

1

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

-----X

4 In the Matter of

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

-----X

9

10 DATE: April 10, 2025

11

12 TIME: 6:00 P.M.

13

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

18

19 BOARD MEMBERS:

20

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

16

17

18 ALSO PRESENT:

19

20 JEN FLYNN, Zoning Board
21 Secretary

22

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

25

26 -----X

27

28 LISA MARIE ROSSO
29 140 Mahoney Road
30 Milton, New York 12547
31 (845) 674-3937

32

33 LISA MARIE ROSSO - (845) 674-3937

1 LAURELL DIORIO - PUBLIC HEARING

2 CHAIRMAN CONN: Please stand for
3 the pledge.

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: Thank you.

6 Everybody have a chance to look at the
7 minutes?

8 MR. MEKEEL: Yes.

9 MR. NIKOLA: Yes.

10 MR. BARTOLOTTI: Yes.

11 CHAIRMAN CONN: Make a motion to
12 approve March minutes?

13 MR. BARTOLOTTI: First.

14 MR. NIKOLA: Second.

15 CHAIRMAN CONN: All in favor?

16 MR. MEKEEL: Aye.

17 MR. NIKOLA: Aye.

18 MR. BARTOLOTTI: Aye.

19 CHAIRMAN CONN: Aye. So moved.

20 Can someone read the legal notice for
21 Laurell Diorio?

22 MR. NIKOLA: Town of Marlborough
23 Zoning Board of Appeals legal notice.

24 Please take notice that a public
25 hearing will be held by the Town of

1 LAURELL DIORIO - PUBLIC HEARING
2 Marlborough Zoning Board of Appeals,
3 further known as ZBA at the town hall,
4 21 Milton Turnpike, Milton New York, on
5 April 10, 2025, at 6:00 P.M. or soon
6 thereafter as may be heard. The
7 owner/applicant, Laurell Diorio, Hidden
8 Acres, Marlboro, New York 12542, is
9 seeking relief from Town of Marlborough
10 Code 155, Attachment 2, Schedule 1, by
11 way: Rear yard variance of 35 feet.

18 CHAIRMAN CONN: Thank you. Can
19 you give us a quick synopsis for those
20 that haven't been here prior to the
21 public hearing?

22 MS. BROOKS: Absolutely. We're
23 proposing a two-lot subdivision of a
24 2.44-acre parcel of land that has
25 frontage on a private road known as

1 LAURELL DIORIO - PUBLIC HEARING

2 Hidden Acre Drive. One of the lots

3 will have road frontage on Mt. Zion

4 Road. The second lot will have

5 frontage on Hidden Acres Drive. That

6 second lot requires rear yard setback

7 variance because -- with the frontage

8 on the private road and the

9 configuration of the lot, there would

10 not be any location on the lot to

11 construct a home in the setbacks.

12 CHAIRMAN CONN: Questions?

13 MR. MEKEEL: I am good.

14 MR. NIKOLA: I am good.

15 MR. BARTOLOTTI: I'm good.

16 CHAIRMAN CONN: Anyone that's here
17 for the public hearing for Laurell
18 Diorio, please feel free to step up so
19 Mrs. Rosso can hear you.

20 MS. REED: Good evening. My name
21 is Joanne Reed. I own the property on
22 111 Mt. Zion Road that is adjoined to
23 Hidden Acres. My concerns are, one, is
24 a water runoff from the property, if
25 they're jackhammering or blasting, my

1 LAURELL DIORIO - PUBLIC HEARING

2 foundation and my well water. Those

3 are my three concerns with that

4 property because one is up, the back is

5 more or less flat, but -- so those are

6 my main concerns with the property if

7 there is going to be enough drainage in

8 there, and will it affect my well, and

9 like I said, again, they're

10 jackhammering, will it affect my

11 foundation? Because my house is on

12 a -- is a pre-fab, so there is no

13 basement to it. I don't know that

14 makes a difference or not, but, and

15 that is it.

16 CHAIRMAN CONN: Thank you.

17 MS. REED: Thank you.

18 CHAIRMAN CONN: Anyone else?

19 MS. HENRY: I am just curious
20 where the driveway is going to be
21 Mt. Zion.

22 MS. BROOKS: They're going to be
23 using the private road, Hidden Acre
24 Drive. They're not proposing any new
25 driveways off of Mt. Zion.

1 LAURELL DIORIO - PUBLIC HEARING

2 CHAIRMAN CONN: Anyone else? Step
3 up, state your name for the record.

4 JASON: Jason. I live on Hidden
5 Acres. I just wanted to see what
6 setback it was.

7 MS. BROOKS: So, you have this
8 piece and this piece, the original
9 house was up here and the proposed
10 houses is in this area right here, this
11 cleared area.

12 JASON: So the 35 --

13 MS. BROOKS: The 35 is still
14 against here. They're still
15 maintaining the 35 against your lot
16 line, because it's a side lot line.
17 But this lot line is considered a rear,
18 so we're saying 40 feet off of that. I
19 think right now they have a turnaround,
20 but this is where the pull off is.

21 JASON: Thank you.

22 CHAIRMAN CONN: Ms. Dean, all of
23 that should be addressed with the
24 planning board before they get site
25 plan approval.

1 LAURELL DIORIO - PUBLIC HEARING

2 MS. REED: When does that meet?

3 MR. NIKOLA: Usually Mondays.

4 CHAIRMAN CONN: I don't know their
5 schedule.

6 MS. FLYNN: It's not scheduled for
7 a public hearing yet. So, once the
8 planning board has a public hearing,
9 that is where you would come address
10 your concerns.

11 MS. REED: Okay.

12 CHAIRMAN CONN: Ultimately,
13 they're waiting on us to decide on the
14 variances because they can't act on
15 what they need to until we take care of
16 this. So after we do that, then you
17 would get a notice for the planning
18 board.

19 MS. REED: Okay.

20 CHAIRMAN CONN: Any other
21 questions?

22 MR. NIKOLA: I don't.

23 MR. MEKEEL: I'm good.

24 MR. BARTOLOTTI: I'm good.

25 CHAIRMAN CONN: Concerns?

1 LAURELL DIORIO - PUBLIC HEARING

2 MS. BROOKS: I did bring -- you
3 had asked at the last meeting to bring
4 a photo so you could see the
5 relationship between the other houses.

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

8 CHAIRMAN CONN: Anybody else for
9 the Laurell Diorio application?

10 (No audible responses.)

11 CHAIRMAN CONN: If not, somebody
12 make a motion to close the public
13 hearing?

14 MR. NIKOLA: I will make a motion
15 to close the public hearing.

16 MR. BARTOLOTTI: I will second.

17 CHAIRMAN CONN: All in favor?

18 MR. MEKEEL: Aye.

19 MR. NIKOLA: Aye.

20 MR. BARTOLOTTI: Aye.

21 CHAIRMAN CONN: Aye. Next, anyone
22 have any questions or concerns?

23 MR. MEKEEL: No.

24 MR. NIKOLA: No.

25 MR. BARTOLOTTI: No.

1 LAURELL DIORIO - PUBLIC HEARING

2 CHAIRMAN CONN: We can make a
3 motion for a rear yard setback for
4 35 feet variance.

5 MR. NIKOLA: I'll make a motion to
6 approve the variance for applicant,
7 Laurell Diorio, Hidden Acres for a rear
8 yard variance of 35 feet.

9 MR. BARTOLOTTI: Second.

10 CHAIRMAN CONN: All in favor?

11 MR. MEKEEL: Aye.

12 MR. NIKOLA: Aye.

13 MR. BARTOLOTTI: Aye.

14 CHAIRMAN CONN: Aye.

15 MS. BROOKS: Thank you very much.

16 (Whereupon, at 6:12 P.M., the
17 Hearing was adjourned.)

18 ○ ○ ○ ○

19

20

21

22

23

24

25

1 LAURELL DIORIO - PUBLIC HEARING

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

3 STATE OF NEW YORK)

4 : 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 16th day of April 2025.

20

21

22



23 LISA M. ROSSO

24

25

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

-----X

4 In the Matter of

5 NICHOLAS ATKINS - PUBLIC HEARING -
6 Rear Yard Setback Variance and Accessory
Structure Variance Area Variance
6 Cubbard Drive
7 Milton, New York 12547
SBL #103.3-1-14
8 RAG-1 23-15

-----X

9 DATE: April 10, 2025

10 TIME: 6:12 P.M.

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

14 BOARD MEMBERS:

15 LENNY CONN, Chairman
16 JEFF MEKEEL
17 GEORGE SALINOVICH, Absent
18 ANDREW NIKOLA
19 LARRY BARTOLOTTI

20 ALSO PRESENT:

21 JEN FLYNN, Zoning Board
22 Secretary

23 KARIN REYNOLDS, Architect

24

25

-----X

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

LISA MARIE ROSSO - (845) 674-3937

1 NICHOLAS ATKINS - PUBLIC HEARING

2 CHAIRMAN CONN: Next we have a
3 public hearing for Nicholas Atkins. Do
4 you have your certified mailings?

5 MS. REYNOLDS: Yes, so 11 were
6 sent out and 10 came back.

7 MS. FLYNN: So, 25, it was on the
8 list for that. I don't know how she
9 got 11. When I pull up the mailings on
10 the 500 feet from corner to corner on
11 Ulster County Parcel Viewer, it comes
12 up with 25. I know there is probably
13 some duplicates, but that is a big
14 difference.

15 MS. REYNOLDS: I can ask again how
16 they did it, but I have here from the
17 site plan and what you see the
18 rectangle is 500 feet, and it comes out
19 to about 11. So, I don't know how you
20 calculated it.

21 MR. MEKEEL: 25 is a lot for 500
22 feet up there.

23 CHAIRMAN CONN: It is.

24 MS. FLYNN: I will pull up Ulster
25 County Parcel Viewer while you discuss

1 NICHOLAS ATKINS - PUBLIC HEARING

2 it, and I will see if I can see.

3 (Whereupon, an off-the-record
4 discussion was held.)

5 CHAIRMAN CONN: We're going to
6 move forward with the public hearing.
7 Please read the notice.

8 MR. NIKOLA: Town of Marlborough
9 Zoning Board of Appeals legal notice.
10 Please take notice that a public
11 hearing will be held by the Town of
12 Marlborough Zoning Board of Appeals,
13 further known as ZBA at the town hall,
14 21 Milton Turnpike, Milton, New York,
15 on April 10, 2025 at 6:00 P.M. or soon
16 thereafter as may be heard. The
17 owner/applicant, Nicholas Atkins, is
18 seeking relief from the Town of
19 Marlboro Code 155, Attachment 2,
20 Schedule 1 by way of lot 12, 5-foot
21 width variance; lot 2, 8.8-foot width
22 variance; 26.2-foot rear yard variance,
23 front yard accessory variance, and a
24 removal of the shed. Location: 6
25 Cubbard Drive, Milton. Tax parcel:

1 NICHOLAS ATKINS - PUBLIC HEARING
2 Section 103.3, Block 1., lot 14. Any
3 interested parties either for or
4 against this application will have the
5 opportunity to be heard at this time.
6 Lenny Conn, Chairman, Town of
7 Marlborough Zoning Board of Appeals.

8 CHAIRMAN CONN: Thank you, sir.
9 Anyone here for the public hearing of
10 Nicholas Atkins?

11 MR. LYTLE: I am here to hear.
12 I'm just listening, a neighbor.

13 CHAIRMAN CONN: Okay. If you have
14 comments, feel free. State your name
15 for the record.

16 MR. HEILWEIL: My name is Richard
17 Heilweil, 20 Cubbard Drive, and I don't
18 know what's going on so I have no idea
19 what they're looking to do. I'm
20 curious as to what is happening.

21 CHAIRMAN CONN: Okay. Would you
22 come up and explain to him what your
23 project is, please?

24 MS. REYNOLDS: Yes, of course. My
25 name is Karen Reynolds.

1 NICHOLAS ATKINS - PUBLIC HEARING

2 MR. HEILWEIL: Nice to meet you.

3 I am here, so the property is here.

4 MS. REYNOLDS: So, as you know,
5 there is an existing house, and then
6 they have a barn here and a garage,
7 right, so the new owners that bought
8 this property, they decided to
9 subdivide so they can have a residence
10 here and a residence here, and this
11 existing structure so the plan is not
12 to build anything new, just to renovate
13 this barn, and make it into a
14 residence. You know, residence means
15 there is already an apartment in there,
16 and the owner would like to just
17 renovate this apartment for now and
18 just stabilize the existing barn. He
19 lives in the city and would have that
20 as a second residence.

21 MR. HEILWEIL: These people are
22 part of the people that are here?

23 MS. REYNOLDS: These are basically
24 two friends who bought the whole
25 property, and in order for each of them

1 NICHOLAS ATKINS - PUBLIC HEARING
2 to have a residence, they need to
3 subdivide, because the code in Marlboro
4 is you need -- there is only one
5 residence on one lot. So, that is the
6 reason why they want to subdivide, and
7 so there is no changes to anything
8 except they're going to renovate this
9 building, this owner will renovate this
10 building.

11 MR. HEILWEIL: So, it's
12 residential, not commercial?

13 MS. REYNOLDS: Not commercial, no.
14 MR. MEKEEL: And they do meet the
15 one acre.

16 MR. HEILWEIL: What were the
17 variances that were setback variances?

18 MS. REYNOLDS: So, this is an
19 existing back yard that I mentioned,
20 right, the distance.

21 MR. HEILWEIL: This is Cubbard,
22 this is front, and this is side.

23 MS. REYNOLDS: Well, the code says
24 we would have Old Indian as the front
25 yard.

1 NICHOLAS ATKINS - PUBLIC HEARING

2 MR. MEKEEL: Obviously, this was
3 built, I don't know, 80 years ago so
4 back then there really wasn't any
5 zoning. So, when they built these,
6 they built them too close to the
7 property line back in the old age days.
8 You know, so all we're really doing is
9 cleaning this up.

10 MR. HEILWEIL: Not changing?

11 MR. MEKEEL: Not changing. All
12 existing stays.

13 MS. REYNOLDS: Yes, and this, what
14 is the rear yard is existing, so, I
15 mean, he can't change that. And so the
16 code says it -- it's supposed to be 65
17 or something, and so this is why we're
18 here because these -- the side yard and
19 the back yard doesn't meet code.

20 MR. NIKOLA: And the shed needs to
21 be removed.

22 MR. HEILWEIL: Which shed?

23 MS. REYNOLDS: It's a tool shed.

24 MR. HEILWEIL: Why do they have to
25 remove it?

1 NICHOLAS ATKINS - PUBLIC HEARING

2 MS. REYNOLDS: Because this is the
3 front yard.

4 CHAIRMAN CONN: Because you can't
5 have an accessory structure in the
6 front yard.

7 MR. NIKOLA: It's not really
8 appealing.

9 MR. MEKEEL: We see this a lot
10 now. People selling property, families
11 selling properties that have been there
12 for a hundred years, and the situation
13 arises now, they're selling so we clean
14 up a lot of these properties like this.
15 Because, like I said, zoning didn't
16 come into effect until like early '80s
17 or something like that.

18 MR. BARTOLOTTI: And whether there
19 is a subdivision or not, the garage is
20 28 feet from the property line, and the
21 existing barn doesn't have --

22 MR. HEILWEIL: This is fine. I
23 have no objection.

24 MR. NIKOLA: Just cleaning it up.

25 MR. HEILWEIL: Thank you for the

1 NICHOLAS ATKINS - PUBLIC HEARING
2 explanation.

3 MS. REYNOLDS: Thank you.

4 CHAIRMAN CONN: Anything else?

5 MR. MEKEEL: I'll make a motion to
6 close the public hearing.

7 MR. NIKOLA: Second.

8 CHAIRMAN CONN: All in favor?

9 MR. MEKEEL: Aye.

10 MR. NIKOLA: Aye.

11 MR. BARTOLOTTI: Aye.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 MR. MEKEEL: I am going to make a
15 motion that we approve the variances
16 for 6 Cubbard Drive, Milton, New York,
17 Tax parcel: Section 103.3, Block 1.,
18 lot 14. On lot 1, 12.5-foot width
19 variance. On lot 2, 8.8-foot width
20 variance. 26.2 rear yard variance,
21 7-foot side yard variance, a front yard
22 accessory variance, and contingency
23 that the shed will be moved prior to
24 site plan approval.

25 MR. NIKOLA: Second.

1 NICHOLAS ATKINS - PUBLIC HEARING

2 CHAIRMAN CONN: All in favor?

3 MR. MEKEEL: Aye.

4 MR. NIKOLA: Aye.

5 MR. BARTOLOTTI: Aye.

6 CHAIRMAN CONN: Aye.

7 MS. REYNOLDS: Thank you.

8

9 (Whereupon, at 6:29 P.M., the
10 Hearing was adjourned.)

11

12 ◦ ◦ ◦ ◦

13

14

15

16

17

18

19

20

21

22

23

24

25

1 NICHOLAS ATKINS - PUBLIC HEARING

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

3 STATE OF NEW YORK)

4 : 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 16th day of April 2025.

20

21

22



LISA M. ROSSO

23

24

25

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

4 In the Matter of

5 BARGER PROPERTIES - WORKSHOP -
6 Side Yard Setback Variance of 14.5'
7 55 Cross Road
8 Milton, New York 12542
9 SBL #108.4-1-12
10 RAG-1 23-16
-----X

11 DATE: April 10, 2025

12 TIME: 6:29 P.M.

13 PLACE: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, New York 12547
17

18 BOARD MEMBERS:

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

25 ALSO PRESENT:

26 JEN FLYNN, Zoning Board
27 Secretary

28 KEN LYTLE, Representing Applicant

29

30

31

32

33

34 -----X
35 LISA MARIE ROSSO
36 140 Mahoney Road
37 Milton, New York 12547
38 (845) 674-3937
39

40 LISA MARIE ROSSO - (845) 674-3937

1 BARGER PROPERTIES - WORKSHOP

2 CHAIRMAN CONN: Next we have a new
3 application for Barger Properties, 55
4 Cross Road, Marlboro, for a side yard
5 setback variance of 14.5 feet. You're
6 up.

7 MR. LYITLE: Good evening. Ken
8 Lytle representing Barger Properties on
9 this application. Two-lot subdivision
10 on the corner of Cross Road and
11 Plattekill Road, as we're going through
12 the planning board process, the
13 existing residence as the survey came
14 back as an issue to the side yard
15 property line. So, we're here for a
16 variance for that issue.

17 MR. MEKEEL: I do know this
18 property very well, because most of us
19 grew up in Marlboro.

20 CHAIRMAN CONN: Drove past it
21 every day.

22 MR. MEKEEL: And I am very
23 familiar with this, and I agree. I
24 don't have a problem with this.

25 MR. LYITLE: Thank you.

1 BARGER PROPERTIES - WORKSHOP

2 MR. MEKEEL: There is nothing that
3 we can do with this.

4 CHAIRMAN CONN: Any questions, any
5 concerns?

6 MR. MEKEEL: No.

7 MR. NIKOLA: No.

8 MR. BARTOLOTTI: No.

9 MR. NIKOLA: The driveway is going
10 to come off of --

11 MR. LYTLE: Off Cross Street.

12 MR. NIKOLA: I am good.

13 MR. BARTOLOTTI: I am good.

14 CHAIRMAN CONN: Make a motion to
15 send him to a public hearing?

16 MR. MEKEEL: I will make a motion
17 that we go to the public hearing next
18 month.

19 MR. NIKOLA: Second.

20 CHAIRMAN CONN: All in favor?

21 MR. MEKEEL: Aye.

22 MR. NIKOLA: Aye.

23 MR. BARTOLOTTI: Aye.

24 CHAIRMAN CONN: Aye.

25 MR. LYTLE: Thank you.

1 BARGER PROPERTIES - WORKSHOP

2 CHAIRMAN CONN: Any questions,
3 concerns?

4 MR. MEKEEL: No.

5 MR. NIKOLA: No.

6 MR. BARTOLOTTI: No.

7 MR. NIKOLA: I'll make a motion to
8 close the ZBA meeting for tonight.

9 MR. BARTOLOTTI: Second.

10 CHAIRMAN CONN: All in favor?

11 MR. MEKEEL: Aye.

12 MR. NIKOLA: Aye.

13 MR. BARTOLOTTI: Aye.

14 CHAIRMAN CONN: Aye.

15 (Whereupon, at 6:33 P.M., the
16 Hearing was adjourned.)

17 ◦ ◦ ◦ ◦

18

19

20

21

22

23

24

25

1 BARGER PROPERTIES - WORKSHOP

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

3 STATE OF NEW YORK)

4 : 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 16th day of April 2025.

20

21

22



23 LISA M. ROSSO

24

25