

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

-----X

In the Matter of

MICHAEL DiVIESTI - PUBLIC HEARING -  
Area Variance Front Yard 145.55  
6-8 DiViesti Drive  
Marlboro, New York 12542  
SBL #108.4-7-14

-----X

DATE: January 9, 2025

TIME: 6:00 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

JEN FLYNN, Zoning Board  
Secretary

THOMAS CORCORAN, JR., Building  
Inspector and Code Enforcement  
Officer

-----X

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: Thank you  
6 everybody. This is the January 9,  
7 2025, zoning board meeting. Did we  
8 have a chance to read the minutes from  
9 the last meeting, everybody?

10 MR. MEKEEL: Yes.

11 MR. BARTOLOTTI: Yes.

12 MR. NIKOLA: Yes.

13 MR. SALINOVICH: Yes.

14 CHAIRMAN CONN: Any discussion?

15 MR. NIKOLA: No.

16 CHAIRMAN CONN: Motion to approve?

17 MR. BARTOLOTTI: I will make a  
18 motion to approve.

19 MR. NIKOLA: Second.

20 CHAIRMAN CONN: All in favor?

21 MR. MEKEEL: Aye.

22 MR. BARTOLOTTI: Aye.

23 MR. NIKOLA: Aye.

24 MR. SALINOVICH: Aye.

25 CHAIRMAN CONN: Aye. First up we

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 have DiViesti, Michael DiViesti, area  
3 variance front yard of 145.55 feet. I  
4 don't think we -- I think -- do we have  
5 any questions for Mr. DiViesti?

6 MR. MEKEEL: No.

7 CHAIRMAN CONN: I know we all know  
8 a little bit about it. I know there  
9 was some discussion about the size of  
10 the variance and some hesitancy we had  
11 on that, but Mr. Corcoran, Tom is here.  
12 Can you give me your opinion on that?

13 MR. CORCORAN: Sure. So, what  
14 happened with Mr. DiViesti is his  
15 original start in front of the planning  
16 board never picked up the additional  
17 house on the private road. And there  
18 is a section that's in the codebook on  
19 additional -- how many houses can be on  
20 a private road. They sent Mr. DiViesti  
21 on a long path that included the zoning  
22 board for the removal of a pool and a  
23 pool deck, which I went and witnessed  
24 for the zoning board and reported back  
25 that he did do that. At that time, if

1           MICHAEL DiVIESTI - PUBLIC HEARING  
2           there was any question on this  
3           additional house being created on this  
4           private road, it should have been  
5           brought forward then, but Mr. DiViesti  
6           has spent a year's time and tens of  
7           thousands of dollars in this process to  
8           get to a point where he was just about  
9           done, and then the final hour of this  
10          came out. Now, what the book says is  
11          that four houses are allowed on a  
12          private road. Up to two additional  
13          houses can be added to that. If those  
14          parcels touch a public road, but have  
15          the required frontage by schedule one,  
16          basically saying the lot width. Now,  
17          again, I can make a determination that  
18          schedule one, as the book says, lot  
19          frontage is not really defined in the  
20          book or in the code as lot frontage.  
21          And in schedule one, it's minimum lot  
22          width. So, ideally, I can just make  
23          the determination that those two don't  
24          equal, and we don't have it in the  
25          books, but the easiest way to clean

1                   MICHAEL DiVIESTI - PUBLIC HEARING  
2                   this up, because Mr. DiViesti's lot is  
3                   a pre-existing, nonconforming lot, he's  
4                   bringing the lot into conformity in a  
5                   way where he takes two houses on one  
6                   lot and brings it into what the town  
7                   master plan wants, individual houses on  
8                   individual lots. He's created that.  
9                   He has been through a public hearing at  
10                  the planning board. He has been to the  
11                  zoning board. He has been to a public  
12                  hearing at the zoning board. And at  
13                  the final hour this comes up. So, I  
14                  understand that the number sounds  
15                  large, 145-foot variance, but honestly,  
16                  knowing the town board, knowing the  
17                  town supervisor, and myself, it fits in  
18                  the town's best interest that this  
19                  nonconformity becomes more conforming  
20                  by putting one house on each lot,  
21                  putting each house on its separate tax  
22                  bill, and giving him the variance. For  
23                  what, again, I understand seems a large  
24                  number, but he does meet 90 percent of  
25                  what the codebook is saying. And the

1           MICHAEL DiVIESTI - PUBLIC HEARING  
2           only thing he doesn't meet is what the  
3           codebook is calling minimum lot  
4           frontage under 155, schedule 1, which,  
5           in my opinion, doesn't exist. 155  
6           schedule 1, gives you a lot width and a  
7           lot depth, but it doesn't give you  
8           minimum required frontage. There is no  
9           frontage requirement in 155, schedule  
10          1, and you can research that, but that  
11          is a fact. There is no such thing in  
12          that schedule that says required  
13          frontage. There is a minimum lot. So,  
14          we're going to go with minimum lot  
15          width if we want to make a  
16          determination that minimum lot width  
17          equals frontage, and that's your  
18          determination at this point. Because  
19          you are the Board that overrides me.  
20          So that is why I would make that  
21          determination. I will let you make  
22          that determination tonight. But,  
23          again, by giving him that variance will  
24          meet what the master -- town of  
25          Marlboro's master plan is looking for

1           MICHAEL DiVIESTI - PUBLIC HEARING  
2           to bring lots that are nonconforming to  
3           conforming. And, honestly, ten years  
4           ago, you could have 15 houses. You  
5           could have as many houses as you want  
6           on a private road. This was only  
7           brought back recently, and right now we  
8           do have a subdivision that has twelve  
9           houses on a private road that was  
10          approved by the planning board. Do I  
11          think that is too many? I do. Do I  
12          think putting five or six houses on a  
13          private road is a lot? I don't think  
14          so, because the codebook allows it  
15          anyway. The codebook reads up to six.  
16          So, that's my opinion on this.

17                 CHAIRMAN CONN: That was a  
18                 discussion that I had had a couple of  
19                 weeks ago with some members of the  
20                 planning board also. And in a meeting  
21                 this came up, private meeting, and I  
22                 could not see where it said frontage,  
23                 because my first question was, what  
24                 happens if you have a flag type lot, no  
25                 one has a 150-foot-wide entrance or

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 driveway to get into the lot, and I was  
3 like you, I couldn't find it in the  
4 codebook. All I saw was minimum width.

5 MR. CORCORAN: That's correct.

6 CHAIRMAN CONN: So, my question  
7 is, if it doesn't say actually frontage  
8 in the codebook, do we really need all  
9 145 feet, or can it be shrunk?

10 MR. CORCORAN: Well, the real  
11 question is will it be challenged again  
12 and will Mr. DiViesti have to sit  
13 through three more months of going  
14 through planning board and be back in  
15 front of you for a determination?  
16 Honestly, that is where I stand  
17 tonight. I stand tonight that  
18 ultimately, at the end, you're making  
19 the determination on either that  
20 definition or giving him the variance.  
21 Because, again, it's the planning board  
22 that sent him here on this chase again  
23 after one year and already appearing in  
24 front of the zoning board and already  
25 having public hearings. So, you could



1 MICHAEL DiVIESTI - PUBLIC HEARING  
2 make one of two determinations, giving  
3 him the variance -- and, again, in my  
4 opinion, not worrying about setting a  
5 precedence because we're now taking  
6 pre-existing nonconforming, bringing it  
7 to conforming by separating it from the  
8 house, which is a much more major step  
9 in meeting our master plan, or do you  
10 want to make a determination on a  
11 definition that may or may not be  
12 challenged and sent back to you.  
13 Again, that's your call. Again, I  
14 could write the determination saying  
15 that it's not in the codebook, it  
16 doesn't meet the requirement and send  
17 him back to the planning board and  
18 bypass you, but the planning board  
19 would have the authority to override me  
20 and say we want the zoning board's  
21 opinion on this, thanks but no thanks.  
22 Because, again, I am the interpreter of  
23 the code, and you five are the only  
24 five that have the authority to  
25 overrule me, not the supervisor, not

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 the town board, not the attorney, not  
3 the engineer. You five gentlemen are  
4 the five people in charge of that. So,  
5 again, that is what you have basically  
6 to think about tonight. Do we give him  
7 the variances based on what is being  
8 presented to you, or do you just make a  
9 definition requirement that can or  
10 cannot be questioned by the planning  
11 board again, saying that, well, maybe  
12 we do need a definition, and maybe we  
13 do, maybe that's something that we will  
14 have to talk about with the town board  
15 supervisor on either amending that  
16 section of the code to read correctly  
17 or not, but right now we're dealing  
18 with what the codebook says and what  
19 you have in front of you right now.

20 CHAIRMAN CONN: If it was up to  
21 me, this goes back to the meeting that  
22 we had between zoning, planning, and  
23 town board on people interpreting  
24 something rather than reading as it's  
25 written. And as it's written correct,

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 it says 150 minimum lot width, not  
3 frontage; correct.

4 MR. CORCORAN: Schedule 1 says lot  
5 width, it doesn't say frontage; that's  
6 correct. But again, that wasn't  
7 presented to you. That -- we're not  
8 asking the zoning board of appeals to  
9 make a determination on a definition  
10 that doesn't exist. The definition  
11 doesn't exist at this point. So,  
12 again, obviously, it's the five of you  
13 who make this choice, but if you move  
14 on with the variance of the 145 and a  
15 half or whatever it might be, and then  
16 write a letter to the town board saying  
17 that we need to clean this up, then  
18 maybe that is what we do, that you've  
19 now found something in the book that is  
20 not working.

21 CHAIRMAN CONN: No, I definitely  
22 don't want to do that. I don't like  
23 the different people -- I understand  
24 your own interpretation, but there is a  
25 codebook for a reason and written for a

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 reason. And I don't like the different  
3 interpretation, well, that's not what  
4 it is supposed to be, or that's not  
5 what they meant to say, I can't help  
6 that, this is what it says.

7 MR. CORCORAN: Correct. But in  
8 all fairness, I could read that as a  
9 zoning officer and make the  
10 determination that it equals lot width.  
11 And all -- and you as a majority can  
12 override that, but I can make the  
13 determination either way, you know, but  
14 it never came in front of me, make the  
15 determination and write something on  
16 this. What came in front of me is he  
17 didn't have the lot width so I sent him  
18 to you for that, because that is what  
19 is presented to me. I can only present  
20 to you what was presented to me. And  
21 if I was presented to make a  
22 determination on a definition, I  
23 would've made the determination that it  
24 doesn't -- it's nowhere to be found.  
25 And then planning board will still send

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 it to make that determination and you  
3 would be making a determination on a  
4 definition that doesn't exist. So that  
5 is the problem with this right now, the  
6 definition doesn't exist. You could  
7 say that you agree or disagree with my  
8 assessment as zoning officer that road  
9 frontage -- minimum required road  
10 frontage does not equal lot width and,  
11 therefore, it doesn't work. Well,  
12 then, the question is going to be  
13 either by the zoning board or somebody  
14 else, well, what does it mean and let's  
15 create the definition, which, again,  
16 holds him up another, whatever it  
17 takes, which will be a minimum of six  
18 months for us to change this.

19 CHAIRMAN CONN: I'm not looking to  
20 do that. I'm even looking at the map  
21 that they put out and they got in there  
22 minimum lot width 150. Parcel A has  
23 344, and parcel B has 143.7, so, I  
24 mean, we're 6 feet, 5 feet.

25 MR. CORCORAN: That would be

1           MICHAEL DiVIESTI - PUBLIC HEARING  
2           correct if the variance was being sent  
3           to you on lot width. But,  
4           unfortunately, the variance is being  
5           sent for you for the fifth house on a  
6           private road, which, again, you could  
7           write up to six, but it doesn't have  
8           that we're going to determine minimum  
9           required frontage. If I've got -- if  
10          we have to sit here tonight and say  
11          what equals minimum required lot  
12          frontage and what equals minimum lot  
13          width, we can agree or disagree on  
14          that, but that's not in front us  
15          tonight. That would be by my  
16          determination here. What's in front of  
17          us is the variance to add the fifth  
18          house on a private road without having  
19          the minimum lot width or minimum  
20          required frontage, you know.

21                 CHAIRMAN CONN: I am not  
22                 disagreeing with your interpretation.  
23                 My whole thought is, I don't agree with  
24                 why he was sent back to us and for what  
25                 reason and for the scale of that

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 reason. That is -- but that's not here  
3 tonight. That is a further  
4 conversation with planning and code  
5 changer to clarify with town what the  
6 codes are. So, anybody else have any  
7 questions?

8 MR. MEKEEL: No.

9 MR. NIKOLA: I don't have  
10 questions. I do feel for Mr. DiViesti  
11 in how long this process has been. I  
12 think everybody would agree with me.  
13 My only concern is I don't want to set  
14 that precedence. So I do want the code  
15 to be changed so we don't have shades  
16 of gray and everything is black and  
17 white and we can make sure there is no  
18 room for someone to interpret it  
19 differently than me and Lenny and  
20 everybody else. So I hope, you know,  
21 we can send that letter to kind of have  
22 looked at, because I don't want someone  
23 ten years from now being like, well, if  
24 you remember at the January 9th, 2025,  
25 meeting, you gave a variance for

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1 MICHAEL DiVIESTI - PUBLIC HEARING

2 145 feet.

3 MR. CORCORAN: Correct. But the  
4 precedence you will set tonight if you  
5 read that variance is we took a  
6 preexisting nonconforming, brought it  
7 to conforming, and we met the  
8 requirements of the codebook saying  
9 that he could have the fifth house on  
10 the private road, except the variance  
11 that he gave because he didn't touch  
12 the number. So, they would have to  
13 meet all of that criteria. And if they  
14 did, I would encourage this Board or a  
15 future Board to issue the same  
16 variance. So, the precedence isn't  
17 being set on something that is not only  
18 good for the town and meets the  
19 requirements for the master plan of the  
20 town; you're adhering to that with the  
21 variance. And, again, I would  
22 encourage this Board or future Board to  
23 do the same exact thing if the criteria  
24 was exactly the same. If the criteria  
25 is not exactly the same exactly, then

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1 MICHAEL DiVIESTI - PUBLIC HEARING

2 you will not have set a precedence.

3 MR. NIKOLA: Let's hope we don't  
4 get to that point.

5 MR. MEKEEL: I have nothing.

6 MR. NIKOLA: George?

7 MR. SALINOVICH: I've got nothing.

8 MR. BARTOLOTTI: I have nothing.

9 CHAIRMAN CONN: Any more  
10 questions?

11 MR. MEKEEL: I will make a motion  
12 that we close the public hearing.

13 MR. SALINOVICH: Second.

14 CHAIRMAN CONN: All in favor?

15 MR. MEKEEL: Aye.

16 MR. BARTOLOTTI: Aye.

17 MR. NIKOLA: Aye.

18 MR. SALINOVICH: Aye.

19 CHAIRMAN CONN: Aye.

20 MR. NIKOLA: I'll make a motion to  
21 approve for Applicant Michael DiViesti  
22 for a variance for a front yard setback  
23 of 145.55 feet.

24 MR. BARTOLOTTI: I second.

25 CHAIRMAN CONN: All in favor?

1 MICHAEL DiVIESTI - PUBLIC HEARING

2 MR. MEKEEL: Aye.

3 MR. BARTOLOTTI: Aye.

4 MR. NIKOLA: Aye.

5 MR. SALINOVICH: Aye.

6 CHAIRMAN CONN: Aye. So moved.

7 Done.

8 MR. DiVIESTI: Thank you.

9 CHAIRMAN CONN: Thank you, Mr.  
10 Corcoran, for clarification.

11 MR. CORCORAN: You're welcome.

12

13 (Whereupon, at 6:15 P.M., the  
14 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 January 2025.

---

LISA M. ROSSO

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

-----X

In the Matter of

JERRICO HOLDINGS - PUBLIC HEARING

Area Variance Front Yard 5' Use Variance  
Commercial Upstairs Residential Downstairs  
32 Western Avenue  
Marlboro, New York 12542  
SBL #108.12-2-41

-----X

DATE: January 9, 2025

TIME: 6:16 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  
JEFF MEKEEL

ALSO PRESENT:

JOSH INDORF  
JEN FLYNN, Zoning Board  
Secretary

-----X

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

LISA MARIE ROSSO - (845) 674-3937

1                   **JERRICO HOLDINGS - PUBLIC HEARING**

2                   CHAIRMAN CONN: Next is Jerrico  
3                   Holdings for an area variance front  
4                   yard of 5 feet. This is a public  
5                   hearing.

6                   MR. INDORF: Do you want these?

7                   MS. FLYNN: Yes.

8                   MR. INDORF: (Handing.)

9                   MS. FLYNN: 55 went out and 30  
10                  came back.

11                  CHAIRMAN CONN: It's an area  
12                  variance for the front yard 5 feet, and  
13                  a use variance for a commercial  
14                  upstairs, residential downstairs. Any  
15                  questions?

16                  MR. MEKEEL: I do not.

17                  MR. NIKOLA: No.

18                  CHAIRMAN CONN: No need for him to  
19                  explain any more; everyone good?

20                  MR. BARTOLOTTI: No questions.

21                  MR. SALINOVICH: I'm good.

22                  CHAIRMAN CONN: Being there is no  
23                  -- you're the only one appearing for  
24                  the public, so (addressing Patricia  
25                  Brooks).

1                   **JERRICO HOLDINGS - PUBLIC HEARING**

2                   MR. MEKEEL: I'll make a motion we  
3                   close the public hearing.

4                   MR. NIKOLA: Second.

5                   CHAIRMAN CONN: All in favor?

6                   MR. MEKEEL: Aye.

7                   MR. BARTOLOTTI: Aye.

8                   MR. NIKOLA: Aye.

9                   MR. SALINOVICH: Aye.

10                  CHAIRMAN CONN: Aye. Any  
11                  discussion on the variance?

12                  MR. MEKEEL: No.

13                  MR. BARTOLOTTI: No.

14                  MR. NIKOLA: No, nothing.

15                  MR. SALINOVICH: No.

16                  CHAIRMAN CONN: Make a motion to  
17                  approve the variance?

18                  MR. NIKOLA: I will make a motion  
19                  to approve the area variance front yard  
20                  5 foot, and a use variance commercial  
21                  upstairs residential downstairs for  
22                  applicant Jerrico Holdings, 32 Western  
23                  Avenue, Marlboro.

24                  CHAIRMAN CONN: Second?

25                  MR. SALINOVICH: Second.

1                   **JERRICO HOLDINGS - PUBLIC HEARING**

2                   CHAIRMAN CONN: All in favor?

3                   MR. MEKEEL: Aye.

4                   MR. BARTOLOTTI: Aye.

5                   MR. NIKOLA: Aye.

6                   MR. SALINOVICH: Aye.

7                   CHAIRMAN CONN: Aye.

8

9                   (Whereupon, at 6:18 P.M., the

10                  Hearing was adjourned.)

11

12                                 °       °       °       °

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**JERRICO HOLDINGS - 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 January 2025.

---

LISA M. ROSSO



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

-----X

In the Matter of

LAURELL DIORIO - Workshop -  
Hidden Acres  
Marlboro, New York 12542  
SBL #108.2-2-37

-----X

DATE: January 9, 2025

TIME: 6:19 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

JEN FLYNN, Zoning Board  
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THOMAS CORCORAN, JR., Building  
Inspector and Code Enforcement  
Officer

Patricia P. Brooks, L.S.  
Brooks & Brooks Land Surveyors

-----X

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1 LAURELL DIORIO - WORKSHOP

2 CHAIRMAN CONN: Next up, we have  
3 Laurell Diorio, Hidden Acres, Marlboro,  
4 area variance for lot width front yard  
5 setback and buildable area. Ms.  
6 Brooks, you're representing Ms. Diorio?

7 MS. BROOKS: I am. Ms. Diorio is  
8 looking for a two-lot subdivision of  
9 2.44 acres of land located on the  
10 southerly side of Mt. Zion Road. It  
11 also contains a private road, known as  
12 Hidden Acres Drive, and that would be  
13 access to lot number two. I was  
14 referred here by the planning board for  
15 lot width front yard setback, and they  
16 also made or their consultant made a  
17 determination that areas in excess of  
18 25 percent must be deducted from the  
19 usable lot area, sloping houses should  
20 be provided depicting adequate lot  
21 size. So, I had initially asked for  
22 the lot width variance. What I did is,  
23 based on the definition of lot width, I  
24 took the front lot line, I took that  
25 angle, and put it in the middle of

1 LAURELL DIORIO - WORKSHOP  
2 where the house is. If you put it in  
3 front of the house, it meets the  
4 setback. If you put it in the back of  
5 the house, it's less. So, I took the  
6 average of 148.3 so I'm seeking a 1.7  
7 foot area variance for lot width. With  
8 regard to the other items, I will  
9 confess that I am confused about the  
10 variance of front yard setback. It  
11 says the project requires a variance  
12 for lot width, I agree and, therefore,  
13 a variance for front yard setback, as  
14 front yard setback is measured for the  
15 lot as lots. So if my front yard  
16 setback is 50 feet, and I'm measuring  
17 my front yard setback 300 feet off the  
18 road, why do I need the front yard  
19 setback variance, or is he saying  
20 because I don't meet the lot width  
21 anywhere? So, the last issue that is  
22 what I wanted to discuss with the  
23 zoning board code officer was with  
24 regard to the 25 percent density. When  
25 you read the code for schedule 1, lot

1                   LAURELL DIORIO - WORKSHOP  
2                   yard and height regulations, the -- it  
3                   says that the minimum lot area needs to  
4                   be 1 acre. It doesn't say that the  
5                   minimum net density needs to be 1 acre.  
6                   So, the -- Pat Hines is interpreting  
7                   that lot area, and in that density  
8                   maybe the same thing, I am not sure. I  
9                   don't want to speak for him, but I  
10                  don't believe that I need an area  
11                  variance for that, because if you read  
12                  through the code, it's very clear that  
13                  lot area and computed area of a lot  
14                  contained in the lot lines and measured  
15                  in square feet and acres when you look  
16                  at the net buildable area, it says  
17                  gross acreage of proposed development  
18                  site less the acreage of wetlands,  
19                  slopes, et cetera, net density is the  
20                  measure of the number of allowed  
21                  dwelling units per unit of area shall  
22                  be expressed in the dwelling unit, and  
23                  it's per area, and then it tells you  
24                  how. But the only place in the code  
25                  that you find anything having to do

1           LAURELL DIORIO - WORKSHOP  
2           with net density is under the site plan  
3           standards. And the applicability of a  
4           site plan is required for new principal  
5           uses and accessories, except for one  
6           and two-family dwellings and related  
7           accessory uses. And under that it says  
8           density, when the density calculation  
9           is to be made for site plan review, it  
10          will be net density calculation. So,  
11          net density was put into code in 2009  
12          when they also made some changes to the  
13          site plan regulations, and that was to  
14          apply two site plans not to simple  
15          subdivisions for one-family dwellings,  
16          that you go back to schedule 1, density  
17          control that says 1 acre.

18               CHAIRMAN CONN: This word  
19               "interpretation" is coming up way too  
20               often in the last several months.  
21               Patty, why are they saying that you  
22               need a front yard setback?

23               MS. BROOKS: We were trying to  
24               figure that out. I'm not sure.

25               CHAIRMAN CONN: None of us are

1 LAURELL DIORIO - WORKSHOP

2 sure either.

3 MR. CORCORAN: Again, this would  
4 be probably not up for  
5 interpretation -- well, I guess  
6 anything is, but as the building  
7 inspector, if I go out there and she  
8 proposes what's on that map for that  
9 house, the front yard setback is taken  
10 from the private road. It's taken from  
11 a public/private way. So obviously,  
12 that driveway comes off a private way.  
13 So the front yard setback is there,  
14 just looking at the map, she has  
15 50 feet so I don't see a problem with  
16 that, so they have --

17 MS. BROOKS: They have that  
18 written too.

19 CHAIRMAN CONN: Yes, the driveway  
20 is coming off of the private road and,  
21 George, you've been with me forever  
22 with this thing. So my driveway is  
23 coming off a private road. I can  
24 either use a public or private way. So  
25 I'm coming into that house, that is my

1 LAURELL DIORIO - WORKSHOP  
2 front yard setback between the front of  
3 the house and the private road, that is  
4 your setback. I can't use --

5 MR. SALINOVICH: It goes by the  
6 road.

7 CHAIRMAN CONN: I can't use a road  
8 that's 300 feet away on a curve as my  
9 front yard. So, your front yard  
10 setback should be taken where it says  
11 found rebar coming in on that on --  
12 This is lot two?

13 MS. BROOKS: Yes.

14 CHAIRMAN CONN: -- on lot two.  
15 Your front yard setback is from that  
16 property line where it says found rebar  
17 to where the proposed house is, that is  
18 going to be your front yard.

19 MR. BARTOLOTTI: 148.

20 MR. CORCORAN: The numbers are  
21 going to exceed 50 feet based on scale.

22 MS. BROOKS: They're going to  
23 exceed 50 feet there, but then I'm  
24 going to have a problem with my rear  
25 yard, and then the rear yard is going

1                   LAURELL DIORIO - WORKSHOP  
2                   to be 75 feet and my lot depth needs to  
3                   be 200. So, I'm not sure I would have  
4                   enough room to build on that lot at all  
5                   if I have to take that as my front  
6                   yard.

7                   MR. CORCORAN: What's the total  
8                   width?

9                   MS. BROOKS: 148.

10                  MR. CORCORAN: Minus 125. You're  
11                  better off getting something here.

12                  MR. BARTOLOTTI: I have a  
13                  question. What is the concrete?

14                  MS. BROOKS: Well, so, there used  
15                  to be two dwelling units on this  
16                  property. One was a mobile home on lot  
17                  number one. And the other one was a  
18                  home on that concrete slab on lot  
19                  number two.

20                  MR. BARTOLOTTI: Okay.

21                  MS. BROOKS: Unfortunately, she  
22                  didn't realize that she was going to be  
23                  losing her -- the grandfathered in of  
24                  those dwellings so she cleared the  
25                  property and got rid of those two



1 LAURELL DIORIO - WORKSHOP

2 houses. She can't now put two houses  
3 back on that lot that she wanted to do.  
4 One for each of her sons. So now she's  
5 subdividing the property so that each  
6 lot can have a home for her son -- for  
7 each of her sons.

8 MR. BARTOLOTTI: Now, these are  
9 new septic and reserves?

10 MS. BROOKS: Correct.

11 MR. SALINOVICH: So, what's the  
12 question?

13 MR. MEKEEL: So, what I gather is  
14 giving variances is the easiest way out  
15 of this.

16 MS. BROOKS: Yeah, and again, I am  
17 sure that this is going to be something  
18 that I will pursue at the town board to  
19 find out what was the intent of that  
20 and do they intend now to have us  
21 subtract, because if that has not been  
22 done in the past, it has not at all  
23 been the past history of the planning  
24 board to subtract out wetlands, slopes  
25 over 25 percent, so, if this is a new

1 LAURELL DIORIO - WORKSHOP

2 interpretation, this appears to be a  
3 new interpretation of net density being  
4 applied to the subdivision when it has  
5 never been. Since 2009 all of the  
6 subdivisions that I have done would  
7 apply so I need some clarity from the  
8 town board in the interest of moving  
9 this forward. If it's simpler at this  
10 point in time to grant the area  
11 variances, I am all for it.

12 CHAIRMAN CONN: We've always tried  
13 to do everything as clean and concise  
14 as possible. But as I said earlier,  
15 this word "interpretation" has come up  
16 way too often in front of us because  
17 other people are interpreting something  
18 in the codebook as to what they think  
19 it meant or whatever. I won't speak  
20 for everyone here. I will speak for  
21 myself. That is like saying they  
22 didn't intend for the speed limit to be  
23 55; I interpret it to be 65. No,  
24 that's not what it says in the  
25 lawbooks. That is not what it says in

1 LAURELL DIORIO - WORKSHOP  
2 our codebooks what you intend, what you  
3 interpret. I'm sorry, we can only rule  
4 on what it says in the book, and here  
5 we get into interpretation again which  
6 just causes confusion for us, causes  
7 confusion for the applicant and it just  
8 delays and slows down the process and  
9 causes the applicant more money and  
10 time, and that frustrates me.

11 MR. CORCORAN: Unfortunately,  
12 though, interpretations are coming from  
13 the planning board.

14 CHAIRMAN CONN: I understand that.

15 MR. CORCORAN: That's correct.  
16 So, what the applicant is asking for on  
17 lot width, that's pretty simple. If  
18 the lot width is 150, you got 147,  
19 you're asking for a foot; what are you  
20 asking for?

21 MR. NIKOLA: 147.

22 MR. CORCORAN: That is  
23 straightforward. But I've never seen  
24 the slope requirements at 25 percent  
25 density outside of site plan approval.

1                   LAURELL DIORIO - WORKSHOP  
2                   I've never seen it applied to  
3                   subdivision so, again, why that is  
4                   being -- again, to use your words,  
5                   interpreted that way at the planning  
6                   board, I have no idea, because it's not  
7                   in the book that way. So, again,  
8                   listen, it makes my job harder to write  
9                   these letters and to do the  
10                  interpretation to overturn what they  
11                  think is at the planning board. Maybe  
12                  that is why you guys are meeting more  
13                  often than in the past, because there  
14                  is a lot of that going on over there.  
15                  Hopefully there is some changes. Maybe  
16                  things will be better or worse, I don't  
17                  know. But, again, I don't know.  
18                  Obviously, I mean, I would be in favor  
19                  of everything here. There really is  
20                  nothing going on. Again, we're taking  
21                  what was a nonconforming property with  
22                  two houses on one lot that she's now  
23                  cleared and going to put one house on  
24                  each lot in conformity. This one,  
25                  unlike the other one, has the road

1 LAURELL DIORIO - WORKSHOP

2 frontage to put the additional house on  
3 the private road, not in question in  
4 front of you tonight, meets that  
5 requirement. A lot width for a foot to  
6 foot, I get it, they want to clean it  
7 up, but it's not an unreasonable ask  
8 obviously. The other portion of the  
9 percentage, I don't know where to steer  
10 you on that. Again, it's under the  
11 site plan provisions in theory and not  
12 under the subdivision provision. Why  
13 it's being sent to you? I don't know.

14 CHAIRMAN CONN: I understand and  
15 agree with what you're saying. I don't  
16 understand the area. They want to  
17 subtract the house out of the acreage.

18 MS. BROOKS: They're wanting us to  
19 subtract out from where the contour  
20 lines are closer together. We are over  
21 in certain areas 25 percent grade. So,  
22 I subtracted out part of the land that  
23 was over 25 percent in grade, I would  
24 be just under an acre.

25 CHAIRMAN CONN: So, how do they

1 LAURELL DIORIO - WORKSHOP

2 plan on building any houses on the  
3 mountain anymore then?

4 MS. BROOKS: I agree.

5 CHAIRMAN CONN: You're going to  
6 have to have 10 acres to meet the slope  
7 and grade percentage.

8 MS. BROOKS: Again, in reading the  
9 code, because, you know, you can search  
10 the code and put in the density and  
11 find out where it shows up in the code.  
12 And that is the only place is in the  
13 site plans.

14 MR. SALINOVICH: It's the new law,  
15 Tommy?

16 CHAIRMAN CONN: It's not new, no.

17 MS. BROOKS: It's 2009.

18 CHAIRMAN CONN: When it came in  
19 2009, the theory was under site plan  
20 application they would deduct slopes,  
21 they would deduct wetland, they would  
22 deduct things like that, because if you  
23 wanted to build a mall, you know, you  
24 will have to deduct some of that stuff  
25 so you have additional parking and

1           LAURELL DIORIO - WORKSHOP  
2           things that are required, fire  
3           apparatus, roads, things like that came  
4           into play. Whether I understood it or  
5           liked it or didn't like it, it went in  
6           and that's fine, it went into site plan  
7           application. Like the chair is saying,  
8           if it goes in under residential, and it  
9           gets to certain properties, honestly,  
10          why are they involved as long as the  
11          board of health is meeting setback  
12          requirements? Why am I worried about  
13          slopes? If I could meet setback  
14          requirements for DEC, for -- of wetland  
15          requirements, if I could meet those  
16          setbacks and I get board of health  
17          approval, why do I care if there is  
18          three acres of pond land on that  
19          property? So, again, the board of  
20          health, the building department with  
21          setbacks determine subdivisions and  
22          buildable lots. Again, I am not in  
23          charge of site plans, but that is what  
24          is in the codebook under site plan.  
25          So, I don't know how to address this

1 LAURELL DIORIO - WORKSHOP

2 tonight except for you might save the  
3 applicant time by saying you made a  
4 determination that the 25 percent  
5 deduction of the steep slope is not  
6 applicable for site plan -- I mean, not  
7 applicable under subdivision and this  
8 project is applicable in your opinion  
9 under site plan review as per that  
10 section of the code.

11 MR. SALINOVICH: Is that law in  
12 the books?

13 CHAIRMAN CONN: Yeah, it's in the  
14 books. The confusion sometimes by the  
15 planning board per se and maybe other  
16 individuals is sometimes you find the  
17 answers to the codebooks in the  
18 definition.

19 MR. SALINOVICH: That's right.

20 MR. CORCORAN: So, you got to  
21 understand when you're reading  
22 something, you got to go back to each  
23 definition like the applicant  
24 representative is saying what the  
25 definition of this is, this is where we



1 LAURELL DIORIO - WORKSHOP  
2 find that definition in the codebook,  
3 and the definition is done by site plan  
4 review not under subdivision.

5 MR. SALINOVICH: You add in  
6 wetlands when you do yours?

7 MS. BROOKS: I do not.

8 MR. SALINOVICH: Subdivision, you  
9 don't minus, you add it.

10 MS. BROOKS: It's part of the lot  
11 area.

12 MR. CORCORAN: Correct. So,  
13 again, under what should be done under  
14 subdivision is subdividing this lot.  
15 It has a pond on it that is two acres,  
16 don't care. As long as you meet the  
17 setback requirement, meet the DEC or  
18 FEDS setbacks from the wetland, meet my  
19 requirements for setbacks and get board  
20 of health approval, there is no  
21 deductions to the lot?

22 MR. SALINOVICH: That's for all of  
23 this?

24 MR. CORCORAN: Under site plan,  
25 yes. Under subdivision residential,

1 LAURELL DIORIO - WORKSHOP

2 no.

3 MR. SALINOVICH: No.

4 MR. CORCORAN: So to speed -- I  
5 say to speed the process up, or at  
6 least keep the process moving, opinion,  
7 you five make the decision, the opinion  
8 should also be tonight is to make a  
9 determination on what's here that that  
10 25 percent area density -- 25 net  
11 density does not apply to this project  
12 because if you don't, the applicant  
13 might get back in front of the planning  
14 board and, again, then be adamant about  
15 it having myself or you having to make  
16 that written determination.

17 MR. SALINOVICH: The 25 percent is  
18 what they're saying is site plan or  
19 subdivision.

20 MR. CORCORAN: It says site plan.  
21 Again, you have to read two definitions  
22 and go back to 155-31 for site plan to  
23 see where the definition fits in the  
24 codebook. The definition doesn't fit  
25 under subdivision, the definition for

1 LAURELL DIORIO - WORKSHOP

2 that fits under site plan, and that's  
3 where it's found. So, again, there is  
4 work that needs to be done to find  
5 where the definition fits into the  
6 codebook. Because it was meant to be  
7 for the area it was put in. Once you  
8 put that into site plan 151-31 then you  
9 create the definitions and then the  
10 definition suits 155-31. It's not  
11 meant to be a blanket definition for  
12 everything else that you think it fits.  
13 It has to actually match.

14 MR. SALINOVICH: Because it would  
15 say subdivision.

16 MR. CORCORAN: If you read through  
17 the subdivision, it would mention that  
18 word exactly how it's meant.

19 MR. SALINOVICH: I don't even know  
20 why that is any problem. I don't have  
21 a problem.

22 MR. CORCORAN: Subdivision refers  
23 back to schedule 1, and schedule 1  
24 doesn't have the number on it.

25 CHAIRMAN CONN: So, how do we come

1 LAURELL DIORIO - WORKSHOP

2 up with a footage variance of a front  
3 yard schedule? I don't see it.

4 MS. BROOKS: I think at this point  
5 we're going to say we don't need that.  
6 And, you know, I will sit down with you  
7 and get a letter of interpretation from  
8 you as well which then can corroborate.

9 MR. CORCORAN: Asking for front  
10 yard setback?

11 MS. BROOKS: Yes.

12 CHAIRMAN CONN: I don't think it's  
13 necessary either.

14 MS. BROOKS: If we can schedule a  
15 public hearing and, between Tommy and  
16 I, we sit down and clarify exactly  
17 what's needed and then maybe we can --

18 MR. NIKOLA: My main concern is  
19 that, if we don't send it to a public  
20 hearing, something is going to then  
21 come back to us over, over, over and  
22 we're going to be in here until July  
23 talking about this property. That's  
24 just my feelings on it. They're going  
25 to keep sending stuff back to us to

1 LAURELL DIORIO - WORKSHOP

2 interpret it every which way.

3 MR. CORCORAN: That's correct.

4 MR. SALINOVICH: We need to define  
5 it, give it to whoever it may be,  
6 and --

7 MR. CORCORAN: I would, again,  
8 with respect, I would just address each  
9 one of the applicants, ask individually  
10 and say we don't have a problem with  
11 the one at 1 foot, we make a  
12 determination that 25 percent of that  
13 section does not apply to this, and  
14 then the front yard setback, I don't  
15 know if that comes over here.

16 MS. BROOKS: I think he's saying  
17 that I need a front yard setback  
18 because he said that the front yard  
19 setback is measured at the lot width  
20 and I don't meet the lot width, I must  
21 need a front yard setback. That's the  
22 only thing -- I can call him and ask  
23 him. I don't know.

24 MR. CORCORAN: I can't answer  
25 that.

1 LAURELL DIORIO - WORKSHOP

2 CHAIRMAN CONN: Even with the lot  
3 width, you say you need it in some  
4 areas.

5 MS. BROOKS: I do.

6 CHAIRMAN CONN: So --

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

9 MS. BROOKS: After consultation  
10 with the code enforcement officer, it  
11 appears that we selected the incorrect  
12 roadway for the front yard. We should  
13 have selected Hidden Acres Drive.  
14 Instead of needing a lot width, what we  
15 need is lot depth. Because we won't  
16 have 200 feet, and we would need a,  
17 either a rear yard or a front yard  
18 setback. I will consult with the  
19 applicant to find out which one.

20 MR. CORCORAN: I think they are  
21 trying to say that, and you will get a  
22 kick out of this.

23 MR. MEKEEL: Do you want this on  
24 or off?

25 CHAIRMAN CONN: We can go off the

1 LAURELL DIORIO - WORKSHOP

2 record.

3 MR. CORCORAN: Yeah, we can go  
4 off.

5 (Whereupon, an off-the-record  
6 discussion was held.)

7 CHAIRMAN CONN: Based on more  
8 discussion and consultation, we are  
9 going to hold the workshop open for  
10 Laurell Diorio. Ms. Brooks is going to  
11 consult with code enforcement officer  
12 and/or possibly the planning board, and  
13 amending the variances that were  
14 originally requested.

15 MS. BROOKS: To accommodate the  
16 Hidden Drive -- Hidden Acres Drive as  
17 being the road frontage.

18 CHAIRMAN CONN: Correct.

19 MS. BROOKS: As opposed to Mt.  
20 Zion Road, and the variances will be  
21 revised accordingly.

22 CHAIRMAN CONN: Correct.

23 MR. MEKEEL: Make a motion we  
24 close the meeting.

25 CHAIRMAN CONN: Second?

1 LAURELL DIORIO - WORKSHOP

2 MR. NIKOLA: Second.

3 CHAIRMAN CONN: All in favor?

4 MR. MEKEEL: Aye.

5 MR. BARTOLOTTI: Aye.

6 MR. NIKOLA: Aye.

7 MR. SALINOVICH: Aye.

8 CHAIRMAN CONN: Aye.

9

10 (Whereupon, at 6:50 P.M., the  
11 Hearing was adjourned.)

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1 LAURELL DIORIO - WORKSHOP

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

3  
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 17th day of January 2025.  
20

21  
22 \_\_\_\_\_  
LISA M. ROSSO  
23  
24  
25

**LISA MARIE ROSSO - (845) 674-3937**