

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

CHESTNUT PETROLEUM DISTRIBUTOR,
#1417 Route 9W
Marlboro, New York 12542

TAX PARCEL: SECTION 109.1; BLOCK 4; LOT 14 (HD ZONE)

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DETERMINATION

Date: March 10, 2016
Time: 7:00 p.m.
Place: Town of Marlborough
Town Hall
#21 Milton Turnpike
Milton, New York 12547

BOARD MEMBERS: BILL GIAMETTA, CHAIRMAN
JEFF MEKEEL
DAVE ZAMBITO
LENNY CONN
GEORGE SALINOVICH

RONALD C. BLASS, JR., ESQ.

THOMAS CORCORAN, JR. BUILDING INSPECTOR/CODE
ENFORCEMENT

PENNY E. CASHMAN, ZONING BOARD SECRETARY
APPLICANT'S REPRESENTATIVE: LEO NAPIOR, ESQ.

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LISA MARIE ROSSO
Certified Shorthand Reporter

CHESTNUT PETROLEUM DISTRIBUTOR

CHAIRMAN GIAMETTA: Good evening everyone. Welcome to the March 10th meeting of the Town of Marlborough Zoning Board of Appeals. I'd ask that you join me to the pledge of the flag.

(Pledge of Allegiance)

CHAIRMAN GIAMETTA: Thank you. The previous meeting, February 11th, had minutes associated with it, and I ask the fellow board members if there is anything that you would like to delete, correct, modify for those minutes?

MR. ZAMBITO: I'm good.

MR. MEKEEL: No.

MR. CONN: No.

MR. SALINOVICH: No.

CHAIRMAN GIAMETTA: I'd ask for a motion to approve those minutes.

MR. MEKEEL: I will make a motion we accept the minutes from the February 11th, 2016 meeting.

CHAIRMAN GIAMETTA: A second?

MR. ZAMBITO: I will second.

CHAIRMAN GIAMETTA: And a

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vote?

MR. CONN: Aye.

MR. MEKEEL: Aye.

MR. ZAMBITO: Aye.

MR. SALINOVICH: Aye.

CHAIRMAN GIAMETTA: And aye.

Minutes approved. Now, the matter before us is Chestnut Petroleum Distributor. We have a determination in writing that has been reviewed, and I ask the board members if there is anything that needs to be clarified, modified, amended, deleted, et cetera, to the determination?

MR. MEKEEL: I'm good with the determination.

CHAIRMAN GIAMETTA: Mr. Salinovich?

MR. SALINOVICH: I am good.

MR. ZAMBITO: I reviewed it, I'm good.

CHAIRMAN GIAMETTA: Mr. Conn.

MR. CONN: I'm fine.

CHAIRMAN GIAMETTA: The determination is in order. I agree with

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that also.

MR. MEKEEL: I will make a motion to accept the determination into the minutes of this meeting.

CHAIRMAN GIAMETTA: Do I have a second on that acceptance?

MR. CONN: I will second it.

CHAIRMAN GIAMETTA: A second is heard. A vote?

MR. SALINOVICH: Aye.

MR. MEKEEL: Aye.

MR. ZAMBITO: Aye.

MR. CONN: Aye.

CHAIRMAN GIAMETTA: And aye. The determination is accepted. And having said that, I ask Counsel Blass if there is anything further that may need to be addressed?

MR. BLASS: Not really. I mean, we could announce the gist of determination. It's in writing and available to everyone as of the close of meeting.

In effect, the board has made

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the following determination: It's issued an interpretation that the town code 155-14C has the effect of grandfathering preexisting one point -- the preexisting 1.93 acre parcel from the minimum lot size requirement of two acres.

We also made a determination that irrespective of that interpretation, and as an alternative to that interpretation, the area variance requested by Chestnut Petroleum of 0.7 acres from minimal lot size of two acres is granted.

We also made the determination to grant an area variance in regard to 155-16G3B to allow gasoline pumps and canopy accessory structures to be situated closer to the street than the front wall of the principal building and we made a third variance determination to issue an area variance of approximately 300 feet, both town code section 155-27B1, which provides the minimum 500-feet of separation between vehicular access to a gasoline pump station and the intersection of two street lot lines.

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So that is, in essence, a summary of the determinations made, the findings, and the reasoning behind the determination are set forth within your 25-page determination which you have copied this evening.

MR. CONN: One clarification, I think Mr. Blass said .7 acre variance, and it's .07 acre area variance.

MR. BLASS: I think that's what I said, .07.

CHAIRMAN GIAMETTA: Clear on the .07?

MR. MEKEEL: Yes.

CHAIRMAN GIAMETTA: Can we ask for a motion from a board member on this matter?

MR. CONN: I agree with Mr. Blass's summary and make a motion -- we already made a motion to the determination. He just summarized everything in there, so...

CHAIRMAN GIAMETTA: Okay. Anything further; Mr. Mekeel?

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MR. MEKEEL: No.

CHAIRMAN GIAMETTA: George?

MR. SALINOVICH: No.

MR. ZAMBITO: No.

MR. CONN: No.

CHAIRMAN GIAMETTA: Okay. I

believe that concludes this evening's
meeting. Thank you for attending, and see
you at the next meeting. I ask for a
motion.

MR. SALINOVICH: Motion to
close the meeting.

CHAIRMAN GIAMETTA: And a
second?

MR. CONN: Yes.

CHAIRMAN GIAMETTA: A vote?

MR. SALINOVICH: Aye.

MR. MEKEEL: Aye.

MR. ZAMBITO: Aye.

MR. CONN: Aye.

CHAIRMAN GIAMETTA: And aye.

MR. NAPIOR: Thank you all
for your time.

(Time noted: 7:09 p.m.)

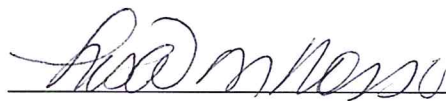
2 STATE OF NEW YORK)
3) SS
4 COUNTY OF ULSTER)
5

6 I, Lisa M. Rosso, Notary Public within and
7 for the State of New York, do hereby certify:
8

9 That I reported the proceedings in the within
10 entitled matter, and that the within transcript is a
11 true record of said proceedings.
12

13 I further certify that I am not related to
14 any of the parties to the action by blood or
15 marriage, and that I am in no way interested in the
16 outcome of this matter.
17

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 12th day of March, 2016.
20

21 

22 LISA M. ROSSO,
23 NOTARY PUBLIC
24
25