

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

-----X

4 In the Matter of

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

8 -----X

9 DATE: January 9, 2025

10 TIME: 6:00 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 JEFF MEKEEL  
15 GEORGE SALINOVICH  
16 ANDREW NIKOLA  
16 LARRY BARTOLOTTI

17 ALSO PRESENT:  
18 JEN FLYNN, Zoning Board  
Secretary

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

21

22

23

-----X  
24 LISA MARIE ROSSO  
140 Mahoney Road  
Milton, New York 12547  
25 (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 DIVIESTIT - 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

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

MICHAEL DIVIESTIT - PUBLIC HEARING

only thing he doesn't meet is what the codebook is calling minimum lot frontage under 155, schedule 1, which, in my opinion, doesn't exist. 155 schedule 1, gives you a lot width and a lot depth, but it doesn't give you minimum required frontage. There is no frontage requirement in 155, schedule 1, and you can research that, but that is a fact. There is no such thing in that schedule that says required frontage. There is a minimum lot. So, we're going to go with minimum lot width if we want to make a determination that minimum lot width equals frontage, and that's your determination at this point. Because you are the Board that overrides me. So that is why I would make that determination. I will let you make that determination tonight. But, again, by giving him that variance will meet what the master -- town of 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 DiVIESTIT - 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 DiVIESTIT - 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 DiVIESTIT - 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 DIVESTI - 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 DiVIESTIT - 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

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

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.

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

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22                   

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23                   LISA M. ROSSO

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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 JERRICO HOLDINGS - PUBLIC HEARING

6 Area Variance Front Yard 5' Use Variance  
7 Commercial Upstairs Residential Downstairs  
8 32 Western Avenue  
Marlboro, New York 12542  
SBL #108.12-2-41

-----X

10 DATE: January 9, 2025

11 TIME: 6:16 P.M.

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

14 BOARD MEMBERS:

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

18 ALSO PRESENT:

19 JOSH INDORF  
20 JEN FLYNN, Zoning Board  
Secretary

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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.

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9                   (Whereupon, at 6:18 P.M., the  
10                   Hearing was adjourned.)

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1                   **JERRICO HOLDINGS - PUBLIC HEARING**2                   **C E R T I F I C A T E**

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

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.

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22   

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

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

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4 In the Matter of

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

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9 DATE: January 9, 2025

10 TIME: 6:19 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 JEFF MEKEEL  
16 GEORGE SALINOVICH  
17 ANDREW NIKOLA  
18 LARRY BARTOLOTTI

19 ALSO PRESENT:

20 JEN FLYNN, Zoning Board  
21 Secretary

22 THOMAS CORCORAN, JR., Building  
23 Inspector and Code Enforcement  
24 Officer

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

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27 LISA MARIE ROSSO  
28 140 Mahoney Road  
29 Milton, New York 12547  
30 (845) 674-3937

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32 LISA MARIE ROSSO - (845) 674-3937

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  
0 southerly side of Mt. Zion Road. It  
1 also contains a private road, known as  
2 Hidden Acres Drive, and that would be  
3 access to lot number two. I was  
4 referred here by the planning board for  
5 lot width front yard setback, and they  
6 also made or their consultant made a  
7 determination that areas in excess of  
8 25 percent must be deducted from the  
9 usable lot area, sloping houses should  
0 be provided depicting adequate lot  
1 size. So, I had initially asked for  
2 the lot width variance. What I did is,  
3 based on the definition of lot width, I  
4 took the front lot line, I took that  
5 angle, and put it in the middle of

LAURELL DIORIO - WORKSHOP

where the house is. If you put it in front of the house, it meets the setback. If you put it in the back of the house, it's less. So, I took the average of 148.3 so I'm seeking a 1.7 foot area variance for lot width. With regard to the other items, I will confess that I am confused about the variance of front yard setback. It says the project requires a variance for lot width, I agree and, therefore, a variance for front yard setback, as front yard setback is measured for the lot as lots. So if my front yard setback is 50 feet, and I'm measuring my front yard setback 300 feet off the road, why do I need the front yard setback variance, or is he saying because I don't meet the lot width anywhere? So, the last issue that is what I wanted to discuss with the zoning board code officer was with regard to the 25 percent density. When you read the code for schedule 1, lot



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?

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.

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.

LAURELL DIORIO - WORKSHOP

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

LAURELL DIORIO - WORKSHOP

things that are required, fire apparatus, roads, things like that came into play. Whether I understood it or liked it or didn't like it, it went in and that's fine, it went into site plan application. Like the chair is saying, if it goes in under residential, and it gets to certain properties, honestly, why are they involved as long as the board of health is meeting setback requirements? Why am I worried about slopes? If I could meet setback requirements for DEC, for -- of wetland requirements, if I could meet those setbacks and I get board of health approval, why do I care if there is three acres of pond land on that property? So, again, the board of health, the building department with setbacks determine subdivisions and buildable lots. Again, I am not in charge of site plans, but that is what is in the codebook under site plan. 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

0 yard setback?

1 MS. BROOKS: Yes.

2 CHAIRMAN CONN: I don't think it's

3 necessary either.

4 MS. BROOKS: If we can schedule a

5 public hearing and, between Tommy and

6 I, we sit down and clarify exactly

7 what's needed and then maybe we can --

8 MR. NIKOLA: My main concern is

9 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

0 and say we don't have a problem with

1 the one at 1 foot, we make a

2 determination that 25 percent of that

3 section does not apply to this, and

4 then the front yard setback, I don't

5 know if that comes over here.

6 MS. BROOKS: I think he's saying

7 that I need a front yard setback

8 because he said that the front yard

9 setback is measured at the lot width

0 and I don't meet the lot width, I must

1 need a front yard setback. That's the

2 only thing -- I can call him and ask

3 him. I don't know.

4 MR. CORCORAN: I can't answer

5 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.

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.

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

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

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                   

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23                   LISA M. ROSSO

24

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