

COPY

STATE OF NEW YORK : COUNTY OF ULSTER

TOWN OF MARLBOROUGH ZONING BOARD

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In the Matter of

ROBERT VOGEL  
#9 Christina Way  
Milton, New York 12547

Rear yard setback area variance of 14' 6"

TAX PARCEL: Section 102.4; Block 2; Lot 28.518  
(RAG-1 Zone)

-----x  
PUBLIC HEARING

Date: May 12, 2016  
Time: 7:14 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

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

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2                   CHAIRMAN GIAMETTA: We're  
3                   going to be working with the second matter  
4                   on the agenda tonight. One of the concerns  
5                   is the cover page of the minutes. The  
6                   amount requested differs from what's in the  
7                   body of the minutes, and we want to get that  
8                   corrected to reflect 14 feet, 6 inches,  
9                   rather than what's shown as 7'3". So I  
10                  believe we have to get another page for  
11                  that. Ms. Rosso, can that be arranged?

12                  STENOGRAPHER: Yes.

13                  CHAIRMAN GIAMETTA: So,  
14                  clarification for the record. With regard  
15                  to the minutes of the earlier discussion  
16                  that was strictly for Mr. Cassalina's case.  
17                  The new case before us, Mr. Vogel, has  
18                  minutes with regard to his case also, and  
19                  I'd like to ask for a motion to approve  
20                  those minutes with the corrected front page.

21                  MR. MEKEEL: Right.

22                  CHAIRMAN GIAMETTA: Can we  
23                  get a motion for that?

24                  MR. MEKEEL: I will make a  
25                  motion to first make it 14 feet, 6 inches,

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2                   and then we'll approve the minutes.

3                   CHAIRMAN GIAMETTA: Okay.

4                   Second on that?

5                   MR. SALINOVICH: Second.

6                   CHAIRMAN GIAMETTA: And a  
7                   vote?8                   MR. CONN: I have to abstain,  
9                   I wasn't here.

10                  MR. ZAMBITO: Aye.

11                  MR. SALINOVICH: Aye.

12                  MR. MEKEEL: And aye.

13                  CHAIRMAN GIAMETTA: Aye on  
14                  the vote, approval of the minutes for Mr.  
15                  Vogel's case who is before us now. Both  
16                  sets of minutes have been approved for the  
17                  prior month's meeting with the corrections.18                  Okay. Mr. Vogel, if you would please  
19                  present your case once again.20                  MR. VOGEL: So I made a quick  
21                  plan up. It shows the lot line with the  
22                  deck with the house and a quick little side  
23                  view.24                  CHAIRMAN GIAMETTA: Revised  
25                  plan as requested. It shows, I believe, an

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2 inground swimming pool back there.

3 MR. VOGEL: I put the  
4 swimming pool onto it, and I showed the  
5 deck, the lot line, and then we're looking  
6 for 14 feet, 6 inches.

7 (Discussion off the record)

8 CHAIRMAN GIAMETTA: Mr.

9 Vogel, just present that once again, please.

10 MR. VOGEL: From the bump out  
11 on the house to the property line was 75  
12 feet. From the edge of the deck, which we  
13 want to do 16 feet, 5 inches coming out, 60  
14 feet, 5 inches, so we're asking for 14 feet,  
15 6 inches. And I put a quick sketch on the  
16 top there just showing how far it was coming  
17 out. It's about two feet off the ground. I  
18 don't know if that helps or not. We showed  
19 the swimming pool on there, the lot line.  
20 That's just basic. I didn't put too much of  
21 the details on it.

22 CHAIRMAN GIAMETTA: It's a  
23 covered porch?

24 MR. VOGEL: Yes, so 2 feet  
25 off the ground and then a roof coming off of

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2                   it, which is as high as the house. We said  
3                   we wanted buffer zones, and that was from  
4                   the workshop that we talked about. That's  
5                   why the application didn't match up with our  
6                   last workshop, which I could redo the  
7                   application if you want me to.

8                   MR. MEKEEL: No, we made the  
9                   change in the minutes.

10                  MR. VOGEL: Okay, thank you.

11                  CHAIRMAN GIAMETTA: For the  
12                  record, Mr. Vogel has given the board a  
13                  revised layout plan as per our request, and  
14                  it's currently before us, and thank you for  
15                  bringing that in.

16                  MR. VOGEL: You're welcome.

17                  CHAIRMAN GIAMETTA: Board  
18                  members, do we have any questions or  
19                  concerns about this presentation or comments  
20                  you would like to put on the record?

21                  MR. MEKEEL: No.

22                  MR. ZAMBITO: No.

23                  CHAIRMAN GIAMETTA: Mr. Conn  
24                  might have questions, concerns?

25                  MR. CONN: No. Pretty

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straightforward.

CHAIRMAN GIAMETTA: Okay.

The public hearing legal notice has to be read. Someone else could read it. Mr. Zambito is going to read it.

MR. ZAMBITO: Town of

Marlborough Zoning Board of Appeals Legal  
Notice. 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 12, 2016 at 7:00 p.m. or soon  
thereafter as he may be heard.

Owner/applicant, Robert

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2                   heard at this time. William Giometta,  
3                   Chairman. Town of Marlborough Zoning Board  
4                   of Appeals.

5                   CHAIRMAN GIAMETTA: Thank you  
6                   very much. And Mr. Vogel, have you notified  
7                   the neighbors with regard to this?

8                   MR. VOGEL: I did. Nine,  
9                   only eight came back.

10                  CHAIRMAN GIAMETTA: Return  
11                  cards, and we need a count on those. How  
12                  many were mailed out, Mr. Zambito?

13                  MR. ZAMBITO: Nine.

14                  CHAIRMAN GIAMETTA: Did you  
15                  mail out nine?

16                  MR. VOGEL: Yeah, I mailed  
17                  out nine and got eight back.

18                  MR. MEKEEL: Jeff, correct.

19                  CHAIRMAN GIAMETTA: Nine have  
20                  been -- letters have been mailed out, and  
21                  eight responses returned. Okay. And with  
22                  regard to this, since the board has no  
23                  questions or concerns that I'm aware of, I'm  
24                  going to ask the public if there is any  
25                  comment for or against this project?

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(No response)

3 CHAIRMAN GIAMETTA: Having  
4 heard none, I will ask for a motion to close  
5 the public portion of the meeting.

6 MR. MEKEEL: I will make a  
7 motion to close the public hearing.

8 MR. ZAMBITO: I will second.

9 CHAIRMAN GIAMETTA: And a  
10 vote?

11 MR. SALINOVICH: Aye.

12 MR. MEKEEL: Aye.

13 MR. ZAMBITO: Aye.

14 MR. CONN: Aye.

15 CHAIRMAN GIAMETTA: And aye.

16                   Thank you. And having reviewed the matter  
17                   presented to us by the applicant and no  
18                   public input for or against it, the board  
19                   now has the right to make a motion with  
20                   regard to this matter.

21 MR. ZAMBITO: I will make a  
22 motion to grant Robert Vogel a rear yard  
23 setback area variance request of 14 feet, 6  
24 inches located at 9 Christina Way, Milton,  
25 New York 12547.

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2                   MR. MEKEEL: I will second  
3                   that.4                   CHAIRMAN GIAMETTA: Second  
5                   has come through. And a vote?

6                   MR. SALINOVICH: Aye.

7                   MR. MEKEEL: Aye.

8                   MR. ZAMBITO: Aye.

9                   MR. CONN: Aye.

10                  CHAIRMAN GIAMETTA: And aye.  
11                  You are approved, Mr. Vogel.12                  MR. VOGEL: Thank you very  
13                  much.14                  CHAIRMAN GIAMETTA: You're  
15                  quite welcome.16                  MR. VOGEL: Have a good  
17                  night.18                  CHAIRMAN GIAMETTA: Ms.  
19                  Cashman, do you mind taking these  
20                  information pieces back from the file?

21                  MS. CASHMAN: Sure.

22  
23                  oo24  
25                  (Time noted: 7:28 p.m.)