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2 STATE OF NEW YORK : COUNTY OF ULSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

4

5 In the Matter of

6

7 MITCHELL MEJIA - WORKSHOP
1559 Route 9W
Marlboro, New York 12542
SBL #103.3-4-44

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9

DATE: October 10, 2024

10

TIME: 6:00 P.M.

11

12

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

13

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BOARD MEMBERS:

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

17

18

ALSO PRESENT:

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CHRISTOPHER TERRIZZI, CM TERRIZZI
ENGINEERING, PLLC
JEN FLYNN, Zoning Board
Secretary

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23

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

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1 MITCHELL MEJIA - WORKSHOP

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

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: We need to approve
6 the minutes from August 8, because
7 we've finally got those back -- and
8 September 12th. Does anybody have any
9 questions about either one of those
10 meeting minutes?

11 MR. BARTOLOTTI: No.

12 MR. NIKOLA: No.

13 MR. MEKEEL: No.

14 MR. BARTOLOTTI: I will make a
15 motion that we approve the minutes of
16 the August 8th and September 12th
17 meeting.

18 MR. NIKOLA: Second.

19 CHAIRMAN CONN: All in favor?

20 MR. MEKEEL: Aye.

21 MR. NIKOLA: Aye.

22 MR. BARTOLOTTI: Aye.

23 CHAIRMAN CONN: Aye. So moved.
24 Next, just as an announcement, is
25 anyone here for the Marlboro Resort

1 MITCHELL MEJIA - WORKSHOP

2 public hearing?

3 (No audible response.)

4 CHAIRMAN CONN: Good. That's been
5 adjourned until November 14 at our next
6 zoning board meeting. And the agenda
7 next we have Michael Mejia, area
8 variance front yard 5 foot, side yard
9 3 feet.

10 MS. FLYNN: Andrew, don't forget
11 your training.

12 MR. NIKOLA: We can do that at the
13 end.

14 MS. FLYNN: Yes.

15 CHAIRMAN CONN: Yes, sir?

16 MR. TERRIZZI: Good evening, I'm
17 Chris Terrizzi, the engineer
18 representing the applicant, Mr.
19 Mitchell Mejia's, for the subject
20 property at 1559 Route 9W. I am here
21 seeking an area variance of 5 feet and
22 3 feet for preexisting nonconforming
23 front and side yards, respectively.
24 The subject parcels in the RAG1 zone,
25 which requires a 50-foot front yard and

1 MITCHELL MEJIA - WORKSHOP

2 a 35-foot side yard. The preexisting

3 nonconforming front yard setback to 9W

4 is 45 feet. The preexisting

5 nonconforming side yard to the

6 neighboring parcel is 32 feet. This

7 parcel is before the planning board for

8 a proposed subdivision. That board

9 decided that a zoning variance would be

10 required for the preexisting

11 nonconforming yards must be granted for

12 the subdivision application to proceed.

13 The lot lines to which the setback

14 variances that are being requested are

15 not changing in the proposed

16 subdivision, and obviously, the

17 residence on the parcel was built prior

18 to the zoning code. We feel that this

19 will not create any adverse physical or

20 environmental effects or change the

21 existing neighborhood character. It's

22 not self-created and cannot be achieved

23 by any other means. That is about all

24 I've got. Any questions?

25 CHAIRMAN CONN: I was just going

1 MITCHELL MEJIA - WORKSHOP

2 to ask that.

3 MR. MEKEEL: Where is that located
4 on 9W?

5 MR. TERRIZZI: As you're going out
6 of town up the hill past the Kedem
7 Winery, just before the crest of the
8 hill on the left, that is where this
9 parcel is.

10 MR. MEKEEL: Where does it sit
11 across from? What is on the other side
12 of the road?

13 MR. TERRIZZI: Oh, there is a side
14 street, Hillside is up here.

15 MR. MEKEEL: Yes, it's more or
16 less across from Hillside, just before.

17 CHAIRMAN CONN: Any questions?

18 MR. MEKEEL: I don't have any
19 questions.

20 MR. NIKOLA: I don't have any.

21 Any questions, Larry?

22 MR. BARTOLOTTI: No.

23 CHAIRMAN CONN: You want to make a
24 motion? Do you want to send them to
25 hearing?

1 MITCHELL MEJIA - WORKSHOP

2 MR. BARTOLOTTI: I will make a
3 motion to send this matter to a public
4 hearing.

5 CHAIRMAN CONN: Second, somebody?

6 MR. NIKOLA: Second.

7 CHAIRMAN CONN: All in favor?

8 MR. MEKEEL: Aye.

9 MR. NIKOLA: Aye.

10 MR. BARTOLOTTI: Aye.

11 CHAIRMAN CONN: Aye. So moved.

12 Thank you.

13 (Whereupon, at 6:05 P.M., the
14 Hearing was adjourned.)

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1 MITCHELL MEJIA - WORKSHOP

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

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4 STATE OF NEW YORK)
5 COUNTY OF ULSTER) : SS.:
6

7 I, LISA M. ROSSO, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That I was authorized to and did
11 stenographically report the foregoing
12 proceedings, and that the transcript is a
13 true record.

14 I further certify that I am not related
15 to any of the parties to this action by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.

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

20

21

22

 LISA M. ROSSO

23

24

25

LISA MARIE ROSSO - (845) 674-3937

2 STATE OF NEW YORK : COUNTY OF ULMSTER

3 TOWN OF MARLBOROUGH ZONING BOARD

-----X

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5 In the Matter of

6

7 MICHAEL DiVIESTIT - WORKSHOP
6-8 DiViesti Drive
Marlboro, New York 12542
SBL #108.4-7-14

8 -----X

9

DATE: October 10, 2024

10

TIME: 6:05 P.M.

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Town Hall
21 Milton Turnpike
Milton, New York 12547

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14 BOARD MEMBERS:

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

17

18 ALSO PRESENT:

19

20 MICHAEL DiVIESTIT
JEN FLYNN, Zoning Board
Secretary

21 -----X

22

23 LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
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1 MICHAEL DIVIESTI - WORKSHOP

2 CHAIRMAN CONN: Next we have up
3 Michael DiViesti.

4 MR. DIVIESTI: Yes.

5 CHAIRMAN CONN: I think we all
6 know, but just for the record.

7 MR. DIVIESTI: So, basically, I
8 just need a variance for the -- I
9 forget which lot it is on the map
10 there, the one closer to South Street.

11 MR. BARTOLOTTI: Parcel B.

12 MR. DIVIESTI: B, yes. So I need
13 a variance for that lot for the road
14 frontage.

15 MR. BARTOLOTTI: The 145.55 feet.

16 MR. DIVIESTI: Yeah, yup.

17 MR. MEKEEL: Preexisting,
18 nonconforming, you know, it's been
19 there forever?

20 MR. DIVIESTI: Been there forever.
21 It's been there 40 years. So, but I
22 bought that the way that it is. My
23 father just recently passed away so I
24 am trying to make it right, trying to,
25 you know --

1 MICHAEL DIVIESTI - WORKSHOP

2 CHAIRMAN CONN: This is because
3 the planning board said there are too
4 many houses on a private drive?

5 MR. DIVIESTI: Yeah, I guess there
6 was too many houses.

7 CHAIRMAN CONN: On Colletta?

8 MR. DIVIESTI: No, on DiViesti.

9 CHAIRMAN CONN: On DiViesti.

10 MR. DIVIESTI: That is what they
11 were saying so I did everything that
12 they wanted me to do. I saw you guys,
13 got the variance I needed, went back
14 there, and they just kind of said no.

15 MR. MEKEEL: I have no questions.

16 CHAIRMAN CONN: Unfortunately, we
17 wish this didn't get overlooked. It
18 would have been brought up a few months
19 ago when you had all of this in front
20 of us.

21 MR. DIVIESTI: Yeah.

22 MR. NIKOLA: I'm good.

23 MR. BARTOLOTTI: I have no
24 questions.

25 CHAIRMAN CONN: I don't think any

1 MICHAEL DIVIESTI - WORKSHOP
2 of us have any problems with this. I
3 mean, you meet just about all of the
4 criteria. It's not a self-created
5 hardship. You're trying to take
6 something nonconforming and make it
7 more conforming by taking two houses on
8 one lot and make two separate lots, so
9 I don't see any problems.

10 MR. DIVIESTI: Okay.

11 MS. FLYNN: Is that for South
12 Street?

13 CHAIRMAN CONN: Yes.

14 MS. FLYNN: Just so I know what to
15 put down.

16 MR. NIKOLA: The road frontage on
17 South Street.

18 MS. FLYNN: Okay.

19 MR. MEKEEL: I will make a motion
20 to move to a public hearing on this

21 145.55 --

22 MR. NIKOLA: Second --

23 MR. MEKEEL: -- front yard
24 variance.

25 MR. NIKOLA: Second.

1 MICHAEL DIVIESTIT - WORKSHOP

2 CHAIRMAN CONN: All in favor?

3 MR. MEKEEL: Aye.

4 MR. NIKOLA: Aye.

5 MR. BARTOLOTTI: Aye.

6 CHAIRMAN CONN: Aye, okay.

7 (Whereupon, an off-the-record
8 discussion was held.)

9 MR. NIKOLA: I have two hours of
10 completion from New York Planning
11 Federation certificate online. I will
12 make a motion to adjourn.

13 MR. MEKEEL: I will second that.

14 CHAIRMAN CONN: All in favor?

15 MR. MEKEEL: Aye.

16 MR. NIKOLA: Aye.

17 MR. BARTOLOTTI: Aye.

18 CHAIRMAN CONN: Aye.

19 (Whereupon, at 6:14 P.M., the
20 Hearing was adjourned.)

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1 MICHAEL DIVIESTIT - WORKSHOP

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

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

6

7 I, LISA M. ROSSO, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That I was authorized to and did
11 stenographically report the foregoing
12 proceedings, and that the transcript is a
13 true record.

14 I further certify that I am not related
15 to any of the parties to this action by
16 blood or by marriage and that I am in no way
17 interested in the outcome of this matter.

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

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21

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23 LISA M. ROSSO

24

25