

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

In the Matter of

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

DATE: December 12, 2024

TIME: 6:30 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

JONATHAN N. MILLEN, Professional  
Land Surveying & consulting  
JEN FLYNN, Zoning Board  
Secretary

LISA MARIE ROSSO  
140 Mahoney Road  
Milton, New York 12547  
(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 DiVIESTI - 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 DiVIESTI - 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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## MICHAEL DiVIESTI - PUBLIC HEARING

## C E R T I F I C A T E

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 17th day of December 2024.

---

LISA M. ROSSO

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

-----X

In the Matter of

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

-----X

DATE: December 12, 2024

TIME: 6:43 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

JOSH INDORF  
JEN FLYNN, Zoning Board  
Secretary

-----X

LISA MARIE ROSSO  
140 Mahoney Road  
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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

1                   **JERRICO HOLDINGS - WORKSHOP**

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

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

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

20                 MR. INDORF: Correct.

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

23                 MR. INDORF: That's correct.  
24                  Which is -- we got a little, I printed  
25                  it out on a small printer, the property

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

**JERRICO HOLDINGS - WORKSHOP**

1  
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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**JERRICO HOLDINGS - WORKSHOP****C E R T I F I C A T E**

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 17th day of December 2024.

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LISA M. ROSSO