

**COPY**

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

MARC CASSALINA,  
130 Mahoney Road  
Milton, New York 12547

Side yard setback area variance request of 8'3"  
TAX PARCEL: Section 95.4; Block 2; Lot 19.110  
(RAG-1 Zone)

-----x

**PUBLIC HEARING**

Date: May 12, 2016  
Time: 7:00 p.m.  
Place: Town of Marlborough  
Town Hall  
#21 Milton Turnpike  
Milton, New York 12547

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

PENNY E. CASHMAN, ZONING BOARD SECRETARY  
APPLICANT'S REPRESENTATIVES: DAVID FREEMAN  
TIM MARQUIS

-----x

LISA MARIE ROSSO  
Certified Shorthand Reporter

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2                   CHAIRMAN GIAMETTA: Please  
3                   join us for the pledge of the flag.

4                   (Pledge of Allegiance)

5                   CHAIRMAN GIAMETTA: Thank  
6                   you. First consideration we have is the  
7                   minutes from the previous meeting and board  
8                   members. Has everyone had a chance to  
9                   review those, and if so, did we have any  
10                  comments, questions or concerns about the  
11                  minutes from last month? I believe that  
12                  would have been April 14th. Everybody good  
13                  with those?

14                  (No response)

15                  CHAIRMAN GIAMETTA: I will  
16                  ask for a motion for approval of those  
17                  minutes.18                  MR. SALINOVICH: I will make  
19                  a motion.

20                  MR. ZAMBITO: I will second.

21                  CHAIRMAN GIAMETTA: Okay.  
22                  And a vote?23                  MR. CONN: I will abstain  
24                  because I was absent.

25                  CHAIRMAN GIAMETTA: Okay.

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MR. MEKEEL: Aye.

MR. SALINOVICH: Aye.

MR. ZAMBITO: Aye.

CHAIRMAN GIAMETTA: And aye

to the minutes. Thank you very much. Our first item on the agenda is Marc Cassalina. Regarding his case, we have a legal notice for Mr. Cassalina, and we need the legal notice read. Would somebody do that?

MR. CONN: Please take notice  
hearing will be held by the  
rough Zoning Board of Appeals  
ll, #21 Milton Turnpike,  
rk on May 12th, 2016 at 7:00  
hereafter as may be heard.

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2 ZONE). Any interested parties, either for or  
3 against this application, will have an  
4 opportunity to be heard at this time.

5 William Giometta, Chairman, Town of  
6 Marlborough Zoning Board of Appeals.

7 CHAIRMAN GIAMETTA: Thank you  
8 very much. Mr. Cassalina's group, would you  
9 kindly present your proposal once again?

10 MR. CASSALINA: Just come up  
11 here anywhere?

12 CHAIRMAN GIAMETTA: Anywhere  
13 in this area, so the court reporter can hear  
14 the statements.

15 MR. FREEMAN: So my name is  
16 David Freeman. I am the architect for the  
17 project. When the Cassalina's originally  
18 bought the property, they based the location  
19 of the house then on building a future  
20 garage, which we are proposing. In your  
21 packet, you have that original survey map,  
22 which clearly shows the stonewall as also on  
23 the property line. Marc went out, tape  
24 measure in hand, pushed the house over as  
25 far to the left as they could, and then

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2                   actually hired a blaster to come in to make  
3                   sure it got far enough away to site the  
4                   house so that some point in the future they  
5                   could legally construct a garage. The  
6                   basement right now is not even a full  
7                   basement because of that. There is a  
8                   crawlspace there. So it was built on rock,  
9                   and as you probably were at the site, you  
10                  did see a great deal of rock.

11                  Going through the process for  
12                  approval from the building department, we got  
13                  a new survey, which no longer shows the  
14                  stonewall on the property line. I don't  
15                  think either one moved.

16                  MR. CONN: Before we get too  
17                  far, just picking up on this, what is the  
18                  actual variance you are looking for?

19                  MR. FREEMAN: Eight feet, 3  
20                  inches.

21                  MR. ZAMBITO: Eight foot, 3  
22                  inches?

23                  MR. FREEMAN: Yes. As stated  
24                  in the public notice.

25                  MR. ZAMBITO: So we got to

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2                   change that.

3                   CHAIRMAN GIAMETTA: On the  
4                   minutes that was not written that way. The  
5                   amount is 8 foot, 3 inches; correct?6                   MR. FREEMAN: Correct. As  
7                   the public notice was written. Every town  
8                   is a little different, yours includes the  
9                   overhangs, I guess.10                  MR. CONN: There is a  
11                  discrepancy in the minutes in the  
12                  application. That's why I want to clear it  
13                  up before we get too far.14                  MR. MEKEEL: There was a  
15                  change in the minutes on page 23.16                  CHAIRMAN GIAMETTA: It was  
17                  presented that way to us. On page 23 it was  
18                  corrected.19                  MR. MEKEEL: On page 23 we  
20                  made the change.21                  CHAIRMAN GIAMETTA: Just  
22                  doublecheck that. Bear with us for a just a  
23                  moment.

24                  (Discussion off the record)

25                  CHAIRMAN GIAMETTA: Sorry for

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the interruption.

MR. FREEMAN: You don't have to be sorry.

CHAIRMAN GIAMETTA: Please proceed.

MR. FREEMAN: So with the new survey map, we -- like I said, we discovered -- Marc discovered that the property line and the stonewall are no longer aligned, which brings us here tonight for the variance. It's not -- to my mind, it's not a self-created issue. When Marc originally bought the property and relied on that original survey map, walked to the center of the stonewall, measured it off and it was set. The garage is sited, as the elevations show, to the right of the house, matches pretty much every other colonial in the world, an attached garage. It has a bonus room above the -- as I said, the basement right now is from the basement, which I can almost stand up in, partly crawlspace. So the use of house is really limited to the inside of the house. There

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2 is no place for expansion, you know. In our  
3 houses we mostly could go into our basements  
4 and build a rec room. So the proposal for  
5 the garage, the space above it attached to  
6 the garage, I -- the architecture to me  
7 works, matches the architecture of a  
8 colonial home. I don't think it's a  
9 distraction to the neighborhood or to the  
10 town. So, I don't think particularly --  
11 it's not a large variance. It is 20  
12 percent, slightly over 20.5 percent, so it's  
13 not, you know, it's not a 50 percent  
14 variance, so --

15 CHAIRMAN GIAMETTA: Okay.

16 Any questions or concerns or future --  
17 further explanations?

18 MR. ZAMBITO: No.

19 MR. MEKEEL: No.

20 MR. ZAMBITO: Jeff and I went  
21 up to the site and looked at it, and if you  
22 look at the pictures that they presented us,  
23 there are outcrops on both sides of the  
24 house, and there is a stonewall on top of  
25 the rock outcrop that is 12 feet wide. I

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2                   don't think anybody is going to move it at  
3                   any time soon, and the bordering property is  
4                   farm, it's not active.

5                   MR. CASSALINA: No.

6                   CHAIRMAN GIAMETTA: Yeah, so  
7                   I want to bring attention to -- Mr. Conn had  
8                   picked up on the application, the request  
9                   for variance was stated as a different  
10                  amount than we determined in the workshop.

11                  MR. CONN: Right.

12                  MR. ZAMBITO: We changed it.

13                  CHAIRMAN GIAMETTA: We found  
14                  it to be 8 feet, 3 inches, which allows just  
15                  a little bit of leeway for overhangs, et  
16                  cetera.

17                  MR. CASSALINA: For soffits.

18                  MR. ZAMBITO: I have no  
19                  problem.

20                  CHAIRMAN GIAMETTA: I want to  
21                  ask if there is any questions about the  
22                  application presentation?

23                  MR. SALINOVICH: No.

24                  MR. MEKEEL: No.

25                  CHAIRMAN GIAMETTA: Have you

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2                   notified the neighbors?

3                   MR. CASSALINA: I did.

4                   CHAIRMAN GIAMETTA: Would you  
5                   please present that to us, the mailouts and  
6                   the returns. We have to count those.

7                   MR. CASSALINA: (Handing)

8                   MR. MEKEEL: How many did you  
9                   mail?

10                  MR. CASSALINA: Twelve.

11                  CHAIRMAN GIAMETTA: Twelve?

12                  MR. CASSALINA: Yes.

13                  MR. MEKEEL: Twelve mailouts.

14                  CHAIRMAN GIAMETTA: We count  
15                  12 certified mailings that have gone out,  
16                  and we have --17                  MR. ZAMBITO: I'm counting  
18                  11.19                  CHAIRMAN GIAMETTA: We have  
20                  signature cards totaling --

21                  MR. ZAMBITO: Eleven.

22                  CHAIRMAN GIAMETTA: -- 11  
23                  return signature cards in response to the 12  
24                  mailouts. Did any envelopes come back  
25                  unclaimed or anything like that?

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2                   MR. CASSALINA: No.

3                   CHAIRMAN GIAMETTA: So 11

4                   have responded with regard to this proposal  
5                   out of the 12. Any comment from the public  
6                   on this matter either for or against it?

7                   (No audible response)

8                   CHAIRMAN GIAMETTA: We have a  
9                   motion to close the public portion of this  
10                   meeting?11                   MR. ZAMBITO: I make a motion  
12                   to close the public hearing.13                   CHAIRMAN GIAMETTA: And a  
14                   second?

15                   MR. SALINOVICH: Second.

16                   CHAIRMAN GIAMETTA: And a  
17                   vote?

18                   MR. SALINOVICH: Aye.

19                   MR. MEKEEL: Aye.

20                   MR. ZAMBITO: Aye.

21                   MR. CONN: Aye.

22                   CHAIRMAN GIAMETTA: And aye.

23                   The public portion is closed. And,  
24                   gentlemen, that puts it in our lap for our  
25                   consideration and possible motion.

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MR. MEKEEL: I will make a motion that we grant the side yard setback variance of 8 feet, 3 inches to the Marc Cassalina property.

MR. SALINOVICH: Second.

CHAIRMAN GIAMETTA: Okay. A second has been stated by Mr. Salinovich. And a vote on the matter?

MR. CONN: Aye.

MR. ZAMBITO: Aye.

MR. MEKEEL: Aye.

MR. SALINOVICH: Aye.

CHAIRMAN GIAMETTA: And aye.

You're approved for that.

MR. CASSALINA: Thank you.

CHAIRMAN GIAMETTA: Thank you for the presentation.

MR. CASSALINA: Thank you very much.

MR. FREEMAN: Thank you.

CHAIRMAN GIAMETTA: You're welcome.

MR. CASSALINA: Do we get a formal notification or something for the

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2                   vote?

3                   CHAIRMAN GIAMETTA: Yes, Ms.

4                   Cashman will notify you of the results of  
5                   the meeting, and then you will have to have  
6                   your building permit, of course, approved  
7                   and displayed prior to construction, and  
8                   then the inspections are performed.9                   MR. CASSALINA: Okay. Thank  
10                   you very much.11  
12                   OOO13  
14                   (Time noted: 7:13 p.m.)15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25