

COPY 1

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.

-----x
LISA MARIE ROSSO
Certified Shorthand Reporter

1 CHESTNUT PETROLEUM DISTRIBUTOR

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

7 (Pledge of Allegiance)

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

14 MR. ZAMBITO: I'm good.

15 MR. MEKEEL: No.

16 MR. CONN: No.

17 MR. SALINOVICH: No.

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

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

23 CHAIRMAN GIAMETTA: A second?

24 MR. ZAMBITO: I will second.

25 CHAIRMAN GIAMETTA: And a

1 CHESTNUT PETROLEUM DISTRIBUTOR

2 vote?

3 MR. CONN: Aye.

4 MR. MEKEEL: Aye.

5 MR. ZAMBITO: Aye.

6 MR. SALINOVICH: Aye.

7 CHAIRMAN GIAMETTA: And aye.

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

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

17 CHAIRMAN GIAMETTA: Mr.
18 Salinovich?

19 MR. SALINOVICH: I am good.

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

22 CHAIRMAN GIAMETTA: Mr. Conn.

23 MR. CONN: I'm fine.

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

2 that also.

3 MR. MEKEEL: I will make a
4 motion to accept the determination into the
5 minutes of this meeting.6 CHAIRMAN GIAMETTA: Do I have
7 a second on that acceptance?

8 MR. CONN: I will second it.

9 CHAIRMAN GIAMETTA: A second
10 is heard. A vote?

11 MR. SALINOVICH: Aye.

12 MR. MEKEEL: Aye.

13 MR. ZAMBITO: Aye.

14 MR. CONN: Aye.

15 CHAIRMAN GIAMETTA: And aye.

16 The determination is accepted. And having
17 said that, I ask Counsel Blass if there is
18 anything further that may need to be
19 addressed?20 MR. BLASS: Not really. I
21 mean, we could announce the gist of
22 determination. It's in writing and
23 available to everyone as of the close of
24 meeting.

25 In effect, the board has made

1 CHESTNUT PETROLEUM DISTRIBUTOR

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

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

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

2 So that is, in essence, a
3 summary of the determinations made, the
4 findings, and the reasoning behind the
5 determination are set forth within your
6 25-page determination which you have copied
7 this evening.

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

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

13 CHAIRMAN GIAMETTA: Clear on
14 the .07?

15 MR. MEKEEL: Yes.

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

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

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

1 CHESTNUT PETROLEUM DISTRIBUTOR

2 MR. MEKEEL: No.

3 CHAIRMAN GIAMETTA: George?

4 MR. SALINOVICH: No.

5 MR. ZAMBITO: No.

6 MR. CONN: No.

7 CHAIRMAN GIAMETTA: Okay. I

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

12 MR. SALINOVICH: Motion to
13 close the meeting.

14 CHAIRMAN GIAMETTA: And a
15 second?

16 MR. CONN: Yes.

17 CHAIRMAN GIAMETTA: A vote?

18 MR. SALINOVICH: Aye.

19 MR. MEKEEL: Aye.

20 MR. ZAMBITO: Aye.

21 MR. CONN: Aye.

22 CHAIRMAN GIAMETTA: And aye.

23 MR. NAPIOR: Thank you all
24 for your time.

25 (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

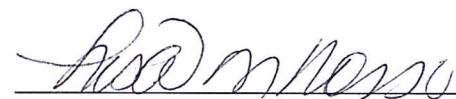
9 That I reported the proceedings in the within
10 entitled matter, and that the within transcript is a
11 true record of said proceedings.

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