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

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4 In the Matter of

5 MICHAEL DIVIESTI - PUBLIC HEARING
6-8 DiViesti Drive
6 Marlboro, New York 12542
7 SBL #108.4-7-14

-----X

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9 DATE: December 12, 2024

10

11 TIME: 6:30 P.M.

12

13 PLACE: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, New York 12547

17

18 BOARD MEMBERS:

19

20 LENNY CONN, Chairman
21 JEFF MEKEEL, Absent
22 GEORGE SALINOVICH
23 ANDREW NIKOLA
24 LARRY BARTOLOTTI, Absent

25

26

27 ALSO PRESENT:

28

29 JONATHAN N. MILLEN, Professional
30 Land Surveying & consulting
31 JEN FLYNN, Zoning Board
32 Secretary

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40 LISA MARIE ROSSO
41 140 Mahoney Road
42 Milton, New York 12547
43 (845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 CHAIRMAN CONN: Please stand for
3 the pledge.

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: We're going to
6 table the approval of the minutes until
7 the January meeting, because we need
8 three, and I was not in attendance so I
9 cannot vote on it. Public hearing --
10 we didn't get the cards or anything
11 back? We already got DiViesti.

12 MS. FLYNN: Right.

13 MR. NIKOLA: He wasn't here last
14 time.

15 MS. FLYNN: But it was still a
16 follow over from before. We had the
17 cards from the previous meeting.

18 CHAIRMAN CONN: Representative of
19 DiViesti?

20 MR. MILLEN: Yes, sir. I have the
21 cards right here. So those are the
22 ones that were returned.

23 MS. FLYNN: This is for zoning or
24 is this for planning?

25 MR. MILLEN: Well --

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 MS. FLYNN: Because I do have --

3 MR. MILLEN: I don't know. Let's
4 look at the date, because the recent
5 date would be the -- what do those read
6 at the bottom?

7 MS. FLYNN: This is November 4 of
8 '24. This is April. Okay.

9 MR. MILLEN: So you don't need
10 these?

11 MS. FLYNN: Yes, I do. Thank you.

12 CHAIRMAN CONN: Good?

13 MS. FLYNN: Yes.

14 CHAIRMAN CONN: I think we know
15 pretty much everything that we need,
16 but just for the record, a quick
17 summary on what you're looking to do.

18 MR. MILLEN: Okay. So Mr.
19 DiViesti had one lot with two
20 residences on it that he wanted to
21 subdivide so that each residence would
22 be on its own separate lot. And we ran
23 into a whole bunch of issues regarding
24 how many lots you can have on a private
25 road. So, after going through meetings

1 MICHAEL DiVIESTI - PUBLIC HEARING
2 regarding that, including zoning board
3 meetings, we came back, and it was
4 determined that the best methodology
5 for us to use would be to, instead use
6 the South Street as our frontage, we
7 need a variance for that because we
8 didn't have enough frontage on South
9 Street, but we went for the zoning
10 board, and they approved that variance.
11 So now we're here to look for a
12 negative declaration on this so that we
13 can proceed and let Mr. DiViesti get
14 his lot.

15 MS. FLYNN: We have 31 out, 20
16 back, and 16 returned.

17 CHAIRMAN CONN: Okay, thank you.
18 Is this -- the ones that we have, is
19 this still current?

20 MR. MILLEN: Yes, sir. Well, the
21 revision date on that is it 9/5/2024?

22 MR. NIKOLA: Yes, 9/26/2024.

23 MR. MILLEN: What is it?

24 MR. NIKOLA: 9/26.

25 MR. MILLEN: Right.

1 MICHAEL DiVIESTIT - PUBLIC HEARING

2 MR. SALINOVICH: Can you show us
3 where this variance is now?

4 CHAIRMAN CONN: Just for the
5 record, where they're talking about
6 having the front yard.

7 MR. NIKOLA: Because I don't see
8 the number.

9 MR. MILLEN: Where they're having
10 the front yard setback; what?

11 CHAIRMAN CONN: Well, it's a front
12 yard setback of 145.55 feet; correct?

13 MR. NIKOLA: I don't see that
14 number anywhere.

15 MR. SALINOVICH: I don't either.

16 MR. NIKOLA: I see a 160.

17 MR. MILLEN: I am not certain --
18 what number did you give, 145?

19 CHAIRMAN CONN: That is what I
20 have here. I am looking back through
21 the old records.

22 MR. MILLEN: If can I come up and
23 look at what you're looking at?

24 CHAIRMAN CONN: Off the record.

25 (Whereupon, an off-the-record

1 MICHAEL DIVESTI - PUBLIC HEARING

2 discussion was held.)

3 CHAIRMAN CONN: We're going to
4 table this until more discussion and
5 clarification until next month.

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7 (Whereupon, at 6:42 P.M., the
8 Hearing was adjourned.)

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1 MICHAEL DIVIESTI - PUBLIC HEARING

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..:

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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 17th day of December 2024.

20

21

22 _____
 LISA M. ROSSO

23

24

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LISA MARIE ROSSO - (845) 674-3937

2 STATE OF NEW YORK : COUNTY OF ULMSTER
3 TOWN OF MARLBOROUGH ZONING BOARD

-----X

4 In the Matter of

5 JERRICO HOLDINGS
6 32 Western Avenue
7 Marlboro, New York 12542
8 SBL #108.12-2-41

-----X

9 DATE: December 12, 2024

10 TIME: 6:43 P.M.

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

13 BOARD MEMBERS:

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

17 ALSO PRESENT:

18 JOSH INDORF
19 JEN FLYNN, Zoning Board
Secretary

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24 LISA MARIE ROSSO
140 Mahoney Road
Milton, New York 12547
25 (845) 674-3937

1 **JERRICO HOLDINGS - WORKSHOP**

2 CHAIRMAN CONN: Now we're up to
3 Jerrico Holdings, 32 Western Avenue,
4 yard variance front yard, 5 feet, use
5 variance commercial upstairs
6 residential downstairs.

7 MS. FLYNN: So we left the public
8 hearing open?

9 MR. NIKOLA: Yes.

10 CHAIRMAN CONN: Yes.

11 MS. FLYNN: Thank you.

12 MR. INDORF: How are you doing
13 tonight?

14 CHAIRMAN CONN: Good. How are
15 you?

16 MR. NIKOLA: Back in front of us.
17 Chairman Conn wasn't here last month.

18 CHAIRMAN CONN: I know what we're
19 doing, but just give a brief summary.

20 MR. INDORF: So, I talked to Tom a
21 couple of days after our last meeting,
22 and basically, he said he talked to
23 you-all on what we were going forward
24 with, and I don't exactly remember
25 except for the fact that we were going

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JERRICO HOLDINGS - WORKSHOP

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to leave the foundation, because it's a hardship to cut the house back. So, I went back and I tried to redesign the front of the house a little bit, because the roofline and whatnot and I got a couple of different options I'm hoping we can meet someplace in the middle. At the end of the day, you're all the boss.

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11 CHAIRMAN CONN: Okay. What do you
12 have?

13

13 MR. INDORF: All right. This is
14 what we have now, if you're not
15 familiar with the house, it's an
16 enclosed front porch over the top of
17 the foundation.

18

18 MR. NIKOLA: That's what this part
19 is right here?

20

MR. INDORE: Correct.

21

21 MR. NIKOLA: And that is the
22 foundation we were concerned about

23

MR. INDORF: That's correct.

24

1 **JERRICO HOLDINGS - WORKSHOP**

2 line cuts the front of the porch. So,
3 then I went back to my architect and I
4 said how can we redesign the front of
5 the house?

6 MR. SALINOVICH: Is it on the
7 sidewalk?

8 MR. INDORF: It's on the sidewalk
9 just a little bit. The sidewalk is 4
10 foot, I probably go into the sidewalk 8
11 inches.

12 MR. SALINOVICH: How old is the
13 house?

14 MR. INDORF: You know, if I were
15 to guess, I would say '30s or '40s. So
16 100 years, 80, 90 years. So my
17 architect came back and made this nice
18 drawing of what we could do with the
19 house. It's just by making the
20 roofline shorter. The only problem
21 with this is I'm worried about all of
22 the water coming through the slab into
23 the foundation. So then he came up
24 with this. This would meet all
25 requirements, hang it over the front of

1 **JERRICO HOLDINGS - WORKSHOP**

2 the roof and put a big piece of
3 aluminum on there. I think it would
4 look horrible, but if it passes
5 inspection, then that's what I would
6 do, or if I could put the roof over top
7 of it, because we're making a huge
8 improvement here. So if we could just
9 look the other way and say, hey, you
10 know what, the roofline could be over,
11 but it's still set back.

12 CHAIRMAN CONN: Or it could fall
13 into to a preexisting nonconforming.
14 Off the record.

15 (Whereupon, an off-the-record
16 discussion was held.)

17 CHAIRMAN CONN: Do you have any
18 questions for us?

19 MR. INDORF: I don't.

20 MR. SALINOVICH: Are you going to
21 put the post over here? This is the
22 part next to the sidewalk; right?

23 MR. INDORF: Yes, the sidewalk is
24 literally right there.

25 MR. SALINOVICH: He needs five

1 **JERRICO HOLDINGS - WORKSHOP**

2 foot?

3 MR. NIKOLA: Yes, there is the
4 porch, and there is the line, and there
5 is the sidewalk. This would be
6 commercial, the porch essentially, and
7 downstairs would be residential.

8 MR. INDORF: Yes.

9 CHAIRMAN CONN: All right. Any
10 questions?

11 MR. NIKOLA: No, I am good.

12 MR. SALINOVICH: I'm good.

13 CHAIRMAN CONN: Send them to
14 public hearing?

15 MR. NIKOLA: Yes.

16 CHAIRMAN CONN: Make a motion.

17 MR. NIKOLA: I'll make a motion to
18 send Jerrico Holding to a public
19 hearing for next month.

20 MR. SALINOVICH: I will second.

21 CHAIRMAN CONN: And to be clear,
22 it's for an area variance for the front
23 yard of 5 feet and a use variance
24 commercial upstairs residential
25 downstairs. Aye for me also. See you

1 **JERRICO HOLDINGS - WORKSHOP**

2 in January. Jen will know the date.

3 MS. FLYNN: January 9th.

4 CHAIRMAN CONN: Any more
5 questions?

6 MR. NIKOLA: No.

7 MR. SALINOVICH: No.

8 MR. NIKOLA: Make a motion to
9 adjourn.

10 MR. SALINOVICH: Second.

11 CHAIRMAN CONN: All in favor?

12 MR. NIKOLA: Aye.

13 MR. SALINOVICH: Aye.

14 CHAIRMAN CONN: And aye.

15

16 (Whereupon, at 6:52 P.M., the
17 Hearing was adjourned.)

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1 **JERRICO HOLDINGS - 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.:
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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 17th day of December 2024.

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