.

9 CHAIRMAN LENNY CON: That is
10 understood, we all understand that.

11 BOARD MEMBER: Agreed.

12 NEIL ALEXANDER: And so, it's not, and
13 I think that's where the public needs, in my
14 opinion, I don't really want to get with anything
15 from behind by saying this, but I think that's
16 where the public needs to realize they're heard,
17 everything they said is going to have to get
18 addressed at the Planning Board. The way to get
19 to the Planning Board is to please give us our
20 approvals and we are asking on bended knee for
21 those approvals. And we know it is straining you
22 all to do that because of the frustrations of
23 what the public is saying.

24 But intellectually I really do feel
25 that step is the way. We leave here, we have the

1 right to use these buildings subject to the
2 satisfaction of the Planning Board relative to
3 traffic, and noise, and parking, and all the
4 quality-of-life issues that were raised.

5 And that's why I think, in my opinion,
6 you're granting this approval is a step in the
7 right direction not only for us getting the
8 permit, but more importantly for the public
9 getting some control over what's going on and a
10 resolve on their grievances.

11 CHAIRMAN LENNY CON: Understood. I
12 think what the public --

13 NEIL ALEXANDER: Okay, thank you for
14 that --

15 CHAIRMAN LENNY CON: -- was saying is
16 you would have better ingratiated yourself to
17 your neighbors if we had gone through this entire
18 process a year ago or more. And as far as the
19 consolidation, you mentioned that you would do --
20 provide documents to consolidate the properties,
21 the one that doesn't need the 10 acres after site
22 plan approval from the Planning Board?

23 NEIL ALEXANDER: I think what I said,
24 and I think it's in one of my cover letters. We
25 gave you the deeds to all three properties, we

1 highlighted who the owners are and that we
2 control all three entities.

3 And that was in our cover letter from
4 June 27th, I think, yeah. I think there's a
5 sentence in here and I just got to find it. But
6 basically, we said we have no problem with the
7 condition of the approval by the Zoning Board
8 that requires the consolidation of those three
9 lots once we -- assuming we get our special
10 permit from the Planning Board.

11 What I -- what we had talked about, I
12 think, at the first meeting was this aspect. Why
13 am I consolidating three lots for a resort hotel
14 if I'm not going to get an approval for a resort
15 hotel?

16 CHAIRMAN LENNY CON: What hammer does
17 the Planning Board have if you've already got
18 site plan approval and I'm giving --

19 NEIL ALEXANDER: No, no, --

20 CHAIRMAN LENNY CON: -- the
21 documentation later?

22 NEIL ALEXANDER: No, I'm agreeing to it
23 as a condition of Planning Board's special permit
24 site plan. I have no problem with being -- I
25 have no problem of it being a condition --

1 CHAIRMAN LENNY CON: My recommendation
2 to the Planning Board would be they have this
3 documentation in front of them before they grant
4 site plan approval.

5 NEIL ALEXANDER: Oh, agreed. I agree
6 with that.

7 CHAIRMAN LENNY CON: Okay, because it
8 sounded like --

9 NEIL ALEXANDER: I was saying -- no,
10 no, no.

11 CHAIRMAN LENNY CON: -- you were saying
12 after I got the approval, I'll give you the
13 papers.

14 NEIL ALEXANDER: No, no, no. I will
15 gladly give a draft of the consolidation. I
16 don't want to record the consolidation deed until
17 there's an approval for the special permit for
18 the resort hotel, because I'm waiving right --
19 let me see if I can do a better job of this, I'm
20 stammering, I apologize.

21 Right now, I have three separate lots
22 that I could do three separate projects on.
23 Right, they're all in the R1 Zone. I could
24 subdivide each one separately into its own little
25 cul de sac, right, with the Planning Board. And

1 I might get a higher yield doing it that way or I
2 can also fund it differently and more slowly if I
3 do it as three separate subdivisions, right? So,
4 why would I consolidate my lots until I know I
5 have my resort hotel project because I need an
6 exit.

7 CHAIRMAN LENNY CON: At present, you
8 have livestock, you're supposed to have 10 acres
9 for that to have the livestock up there.

10 NEIL ALEXANDER: I'm not familiar with
11 anything in the zoning code that says that. I
12 know for an agricultural assessment and the
13 properties don't need to be contiguous, they need
14 to have commonality of ownership and that's a tax
15 issue not a zoning issue. And under 305(a), you
16 know, -- first of all, New York is a right to
17 farm state, right? It's protected in our
18 constitution.

19 And that's different from under your
20 protections under 305(a), right, of being an
21 agriculture -- of being a farm operation in an
22 agricultural district which we are in meaning a
23 mapped district by AG and markets. And we also -
24 - and then, the tax assessment is a whole other
25 issue, that doesn't have anything to do with the

1 zoning code. Am I missing -- did I miss the
2 thrust of what you're saying.

3 BOARD MEMBER: It's 10 acres.

4 ADAM BORZA: We're in compliance the
5 equine boarding laws, we checked this also before
6 and the equine boarding facility which you guys
7 might know as Ulster Stables or Mount Rose
8 Equestrian has been there for decades. We
9 acquired also the goodwill of that tradename,
10 continued the business with the same tenants, and
11 have been very proud not just to have done that
12 until today, but continue to do that.

13 NEIL ALEXANDER: Well, AG and Markets
14 doesn't require that there be a consolidation
15 deed. It just requires -- AG and Markets only
16 requires a commonality of ownership. In fact,
17 you can be a tenant in several places and still
18 do it that way. I mean, I know it from I
19 represented one of the largest maple syrup
20 companies in New York State and we had leasing
21 sites.

22 CHAIRMAN LENNY CON: Yes, ma'am, go
23 ahead, the public hearing's still open.

24 WOMAN 2: I just haven't heard from
25 these gentlemen that there's any remorse or

1 caring about the noise and about the difficulties
2 (indiscernible). And I'm just wondering, you
3 know, is there going to be any address to the
4 noise that will occur. That's a big issues,
5 besides the mention of the traffic, the noise.

6 CHAIRMAN LENNY CON: So, they can
7 address it here if they want wish. It's a public
8 hearing, it came up --

9 NEIL ALEXANDER: We're going to address
10 it at the Planning Board.

11 CHAIRMAN LENNY CON: Unfortunately, the
12 noise, the traffic, a lot of with infrastructure
13 and things like that, the lighting, all of that
14 falls under a Planning Board issue. We don't
15 have any say in that because that doesn't come
16 and violate any town codes that they're in.

17 So, anything that you're addressing, if
18 they wish to address it here tonight, if they
19 don't want to, they don't have to because, again,
20 that's a Planning Board issues.

21 WOMAN 2: Noise is not a town code as a
22 (indiscernible).

23 CHAIRMAN LENNY CON: It's a town code,
24 but it's not up to us to enforce it. And as they
25 said earlier, they haven't gotten any violations

1 for anything on that yet.

2 SECRETARY JEN FLYNN: Lenny, can I just
3 --

4 CHAIRMAN LENNY CON: Yes.

5 SECRETARY JEN FLYNN: They will have to
6 have a public hearing for Planning Board as well,
7 so you can address that then.

8 CHAIRMAN LENNY CON: Yes, ma'am.

9 JULIE CONWAY: To answer your question,
10 if the applicant is running a resort and he said
11 no and his attorney said no, he's not operating a
12 resort, he's operating a wedding and party event
13 venue. It's just to be clear. And he has been
14 advertising on the internet, he has a special
15 website, and he's also linked to other wedding
16 websites like Wedding Knot, what's the other one?
17 Wedding Knot and Wire. He's been advertising for
18 people to schedule their wedding at his property
19 since 2023 and 2024, and more recently in the
20 future for 2025 with no permits, no permits.

21 CHAIRMAN LENNY CON: That's why I asked
22 the question I did. Yes, ma'am.

23 JULIE CONWAY: There's an app called
24 Swimply where you can rent your pool out, for
25 \$225 you can rent your pool at --

1 CHAIRMAN LENNY CON: Can you hear?

2 JULIE CONWAY: Oh, I'm sorry.

3 CHAIRMAN LENNY CON: Can you hear? We
4 need to have it so --

5 JULIE CONWAY: Okay. There is a
6 website called Swimply, you can rent your pool
7 out. It -- Adam is a or Someplace Upstate is
8 advertising to rent for \$225 to rent the pool by
9 an hourly rate. I know that that's against law
10 in New York State, but you know it's a website
11 that people do it anyway.

12 But everything for -- is up for rent on
13 that property and to say that you're not
14 operating anything is really not right, it's not
15 fair because it's on websites, \$225.

16 NEIL ALEXANDER: So, that -- I'm going
17 to say that's, I would say, show us because
18 there's no advertising.

19 JULIE CONWAY: Well, here -- well, I --

20 CHAIRMAN LENNY CON: (Indiscernible)
21 turned on.

22 NEIL ALEXANDER: Yeah, the realty here
23 is, Chairman, I hear what the neighborhood is
24 saying. The only way there is going to get
25 control over the situation is to have a --

1 JULIE CONWAY: Sorry.

2 ADAM BROZA: Can you look through that
3 and just confirm what bookings have been taken
4 through this?

5 JULIE CONWAY: It's still advertising,
6 bookings or not.

7 ADAM BROZA: Are there dates available?

8 JULIE CONWAY: Did you take it down
9 because you knew you were coming to this meeting?

10 ADAM BROZA: The dates are turned off.

11 NEIL ALEXANDER: Okay, okay, okay.

12 ADAM BROZA: It's been off for three
13 years; we've literally never used it.

14 JULIE CONWAY: It's still on, take it
15 down.

16 NEIL ALEXANDER: Just don't -- this
17 zoning is exactly -- right, you know this. It's
18 not done by a (indiscernible), it's done by the
19 code, right? And we understand the
20 neighborhood's upset.

21 And that's why I'm saying to you giving
22 us these permits is not rewarding the applicant.
23 Giving these permits solely by the Zoning Board,
24 what you are saying is that as we move forward
25 with a resort hotel application in front of the

1 Planning Board, we can adaptively reuse the
2 buildings that are on the property as opposed to
3 tearing them down. That's what this
4 application's about in front of you right now.

5 CHAIRMAN LENNY CON: I don't think
6 anyone on this Board disagrees with that.

7 NEIL ALEXANDER: Okay. I hear loud and
8 clear --

9 CHAIRMAN LENNY CON: I think where most
10 of us are coming from up here, and again, my
11 Board members will speak for themselves. But
12 I've been clear about what we think has been
13 taking place and that we are asking for
14 forgiveness instead of starting this conversation
15 asking for permission with all of these permits
16 and getting these variances a year, two years
17 ago.

18 And we maybe would have ingratiated, as
19 I stated earlier, ourselves with our neighbors a
20 little better if we didn't flaunt that and we did
21 it the correct way a long time ago. That's my
22 opinion, again, there is nothing to that that's
23 going to be in code book, but that's my opinion.

24 NEIL ALEXANDER: Completely understood.

25 CHAIRMAN LENNY CON: Yes, ma'am.

1 IRENE DENARO: I have the website.

2 ADAM BROZA: How many times can she
3 talk?

4 NEIL ALEXANDER: It's okay.

5 CHAIRMAN LENNY CON: I think we saw
6 this --

7 IRENE DENARO: Well, this is for Lenny.
8 This is from last August as a -- I'd like to ask
9 you a question --

10 BOARD MEMBER: Building laws through
11 the years and requirements and specifications
12 have changed for safety reasons. And because
13 something is preexisting --

14 IRENE DENARO: Thank you.

15 BOARD MEMBER: -- and nonconforming
16 does that mean that we have to grant the variance
17 for it. You know, these laws have changed
18 through the years for reasons. You know, you're
19 not an architect and neither am I, but --

20 NEIL ALEXANDER: No, and --

21 BOARD MEMBER: -- that also has to be
22 taken into consideration and setbacks also --

23 NEIL ALEXANDER: The only thing that's
24 --

25 BOARD MEMBER: -- through the years

1 what was good at one point and time might not
2 necessarily be good today.

3 NEIL ALEXANDER: So, just to be clear
4 here the setbacks in the R1 Zone are 35 feet on
5 the front yard, 50 feet on the rear yard, and 35
6 feet on the side yard. Right? So, you could
7 build single family homes -- you could -- it's a
8 one-acre zone, you could build 14 houses on those
9 14 acres so long as the houses meet 35, 50, and
10 35 and I wouldn't need a variance.

11 So, when I look back at the application
12 and the lineal distances the Casa would need to
13 get moved. But if you took the Casa down, why
14 the hell would you actually build into the
15 sidehill, why wouldn't you build it to be town
16 and a half stories and 35 feet, 35 feet from the
17 side yard?

18 I mean, there's a benefit they're
19 getting right now by having that reused at 27,
20 was it, 27.7 feet away. So, the neighborhood
21 actually in a sick and twisted way is having a
22 benefit by having that because if that Casa comes
23 down because we can't get the variance from your
24 Board, you're going to build a two and a half
25 story, 35-foot-tall building, 35 feet from the

1 property line there as either a single-family
2 house or to be used as part of the resort hotel.
3 Right?

4 You can just wring the outside of that
5 property 35 feet from the side yard, 50 feet from
6 the front yard, and you're going to have 14
7 single family four-bedroom 4,000 square foot
8 houses and it's going to all fit.

9 I know it's one of those like hold your
10 nose and vote in favor situations and I'm not
11 asking anyone to like it, but I'm basically sort
12 of saying it is better -- while it benefits my
13 client, and my client went about it possibly in
14 the wrong way, I wasn't here.

15 But listening -- taking the truth --
16 taking everything that's been said by the public
17 as having merit and truth, they probably went
18 about it the wrong way. I'm in now and we're
19 trying to do it the right way. It doesn't mean
20 that logically it isn't the better answer. I get
21 it, it seems like you're rewarding somebody.

22 But all of the issues that just came up
23 tonight and all the angst, that is going to get
24 vetted in the -- in front of the Planning Board
25 and we're going to need to obviously have a

1 traffic consultant involved and go over the
2 geometry of the roads and figure out if some of
3 the foliage needs to come down. And yeah, we're
4 on notice of what we're going to have to show.

5 CHAIRMAN LENNY CON: And there's not
6 guarantee you're going to get it.

7 NEIL ALEXANDER: And there's no
8 guarantee we're going to get it if we can't show
9 that we're going to be able to comply with the
10 noise code, and traffic, and you know have some
11 fencing that creates sound attenuation, and
12 things like that. And show that our foot candles
13 are at zero at the property line. And yes, we're
14 going to get vetted on lighting, noise,
15 landscaping, traffic, parking management plan for
16 events.

17 We are fully aware of that, but the
18 first step for us, and I sound like a broken
19 record and you guys have been really
20 understanding in letting me speak and try and
21 work my way through this, I appreciate it
22 massively, is the first step is to know that we
23 can actually reuse these structures.

24 CHAIRMAN LENNY CON: Anybody else wish
25 to speak, anymore comments? Good?

1 BOARD MEMBER ANDREW NIKOLA: I'm good.
2 I'll make a motion to close the public hearing.

3 BOARD MEMBER: Second.

4 CHAIRMAN LENNY CON: All in favor?

5 ALL: Yes.

6 CHAIRMAN LENNY CON: So moved.

7 BOARD MEMBER ANDREW NIKOLA: Do we make
8 a (indiscernible) these variances?

9 CHAIRMAN LENNY CON: I don't know, I'll
10 consider a motion.

11 BOARD MEMBER: We can (indiscernible),
12 they need it for -- to (indiscernible) around,
13 but not for us, we don't need it.

14 BOARD MEMBER ANDREW NIKOLA: It's not a
15 variance.

16 BOARD MEMBER: We don't need
17 (indiscernible) a variance, do we?

18 BOARD MEMBER: We have to agree to
19 (indiscernible).

20 BOARD MEMBER: It's not listed in the
21 variance.

22 NEIL ALEXANDER: Chairman, just so you
23 know on Page 6 we made an express offer to submit
24 a consolidation deed and there's language there.

25 CHAIRMAN LENNY CON: Which application?

1 NEIL ALEXANDER: This is, sorry, Page 6
2 of our June 27th letter.

3 CHAIRMAN LENNY CON: Thank you, I got a
4 lot of paperwork up here.

5 NEIL ALEXANDER: Yeah, yeah, yeah, no,
6 understood. It's right above the conclusion on
7 Page 6, if that helps.

8 BOARD MEMBER ANDREW NIKOLA: Are they
9 written (indiscernible)? Because we don't have
10 the (indiscernible) for that because we don't
11 have the individual feet for each one.

12 CHAIRMAN LENNY CON: I think some
13 (indiscernible).

14 BOARD MEMBER ANDREW NIKOLA: We don't
15 have the individual for each one of
16 (indiscernible).

17 CHAIRMAN LENNY CON: Because they're
18 calculating in a max in there.

19 BOARD MEMBER ANDREW NIKOLA: Yeah, but
20 it should be in the record.

21 BOARD MEMBER: The actual footage for
22 each of the areas.

23 BOARD MEMBER ANDREW NIKOLA: I didn't
24 see it. Do you know if we ever had anything for
25 the individual feet for each reduction because I

1 don't remember seeing that.

2 CHAIRMAN LENNY CON: There.

3 BOARD MEMBER: All right.

4 BOARD MEMBER ANDREW NIKOLA: Oh, okay,
5 I got it. Down at the bottom?

6 CHAIRMAN LENNY CON: Yeah, the bottom
7 left. 22.3.

8 BOARD MEMBER ANDREW NIKOLA: 22.3,
9 13.857, 10, 11, and 8.

10 BOARD MEMBER: Is that what he's in
11 agreement with? Well, this is what he gave us,
12 so it's got to be in (indiscernible).

13 CHAIRMAN LENNY CON: This was dated
14 just last month.

15 BOARD MEMBER ANDREW NIKOLA: I know,
16 but there's not really that much we can do. Are
17 you all right with the variances? I know you're
18 on the record, but (indiscernible).

19 CHAIRMAN LENNY CON: (Indiscernible)
20 the cleaning of that stuff (indiscernible). It
21 means (indiscernible) for us. All right. Want
22 to make a motion for the five-structure
23 variances? Somebody make a motion if you want.

24 BOARD MEMBER: For each specific one --

25 CHAIRMAN LENNY CON: We'll read them,

1 but let's make a motion and then we'll read them
2 individually.

3 BOARD MEMBER ANDREW NIKOLA: I'll make
4 a motion to approve the area variances for the
5 five structures from Section 155-18B 1D which
6 requires a 50-foot setback for any structure in
7 resort use. Correct, am I reading this one here?

8 CHAIRMAN LENNY CON: Yep.

9 BOARD MEMBER ANDREW NIKOLA: Structure
10 F, Casa's three units with up to five bedrooms,
11 the variance required 22.3 feet. Structure H,
12 four stall barn with riding ring event space,
13 variance required 13.8 feet. The Structure I the
14 Bellflower Giftshop/Lobby, the variance required
15 of 5.7. Structure J the gazebo, variance
16 required of 10 feet 1 inch. And Structure K the
17 while house four-bedroom farmhouse, variance
18 required 11.8 feet.

19 BOARD MEMBER: I'll second the motion.

20 CHAIRMAN LENNY CON: All in favor?

21 ALL: Yes.

22 NEIL ALEXANDER: Thank you very much.

23 CHAIRMAN LENNY CON: Good luck. You've
24 got a long road ahead.

25 NEIL ALEXANDER: Yes, under, under --

1 very well understood.

2 CHAIRMAN LENNY CON: We've got to close
3 the meeting. All right, make a motion to close.

4 BOARD MEMBER ANDREW NIKOLA: I make the
5 motion to close this meeting.

6 BOARD MEMBER: I'll second the motion.

7 CHAIRMAN LENNY CON: All in favor?

8 ALL: Yes.

9 SECRETARY JEN FLYNN: Okay, you're
10 done. Okay.

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

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.



Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

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