

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)

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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

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LISA MARIE ROSSO
Certified Shorthand Reporter

PUBLIC HEARING - MARC CASSALINA

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

(Pledge of Allegiance)

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

(No response)

CHAIRMAN GIAMETTA: I will
ask for a motion for approval of those
minutes.

MR. SALINOVICH: I will make
a motion.

MR. ZAMBITO: I will second.

CHAIRMAN GIAMETTA: Okay.
And a vote?

MR. CONN: I will abstain
because I was absent.

CHAIRMAN GIAMETTA: Okay.

PUBLIC HEARING - MARC CASSALINA

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
that a public hearing will be held by the
Town of Marlborough Zoning Board of Appeals
at the Town Hall, #21 Milton Turnpike,
Milton, New York on May 12th, 2016 at 7:00
p.m. or soon thereafter as may be heard.

Owner/applicant, Marc
Cassalina, has made a side yard setback area
variance request of 8 feet, 3 inches as
referenced in Town Code 155, Attachment 2,
Schedule 1, concerning the proposed new
construction of a residential parking garage
at the property identified as #130 Mahoney
Road, Milton, New York 12547. Tax Parcel:
Section 95.4, Block 2, Lot 19.110 (RAG-1

PUBLIC HEARING - MARC CASSALINA

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

William Giametta, Chairman, Town of Marlborough Zoning Board of Appeals.

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

MR. CASSALINA: Just come up here anywhere?

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

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

PUBLIC HEARING - MARC CASSALINA

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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

PUBLIC HEARING - MARC CASSALINA

change that.

CHAIRMAN GIAMETTA: On the minutes that was not written that way. The amount is 8 foot, 3 inches; correct?

MR. FREEMAN: Correct. As the public notice was written. Every town is a little different, yours includes the overhangs, I guess.

MR. CONN: There is a discrepancy in the minutes in the application. That's why I want to clear it up before we get too far.

MR. MEKEEL: There was a change in the minutes on page 23.

CHAIRMAN GIAMETTA: It was presented that way to us. On page 23 it was corrected.

MR. MEKEEL: On page 23 we made the change.

CHAIRMAN GIAMETTA: Just doublecheck that. Bear with us for a just a moment.

(Discussion off the record)

CHAIRMAN GIAMETTA: Sorry for

PUBLIC HEARING - MARC CASSALINA

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

PUBLIC HEARING - MARC CASSALINA

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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

PUBLIC HEARING - MARC CASSALINA

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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

PUBLIC HEARING - MARC CASSALINA

notified the neighbors?

MR. CASSALINA: I did.

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

MR. CASSALINA: (Handing)

MR. MEKEEL: How many did you mail?

MR. CASSALINA: Twelve.

CHAIRMAN GIAMETTA: Twelve?

MR. CASSALINA: Yes.

MR. MEKEEL: Twelve mailouts.

CHAIRMAN GIAMETTA: We count 12 certified mailings that have gone out, and we have --

MR. ZAMBITO: I'm counting 11.

CHAIRMAN GIAMETTA: We have signature cards totaling --

MR. ZAMBITO: Eleven.

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

PUBLIC HEARING - MARC CASSALINA

MR. CASSALINA: No.

CHAIRMAN GIAMETTA: So 11
have responded with regard to this proposal
out of the 12. Any comment from the public
on this matter either for or against it?

(No audible response)

CHAIRMAN GIAMETTA: We have a
motion to close the public portion of this
meeting?

MR. ZAMBITO: I make a motion
to close the public hearing.

CHAIRMAN GIAMETTA: And a
second?

MR. SALINOVICH: Second.

CHAIRMAN GIAMETTA: And a
vote?

MR. SALINOVICH: Aye.

MR. MEKEEL: Aye.

MR. ZAMBITO: Aye.

MR. CONN: Aye.

CHAIRMAN GIAMETTA: And aye.
The public portion is closed. And,
gentlemen, that puts it in our lap for our
consideration and possible motion.

PUBLIC HEARING - MARC CASSALINA

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

PUBLIC HEARING - MARC CASSALINA

vote?

CHAIRMAN GIAMETTA: Yes, Ms.

Cashman will notify you of the results of the meeting, and then you will have to have your building permit, of course, approved and displayed prior to construction, and then the inspections are performed.

MR. CASSALINA: Okay. Thank you very much.

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(Time noted: 7:13 p.m.)