

STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH ZONING BOARD

-----X

In the Matter of

EMILY ELOISE WINTER - PUBLIC HEARING -  
Front Yard Variance of 39.5'  
Side Yard Variance of 26.2'  
Depth Lot Variance of 8.36'  
Stipulation of the porch cannot be rebuilt  
222 Milton Cross Road  
Highland, New York 12528  
SBL #95.4-1-37  
RAG-1 23-17

-----X

DATE: September 11, 2025

TIME: 6:00 P.M.

PLACE: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS:

LENNY CONN, Chairman  
JEFF MEKEEL  
ANDREW NIKOLA, Absent  
LARRY BARTOLOTTI

ALSO PRESENT:

JEN FLYNN, Zoning Board  
Secretary

EMILY ELOISE WINTER, Applicant

-----X

LISA MARIE ROSSO  
140 Mahoney Road  
Milton, New York 12547  
(845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 EMILY ELOISE WINTER - PUBLIC HEARING

2 CHAIRMAN CONN: Please stand. I'd  
3 first like to take a moment of silence  
4 to remember the people of 9/11. And  
5 now the pledge.

6 (Moment of silence and Pledge of  
7 Allegiance.)

8 CHAIRMAN CONN: All right, thank  
9 you. Everyone have a chance to go over  
10 the minutes?

11 MR. MEKEEL: Yes.

12 MR. BARTOLOTTI: Yes.

13 CHAIRMAN CONN: Can I have a  
14 motion to approve the August 14  
15 minutes?

16 MR. BARTOLOTTI: I make a motion  
17 to approve the August 14 minutes.

18 MR. MEKEEL: I second that.

19 CHAIRMAN CONN: All in favor?

20 MR. MEKEEL: Aye.

21 MR. BARTOLOTTI: Aye.

22 CHAIRMAN CONN: Aye.

23 MR. NIKOLA: I abstain as I wasn't  
24 here.

25 CHAIRMAN CONN: Next we have a

1 EMILY ELOISE WINTER - PUBLIC HEARING  
2 public hearing for Emily Eloise Winter.  
3 Please read the legal notice, for the  
4 record.

5 MR. NIKOLA: Town of Marlborough  
6 Zoning Board of Appeals legal notice.  
7 Please take notice that a public  
8 hearing will be held by the Town of  
9 Marlborough Zoning Board of Appeals  
10 further known as ZBA at Town Hall, 21  
11 Milton Turnpike, Milton, New York, on  
12 September 11, 2025, at 6:00 P.M. or  
13 soon thereafter as may be heard. The  
14 owner applicant, Emily Eloise Winter,  
15 222 Milton Cross Road, Highland, New  
16 York, 12528, is seeking relief from  
17 Town of Marlborough Code 155-34,  
18 (A) (4), by way of 39.5 feet front yard  
19 area variance, 9.8 side yard variance,  
20 26.2 back yard variance, and 8.36 lot  
21 depth variance with the stipulation of  
22 not to rebuild the porch. Tax parcel:  
23 Section 95.4. Block 1. Lot 37. Any  
24 interested parties, either for or  
25 against this application will have the

1 EMILY ELOISE WINTER - PUBLIC HEARING  
2 opportunity to be heard at this time.  
3 Lenny Conn, Chairman, Town of  
4 Marlborough Zoning Board of Appeals.

5 CHAIRMAN CONN: Thank you. Can  
6 you just give us a short review of what  
7 you want to do again?

8 MS. WINTER: I am requesting this  
9 variance for current zoning because  
10 this property I bought has been  
11 unoccupied for longer than 12 months,  
12 therefore I need to comply with the  
13 current zoning, and the lot is too  
14 small to comply. I am not changing the  
15 house. I am not making it bigger.

16 CHAIRMAN CONN: Okay. Any  
17 questions?

18 MR. NIKOLA: No.

19 MR. BARTOLOTTI: No questions.

20 MR. MEKEEL: No.

21 CHAIRMAN CONN: Is there anybody  
22 else here for Ms. Winter?

23 MR. WINTERS: I am the next door  
24 neighbor.

25 CHAIRMAN CONN: State your name

1 EMILY ELOISE WINTER - PUBLIC HEARING

2 for the record.

3 MR. WINTERS: Richard Winters,  
4 almost the same as hers, as I have an  
5 S. It's kind of bizarre. I have no  
6 problem with the variance.

7 CHAIRMAN CONN: Okay, all right.  
8 Thank you very much.

9 MR. NIKOLA: Thank you.

10 CHAIRMAN CONN: Anybody else?

11 (No audible response.)

12 MS. FLYNN: For the record, 6  
13 mailings went out and 3 mailings came  
14 back.

15 MR. MEKEEL: I will make a motion  
16 that we close the public hearing.

17 MR. BARTOLOTTI: Second.

18 CHAIRMAN CONN: All in favor?

19 MR. MEKEEL: Aye.

20 MR. BARTOLOTTI: Aye.

21 MR. NIKOLA: Aye.

22 CHAIRMAN CONN: Aye. Somebody  
23 want to make a motion to approve the  
24 variances as stayed in the legal  
25 notice?

1 EMILY ELOISE WINTER - PUBLIC HEARING

2 MR. BARTOLOTTI: I make a motion  
3 to approve.

4 MR. NIKOLA: I will second.

5 CHAIRMAN CONN: All in favor?

6 MR. MEKEEL: Aye.

7 MR. BARTOLOTTI: Aye.

8 MR. NIKOLA: Aye.

9 CHAIRMAN CONN: Aye. Okay.

10 You're done, Ms. Winter.

11 MS. WINTER: Thank you.

12 (Whereupon, at 6:05 P.M., the  
13 Hearing was adjourned.)

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EMILY ELOISE WINTER - PUBLIC HEARING

C E R T I F I C A T E

STATE OF NEW YORK                    )  
  : SS.:  
COUNTY OF ULSTER                 )

I, LISA M. ROSSO, a Notary Public for  
and within the State of New York, do hereby  
certify:

That I was authorized to and did  
stenographically report the foregoing  
proceedings, and that the transcript is a  
true record.

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 17th day of September 2025.

  
\_\_\_\_\_  
LISA M. ROSSO

STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH ZONING BOARD

-----X

In the Matter of

ADAM DANIELLE BROZA - WORKSHOP -  
Appeal of Determination  
20 Mount Rose Road  
Marlboro, New York 12542  
SBL #109.1-4-57, 58  
R-1 23-17

-----X

DATE: September 11, 2025

TIME: 6:05 P.M.

PLACE: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS:

LENNY CONN, Chairman  
JEFF MEKEEL  
ANDREW NIKOLA  
LARRY BARTOLOTTI

ALSO PRESENT:

JEN FLYNN, Zoning Board  
Secretary

KYLE W. BARNETT, ESQ., Town Attorney

KENNETH M. STENGER, ESQ., Applicant Attorney

-----X

LISA MARIE ROSSO  
140 Mahoney Road  
Milton, New York 12547  
(845) 674-3937

LISA MARIE ROSSO - (845) 674-3937



1 ADAM DANIELLE BROZA - WORKSHOP

2 CHAIRMAN CONN: Next up, we have a  
3 new application, Adam Danielle Broza.

4 MR. STENGER: Thank you very much  
5 for your patience while I was out in  
6 the parking lot. Kyle, did you talk to  
7 the board?

8 MR. BARNETT: Just as a threshold  
9 matter, good evening, just for the  
10 record, Kyle Barnett on behalf of the  
11 Town of Marlborough. As the board is  
12 aware, my firm represents the Town of  
13 Marlborough. This is a matter that has  
14 some ancillary issues pertaining to  
15 ongoing litigation with the applicants  
16 and the Town of Marlborough. Also, I  
17 have assisted the building inspector in  
18 his interpretation, that is the subject  
19 of the appeal this evening.  
20 Subsequently, the applicant's counsel  
21 has suggested that we, as Town  
22 attorneys, may be conflicted in this  
23 matter because of our involvement in  
24 those other matters. And, candidly,  
25 while there is no definitive precedent

1           ADAM DANIELLE BROZA - WORKSHOP  
2           on the issue, under the circumstances,  
3           given the fact that we have made -- we  
4           have provided advice on this to the  
5           building inspector, and that is the  
6           determination that is the subject of  
7           the appeal, and that his involvement in  
8           this matter may be forthcoming, it does  
9           appear appropriate that we should  
10          probably ask the ZBA to use conflict  
11          counsel in this matter. I have reached  
12          out to a couple of attorneys in that  
13          regard, I believe will -- hopefully  
14          someone that has expertise in this area  
15          and hopefully one of those attorneys  
16          will accept the assignment subject to  
17          the approval of obviously the town  
18          board and, quite frankly, this board as  
19          well. So, I attend this evening to  
20          advise you of that, and also to -- to  
21          also represent the interest as I  
22          indicated of the town in the building  
23          inspector.

24                 CHAIRMAN CONN: Thank you.

25                 MR. STENGER: Yes, I appreciate

1           ADAM DANIELLE BROZA - WORKSHOP  
2           very much the statement we just  
3           received. So, I don't know how much of  
4           what I want to say tonight you're going  
5           to want or wait until we get new  
6           counsel. But I will just touch base on  
7           a little bit of what is proposed to  
8           occur when the hearing is had, and then  
9           you just let me know if you had enough,  
10          you want to wait until you get another  
11          attorney if I am getting too deep. So,  
12          I think everybody knows what this case  
13          is about. There is property on Mount  
14          Rose, 12 and a half, 13 acres  
15          surrounded by farm. My client this  
16          year from time to time has had weddings  
17          at that site. And the very real legal  
18          question is whether or not those  
19          weddings are permitted as matter of law  
20          in an R-1 district as a permitted  
21          subordinate accessory use to a  
22          permitted use. And when I wrote to the  
23          building inspector for a determination,  
24          I framed the question to say, can you  
25          please give me your determination as to

1 ADAM DANIELLE BROZA - WORKSHOP  
2 whether or not this use, as I described  
3 in my application, is a permitted  
4 subordinate accessory use in an R-1  
5 district. So, I didn't limit to any  
6 particular use in R-1. I laid out the  
7 whole list of everything that's allowed  
8 in the R-1. And the answer I get back  
9 was that, it's my opinion and my  
10 determination that it's not a permitted  
11 subordinate accessory use in the R-1  
12 district. In fact, that it's a  
13 different type of use. And then I took  
14 the appeal here and in my appeal here,  
15 you know, in the narrative that I  
16 provided to you as part of my appeal, I  
17 said to you, this is in my appeal, I  
18 said, look, we're asking specifically  
19 if this is going to be a subordinate  
20 use -- a subordinate accessory use to a  
21 permitted use in the R-1, which is that  
22 of a farm, which is a permitted use.  
23 So, there is that distinction there.  
24 And if that leads to any confusion,  
25 then I will file a supplemental -- I

1 ADAM DANIELLE BROZA - WORKSHOP  
2 can file something supplemental to the  
3 building inspector for further  
4 determination. But as you can see, the  
5 request for determination asked for,  
6 can this work anywhere in an R-1 with  
7 any use of the R-1, our appeal is can  
8 it work with just specifically one  
9 at -- for a farm. And I just want to  
10 clear that up. If -- if, you know,  
11 upon your advice from counsel there is  
12 a need for further clarification, I  
13 will provide a supplemental demand for  
14 an interpretation. The other thing is  
15 that, when this matter goes to hearing  
16 or gets scheduled for hearing, it would  
17 be the intention of -- my intention,  
18 this is going to be a very fact finding  
19 hearing, and the protocol for a fact  
20 finding hearing is we're going to have  
21 witnesses come, I will present  
22 witnesses that will come, that will  
23 testify under oath with the  
24 stenographer taking testimony. And  
25 there may be witnesses that we're going

1           ADAM DANIELLE BROZA - WORKSHOP  
2           to subpoena. And the chairman, the  
3           statute says the chairman may sign a  
4           subpoena to compel the attendance, and  
5           also for records, because there are  
6           some records that, without going into  
7           the particulars, there are some records  
8           that I will want to have to produce.  
9           Those subpoenas have not been prepared  
10          for this evening. I suspect -- and  
11          just telling you what's coming, but I  
12          suspect that when they are prepared  
13          with names on them, that the chairman  
14          is going to want to consult with new  
15          counsel to make a final determination  
16          on those.

17                 Really, I don't think there is  
18          much more here that I was going to  
19          discuss tonight. There is a general  
20          protocol, but I think I just said it,  
21          when this hearing occurs, obviously,  
22          I'm well aware of the passions that are  
23          around this application, and I find  
24          that the best way to deal with passion  
25          is to deal with facts. And the best

1           ADAM DANIELLE BROZA - WORKSHOP  
2           way to deal with facts is to let people  
3           sit in a chair, under oath, tell the  
4           truth and what they heard and seen and  
5           let the finding of facts after being  
6           advised by counsel, and after giving me  
7           a fair hearing, which I know you will  
8           do, you will make some decisions on  
9           those facts. But I think it's really,  
10          really critical that we have an  
11          agreement as to what is a fact and what  
12          is not. And so, in order to do that, I  
13          don't know -- I don't know how formally  
14          you run your hearings, I don't presume  
15          to know anything about that, but this,  
16          I think, is going to be a very  
17          fact-finding hearing. So there will be  
18          witnesses. I will ask them to be  
19          placed under oath. Some may be here  
20          because of subpoenas. There will be  
21          records. I suspect it's -- it's kind  
22          of going to be like a trial with people  
23          coming in and testifying. And I will  
24          ask some questions, and your lawyer  
25          will ask some questions, and if you

1           ADAM DANIELLE BROZA - WORKSHOP  
2           have a reason to ask a question, you  
3           will. Because you're sitting in a  
4           quasi-judicial capacity, you're not the  
5           planning board, you're not the town  
6           board, you're here to determine the  
7           facts in front of you and apply the law  
8           to them as best as you can. And what I  
9           propose to do is probably a lot more  
10          formal than you have ever encountered  
11          in this room. But I think because of  
12          the fact that this controversy is so  
13          fact-driven that it's the only way that  
14          I can do that and make sure that you  
15          have the all facts you need to make the  
16          decision. So, thank you very much.  
17          When you do decide who counsel is, I  
18          assume that is when we'll schedule a  
19          hearing. And when we do have counsel,  
20          as soon as we have counsel, I will  
21          provide all of the subpoenas to counsel  
22          to review with chairman then that will  
23          be the first step we'll take in  
24          deciding what to do next unless you  
25          want to proceed without counsel tonight



1 ADAM DANIELLE BROZA - WORKSHOP  
2 and set a date. I don't presume to  
3 tell you to do this, but I'm very happy  
4 to cooperate with anything your board  
5 thinks is appropriate. Thank you very  
6 much for hearing me.

7 CHAIRMAN CONN: Do we know when  
8 the conflict counsel would be  
9 available?

10 MR. BARNETT: I believe we do. I  
11 believe there will be conflict counsel  
12 available for October, if the board is  
13 inclined to proceed. That is my  
14 understanding, as I sit here today.  
15 So, I just want to address one or two  
16 things real quick. So, first on the  
17 jurisdictional issue, I, as a courtesy,  
18 I discussed this with counsel in  
19 advance of the hearing. The question  
20 in the letter ultimately ends by saying  
21 originally to the building inspector,  
22 and this is my concern, and I will get  
23 to my point in a moment. It's my  
24 request that you're all supposed to  
25 make a determination whether or not

1 ADAM DANIELLE BROZA - WORKSHOP  
2 weddings or other outdoor events  
3 involving populations of up to 175/200  
4 may be permitted as ancillary accessory  
5 uses to the residential use of the  
6 premises under the conditions described  
7 in the letter. So, the building -- so  
8 yes, the letter talks about these types  
9 of uses, an ancillary use in an R-1,  
10 but ultimately seems to point to that  
11 as the question, and I don't think it  
12 was unreasonable for the building  
13 inspector to presume that is the  
14 question that was being asked and  
15 addressed. And subsequently, as I am  
16 sure counsel knows, if you -- just like  
17 in a real court, if you haven't  
18 presented the issue in the lower level,  
19 which in this case would be the  
20 building inspector, it's not preserved  
21 for the purposes of the appeal. And  
22 that same rule applies to ZBAs and so,  
23 I don't want the ZBA, I'm not  
24 suggesting that we delay this matter,  
25 and I don't want the applicant or

1 ADAM DANIELLE BROZA - WORKSHOP  
2 appellate to think we're looking to  
3 delay it from our perspective. So, I  
4 have no objection if we proceed going  
5 forward on the public hearing and  
6 everything, but it will -- but my  
7 position is going to remain that it's  
8 on that issue, and the issue of whether  
9 or not it's ancillary to perhaps an ag  
10 use, even assuming that that is the  
11 use, and it's a proper use, I don't  
12 think that is going to be before the  
13 board, and that's going to be our  
14 position going forward on that. And  
15 I -- I put that out there only because  
16 I don't want to see the appellant go  
17 forward down a primrose path here and  
18 then suddenly get a determination that  
19 really wasn't what they were looking  
20 for or waste this board's time. So, I  
21 put that out there, if the appellants  
22 want to go back to the building  
23 inspector and say, okay, here actually  
24 we need, here is the other -- we have  
25 another question for you. Then I would

1 ADAM DANIELLE BROZA - WORKSHOP  
2 suggest it doesn't make sense  
3 scheduling the public hearing this  
4 evening. But if that's not your  
5 inclination, then I would say I have no  
6 problem with the scheduling of the  
7 public hearing, under the presumption  
8 that we will have counsel available for  
9 you at that time.

10 MR. STENGER: I appreciate that  
11 we're having a professional  
12 conversation presenting this, and I  
13 very much appreciate the fact that it's  
14 out in the open tonight. So, I think,  
15 rather than take a stand on where I can  
16 legally say, I'm okay, I think the  
17 practical matter here is, by Monday or  
18 Tuesday, I will have the same request  
19 for determination and from the building  
20 inspector and this one will say  
21 consider specifically the ag use, and  
22 we can have that determination, I would  
23 assume fairly quickly, I don't know  
24 where that leaves us in terms of  
25 scheduling this, but I think it's the

1 ADAM DANIELLE BROZA - WORKSHOP

2 best way to proceed. I mean, I don't  
3 know that I can necessarily agree that  
4 the solution is easy, and it takes a  
5 lot less time arguing about it, so that  
6 is what I'm thinking.

7 MR. BARNETT: So, you're okay with  
8 not scheduling the public hearing?

9 MR. STENGER: I'm okay with that.

10 MR. BARNETT: Fair enough. Okay,  
11 so why don't -- my suggestion to the  
12 board and to the appellant is why don't  
13 we adjourn further proceedings for  
14 October and take it up at that moment?

15 CHAIRMAN CONN: Are you good with  
16 that?

17 MR. STENGER: That's fine by me.

18 CHAIRMAN CONN: Okay.

19 MS. FLYNN: And the cutoff for  
20 that October meeting is September 25th  
21 for everything -- for anything.

22 CHAIRMAN CONN: Correct.

23 MR. STENGER: What are we doing?

24 CHAIRMAN CONN: Any new  
25 documentation that you need to submit

1 ADAM DANIELLE BROZA - WORKSHOP  
2 for the October 9th meeting needs to be  
3 in to Ms. Flynn by September 25th.

4 MR. STENGER: Well, here is the  
5 issue then. Thank you for bringing up  
6 that deadline. The issue would be, so  
7 I can get the subpoenas there, but you  
8 won't be able to review them until you  
9 have new counsel, so does that --

10 MR. BARNETT: There is not going  
11 to be a public hearing anyway so you  
12 don't want to get your subpoenas done  
13 until you know when the public hearing  
14 is going to be.

15 MR. STENGER: Right. But are  
16 those the documents that are being  
17 referred to right now that I have to  
18 have in by September 25th?

19 MR. BARNETT: I would say no,  
20 because there is not going to be a --  
21 you won't need them for the October  
22 meeting. You would, in theory, need  
23 them for the November meeting, assuming  
24 that is when the first public hearing  
25 is held.

1 ADAM DANIELLE BROZA - WORKSHOP

2 MR. STENGER: That's when the  
3 deadline kicks in.

4 MR. BARNETT: For that, correct.

5 MR. STENGER: Okay, great.

6 CHAIRMAN CONN: Any documentation  
7 that you need for the October meeting  
8 needs to be in to Jen by September  
9 25th.

10 MR. STENGER: Okay. Now I get it.

11 CHAIRMAN CONN: The earliest the  
12 public hearing will be scheduled would  
13 be the November meeting.

14 MR. STENGER: Okay. I would ask,  
15 when you get new counsel, if you could,  
16 please, you have my contact  
17 information, let me know who that is so  
18 I can speak to whoever he or she is to  
19 try to work together to streamline this  
20 presentation to you as best as we can.

21 CHAIRMAN CONN: Yes, sir.

22 MR. STENGER: Thank you very much.

23 CHAIRMAN CONN: Thank you.

24 (Whereupon, at 6:21 P.M., the  
25 Hearing was adjourned.)

ADAM DANIELLE BROZA - WORKSHOP

C E R T I F I C A T E

STATE OF NEW YORK                   )  
  : SS.:  
COUNTY OF ULSTER                 )

I, LISA M. ROSSO, a Notary Public for  
and within the State of New York, do hereby  
certify:

That I was authorized to and did  
stenographically report the foregoing  
proceedings, and that the transcript is a  
true record.

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 17th day of September 2025.



LISA M. ROSSO



STATE OF NEW YORK : COUNTY OF ULSTER  
TOWN OF MARLBOROUGH ZONING BOARD

-----X

In the Matter of

SANTINI RESIDENCE - WORKSHOP -  
Appeal of Interpretation  
229 Mt. Zion Road  
Marlboro, New York 12542  
SBL #102 3.2-15.300  
RAG-1 23-3

-----X

DATE: September 11, 2025

TIME: 6:22 P.M.

PLACE: Town of Marlborough  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

BOARD MEMBERS:

LENNY CONN, Chairman  
JEFF MEKEEL  
ANDREW NIKOLA  
LARRY BARTOLOTTI

ALSO PRESENT:

JEN FLYNN, Zoning Board  
Secretary

KYLE W. BARNETT, ESQ., Town Attorney

KELLY LIBOLT, KARC Planning Consultants

PAT RUTBELL, KARC Planning Consultants

-----X

LISA MARIE ROSSO  
140 Mahoney Road  
Milton, New York 12547  
(845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1 SANTINI RESIDENCE - WORKSHOP

2 CHAIRMAN CONN: We have a new  
3 workshop for Santini, appeal of  
4 interpretation.

5 MS. LIBOLT: Good evening,  
6 chairman.

7 CHAIRMAN CONN: How are you?

8 MS. LIBOLT: I'm well. How are  
9 you?

10 CHAIRMAN CONN: Please state your  
11 name for the record.

12 MS. LIBOLT: Kelly Libolt with  
13 KARC Planning Consultants. And with me  
14 is Pat Rutbell with KARC Planning  
15 Consultants. We're here representing  
16 the applicant, Steve Santini. I have  
17 provided you with just a summary of  
18 what we're going to present. There is  
19 new information in the documentation  
20 that I gave you. It's just a  
21 collaboration in a better presentation  
22 form for you to utilize. So I'm just  
23 going to walk through this presentation  
24 step by step.

25 CHAIRMAN CONN: Absolutely.

1 SANTINI RESIDENCE - WORKSHOP

2 MS. LIBOLT: So, just to orient  
3 everyone as to where we are. This is  
4 229 Mt. Zion Road, and this project  
5 property is about 18.69 acres, and it's  
6 in the RAG-1 zoning district, and it is  
7 in the Ridgeline Protection Area. Just  
8 a little bit of project history. Some  
9 of this is important. There is a lot  
10 of history on this project; I'm just  
11 trying to give you the relevant  
12 information. In July of 2023, a  
13 driveway was built on this property, it  
14 was inspected by the fire chief, and it  
15 was inspected by the highway  
16 superintendent for your town. In  
17 August of 2023, the applicant received  
18 approval from the department of health  
19 for a well and a septic system. And  
20 shortly thereafter, in September of  
21 2023, your building inspector provided  
22 a letter stating that the proposed  
23 house location was in the Ridgeline  
24 Protection Area, it was an acceptable  
25 area for a new house construction. In

**LISA MARIE ROSSO - (845) 674-3937**

1                   SANTINI RESIDENCE - WORKSHOP  
2                   October of 2023, the applicant did  
3                   receive town of planning -- Town of  
4                   Marlborough Planning Board final  
5                   subdivision approval for a three-lot  
6                   subdivision. One of those lots  
7                   included or addressed this proposed  
8                   house construction with a driveway  
9                   location. In January of 2024, after  
10                  receiving subdivision approval, and  
11                  health department approval, the  
12                  applicant submitted a building permit  
13                  application for the residence. And in  
14                  February of this year, so about a year  
15                  later, we submitted a letter to the  
16                  town engineer to illustrate compliance  
17                  with the Ridgeline Protection Area in  
18                  support of that building application.  
19                  So that kind of brings us to why we are  
20                  here. In February of 2025, we did this  
21                  very significant submission to the town  
22                  engineer methodically step by step  
23                  showing compliance with your town  
24                  Ridgeline Protection Law, and so we  
25                  went through item by item. We're happy

**LISA MARIE ROSSO - (845) 674-3937**

1           SANTINI RESIDENCE - WORKSHOP  
2           to provide that to you if you would  
3           like. It's part of the record, but one  
4           of the important documents in there  
5           were these slope analyses. And there  
6           is a big part of your code in the  
7           Ridgeline Protection Code that talks  
8           about permissible slopes. So, in areas  
9           of 0 to 15 percent slopes, any work is  
10          permitted. And then when you're in  
11          this 15 to 25 percent, there is some  
12          restricted work. And then going over  
13          25 percent there is no work permitted.  
14          So, and we put together this map,  
15          because it really was one of the  
16          constraints that was utilized by our  
17          applicant's engineer to determine that  
18          there were very little locations on  
19          this lot that you could put a house and  
20          you could put a driveway and you could  
21          put a septic system. We'll talk about  
22          this later, but that was one of the big  
23          components to that submission. So, on  
24          that submission map, again, we provided  
25          to you, I think we gave it to you as a

1           SANTINI RESIDENCE - WORKSHOP  
2           full size map so it's easier to read,  
3           we utilized red, yellow, green, kind of  
4           universal. Green being areas that were  
5           permitted for work. Yellow being areas  
6           where there were some restrictions.  
7           And red where the development was, you  
8           know, restricted in its particular  
9           locations. So, that kind of brings us  
10          to why are we here. When we made this  
11          submission to the town engineer, your  
12          code requires that the town engineer  
13          provided review of that application and  
14          provided a letter to your town building  
15          inspector, and the town building  
16          inspector ultimately would decide  
17          whether or not that house meets your  
18          condition of your ridgeline protection.  
19          And upon review of the documentation  
20          that was provided by the town engineer,  
21          your town building inspector rendered a  
22          decision. And, so, he denied the  
23          application based on one assertion.  
24          And the town engineer or your town  
25          building inspector stated that the

1           SANTINI RESIDENCE - WORKSHOP  
2           section of the code that he denied the  
3           application states that applicants for  
4           construction on properties for which  
5           this section, ridgeline section, have  
6           to demonstrate to the town engineer,  
7           the town code enforcement officer that  
8           no proposed building or structure that  
9           is subject to this section shall extend  
10          above the highest elevation of the  
11          Marlborough ridgeline. So, that is the  
12          theme of why we're here. Is does this  
13          structure extend above the highest  
14          point on the Marlborough Ridgeline  
15          Area. And so we're going to go through  
16          it, and we think we satisfied that  
17          criteria, we think that we met it very  
18          easily, we illustrated, but we're going  
19          to go through kind of methodology of  
20          why we came up with that conclusion.  
21          We provided a response to the town  
22          engineer. We had four points in his  
23          letter. Really only one applies, but  
24          we're just going to go through each one  
25          of those tonight, and I will be very

1           SANTINI RESIDENCE - WORKSHOP  
2           brief. The record is the record. But  
3           there were four points. The first is  
4           really the only relevant point, which  
5           is, does the building expand above the  
6           highest point on the ridgeline. And  
7           Mr. Heinz states that the house  
8           location elevation is that 1,007.5. We  
9           all agree that that is the elevation  
10          for the proposed house. But where we  
11          disagree is Mr. Heinz states that the  
12          highest point on the property is 112.8,  
13          but that is not what the code says.  
14          The code says that the structure can't  
15          extend above the highest point of the  
16          ridgeline in the Town of Marlborough.  
17          And so we retained the expertise of  
18          Patty Brooks, a very well-known  
19          surveyor in this area, she provided us  
20          documentation stating that the highest  
21          point of the ridgeline is actually  
22          1,100 feet, and we provided a map  
23          illustrating that to you on page -- I  
24          think it's on page 8. So, if you  
25          utilize the base elevation of the house



1           SANTINI RESIDENCE - WORKSHOP  
2           is 1,007, and you add 27 for the  
3           elevation of the house -- we provided  
4           you with those elevations of the  
5           house -- the maximum elevation is 1,034  
6           and a half. And the highest point of  
7           the ridgeline, if you recall, is 1,100.  
8           So 1,034 and a half is well below the  
9           highest point of the ridgeline of  
10          1,100. In fact, it's over 65 feet  
11          lower at that point. So, that is  
12          really the threshold test here, is this  
13          structure below the highest point. So,  
14          the rest of these three points I'm  
15          going to go over with you just so that  
16          we completely respond to Mr. Heinz  
17          comments, but they're irrelevant to  
18          your interpretation this evening. The  
19          second point that the town engineer  
20          points out are just, you know,  
21          comments. And so we did provide  
22          line-of-sight profile drawings prepared  
23          by a licensed engineer, and he  
24          questioned whether or not the  
25          vegetation that we showed on those

1           SANTINI RESIDENCE - WORKSHOP  
2           lines-of-sight elevations would provide  
3           year-round screening during leaf off.  
4           And we provided a response that stated  
5           yes, we think that the tree cover there  
6           is substantial, it consists of  
7           deciduous and evergreen trees. And in  
8           addition, there is the topography, and  
9           we believe that that would provide  
10          year-round screening on the site.  
11          Again, irrelevant to the determination  
12          tonight, your interpretation, but we  
13          wanted to provide you with that  
14          information. And so you did have the  
15          full drawings for the line of site,  
16          they're just replicated here in this  
17          presentation. You can follow through  
18          with what we're explaining this  
19          evening. The third point that Mr.  
20          Heinz writes up has to do with the  
21          construction of the driveway. And so,  
22          just as a comment, he noted that the  
23          driveway had been built, and it looked  
24          like there was disturbance and removal  
25          of trees and we replied that yes, the

1           SANTINI RESIDENCE - WORKSHOP  
2           applicant did install the fully  
3           approved and permitted Ulster County  
4           Department of Health well and septic  
5           system and did install the driveway  
6           that was shown on the approved  
7           subdivision plot that was approved by  
8           the town planning board. And in  
9           addition, that driveway was inspected  
10          by the highway superintendent and your  
11          fire chief to ensure the safety and  
12          accessibility of that driveway by fire  
13          emergency personnel. So, we provided  
14          you with a copy of their approved  
15          subdivision plot that was approved by  
16          the town planning board, copies of the  
17          approved Ulster County septic system  
18          and copies of the letters wherein the  
19          highway superintendent and fire chief  
20          inspected the driveway. And in  
21          addition, we also provided you with a  
22          letter from your building inspector who  
23          in September of 2023 -- you know, all  
24          of this is around the same time --  
25          states that to whom it may concern,

## 1 SANTINI RESIDENCE - WORKSHOP

2 this letter is to address the Town of  
3 Marlborough Planning Board's concern,  
4 property is being located in the  
5 ridgeline. He did state, I did confirm  
6 that the property is in the ridgeline.  
7 With that said, I did an inspection of  
8 the site on September 20, 2023, in the  
9 location of the home, and the septic  
10 area is presented to be in an area that  
11 I find to have a slope no less than 15,  
12 so it meets your criteria of your  
13 Ridgeline Protection in accordance to  
14 the town code, section 155-41.1(C), the  
15 construction control limitations. I  
16 find that the area shown to be an  
17 acceptable area for the home in  
18 construction. Any questions, please do  
19 not hesitate to contact me. The last  
20 point that was raised by Mr. Heinz,  
21 again, unrelated to the interpretation,  
22 but we think it's important that you  
23 have this information, he speaks to  
24 whether or not the location of the  
25 structure or the location of the septic

**LISA MARIE ROSSO - (845) 674-3937**

1           SANTINI RESIDENCE - WORKSHOP  
2           system and the location of the driveway  
3           meet that slope that we provided to  
4           you. There is different ranges, 15  
5           percent, 15 to 25, he states that this  
6           office is in a position -- is not in a  
7           position to make an interpretation of  
8           the information submitted by the  
9           applicants. He suggested that there  
10          may be other suitable locations for the  
11          location of the septic system, but at  
12          the end of the day, the Ulster County  
13          Department of Health permitted the  
14          septic system and the well in this  
15          location. There, of course, is much  
16          more work that is involved in  
17          submitting navigation to the department  
18          of health. There is deep test,  
19          percolation test, design criteria,  
20          setbacks and wetlands and other  
21          structures and so this is the location  
22          that the Ulster County Department of  
23          Health approved. We did provide Mr.  
24          Heinz with a letter from Mark Day, who  
25          is a licensed engineer, very well-known

1           SANTINI RESIDENCE - WORKSHOP  
2           licensed engineer who did complete an  
3           analysis of the site, in all of the  
4           constraints. So, in addition to steep  
5           slopes, we've got wetlands onsite, we  
6           got bedrock, hot rocks, and he  
7           concluded that this is the very limited  
8           location that you could put the house  
9           on this property and very limited  
10          location that you could put the septic  
11          system, and these are the suitable  
12          locations based on the town ridgeline  
13          constraints and some of the other  
14          constraints with wetlands and steep  
15          slopes. In addition, just a reminder  
16          that the building inspector did provide  
17          a letter indicating this was a suitable  
18          location for the home in September of  
19          2023. The other information that I  
20          just want to bring to your attention is  
21          that I did review the resolution that  
22          was prepared by the town, your town  
23          planning board, there SEQR decision and  
24          their subdivision resolution. And  
25          there was a resolution, dated October

## SANTINI RESIDENCE - WORKSHOP

16, 2023, one of the whereas -- there are many whereas -- it states, whereas, a letter dated September 20th, 2023, received from the code enforcement officer confirming that properties in the ridgeline and at the location of the proposed house, well, and septic area are in an area with the slope less than 15 percent and in an acceptable area for the construction of a new home. So, based on all of this information, again, the applicant prepared the drawings that they have provided to the building inspector of the construction of the house, which is, again, the basis of this interpretation is where is the highest point to be utilized for this determination. Our review of the code, we think we illustrated it to you is the 1,100 feet above elevation, and the building -- the town engineer, sorry, utilizing the highest point on the applicant's property. So, that is our

1 SANTINI RESIDENCE - WORKSHOP

2 presentation. I'm happy to answer any  
3 questions that you have or give you any  
4 additional information. Sorry, I know  
5 that's a lot of information.

6 CHAIRMAN CONN: It's all right.  
7 Very thorough. Thank you.

8 MR. BARTOLOTTI: Do you have an  
9 approximate wetland? Do you have  
10 anything more specific of what the  
11 boundary of the wetland is? Is it  
12 noted on the map?

13 MS. LIBOLT: So, we utilized the  
14 NW1 maps, which is a national  
15 depository of mapping information that  
16 we generally use. We did not have all  
17 of those wetlands verified.

18 MR. BARTOLOTTI: That also comes  
19 into play where things can and can't be  
20 because DEC changed the rules on that a  
21 hundred feet.

22 MS. LIBOLT: They did, you're  
23 correct. And that's a good point. So,  
24 some of those wetlands, you know, prior  
25 to 2025 may have been federal wetlands,



1 SANTINI RESIDENCE - WORKSHOP

2 which are federal wetland, you can  
3 build right up next to the edge of the  
4 wetland. In January this year, New  
5 York State DEC changed the regulations  
6 with respect to wetlands and  
7 essentially took everything. And so I  
8 would imagine these wetlands would  
9 qualify as state wetlands, which would  
10 require a 100-foot buffer from the edge  
11 of the land. So further reducing  
12 developing the area of the property.

13 CHAIRMAN CONN: This is a  
14 three-lot subdivision?

15 MS. LIBOLT: Yes, sir.

16 CHAIRMAN CONN: Are there plans to  
17 put additional houses on the other  
18 lots, or --

19 MS. LIBOLT: I am sorry, I didn't  
20 hear you.

21 CHAIRMAN CONN: Are there any  
22 plans to put other houses on the other  
23 lots, or --

24 MS. LIBOLT: Not on the  
25 subdivision that was prepared. So,

1 SANTINI RESIDENCE - WORKSHOP

2 there was an existing structure and  
3 they were creating, you know, a lot for  
4 this particular house.

5 MR. BARTOLOTTI: The question that  
6 I have, the section on the bottom of  
7 the paragraph, paragraph four, it says  
8 the elevation of the ridgeline affected  
9 by the application. So, that would be  
10 not a distance away that we're talking  
11 about the piece of property that we're  
12 actually referring to.

13 MS. LIBOLT: I see. So, you're  
14 talking about paragraph F4?

15 MR. BARTOLOTTI: Yes.

16 MS. LIBOLT: I read it as --

17 MR. BARTOLOTTI: The bottom of the  
18 paragraph.

19 MS. LIBOLT: The application for  
20 construction of properties to which  
21 this section applies shall demonstrate  
22 to the town engineer that no proposed  
23 building or structure that is the  
24 subject to this section, meaning like  
25 this structure that is the subject of

1           SANTINI RESIDENCE - WORKSHOP  
2           this structure, this structure is  
3           affected by this section shall extend  
4           above the highest elevation of the  
5           Marlborough ridgeline. But doesn't  
6           specifically --

7           MR. BARTOLOTTI: What it says here  
8           is the elevation to the ridgeline  
9           affected by the application. So that  
10          would be, I would assume, onsite.

11          MS. LIBOLT: Yeah, I'm reading  
12          that as --

13          MR. BARTOLOTTI: A different  
14          determination, that is the only point I  
15          just wanted to clarify.

16          MS. LIBOLT: I'm reading it as  
17          that proposed building or structure  
18          that is the subject to this  
19          application. So, is that building the  
20          subject of this entire ridgeline  
21          protection section.

22          MR. BARTOLOTTI: You were just  
23          referring to the ridgeline that's the  
24          distance away from the project --  
25          construction project?

1 SANTINI RESIDENCE - WORKSHOP

2 MS. LIBOLT: Correct. We provided  
3 the highest point, correct.

4 CHAIRMAN CONN: Kelly, when did  
5 the -- do you know the exact date the  
6 ridgeline law changed and went into  
7 effect?

8 MR. BARTOLOTTI: 2005.

9 CHAIRMAN CONN: 2005.

10 MS. LIBOLT: It's called -- yeah,  
11 it was added 11/10 -- so, local law 3  
12 of 2024 is what this states. I don't  
13 know when it went into effect. I would  
14 have to look it up and see the date.  
15 But the code says 3/2024.

16 MR. BARTOLOTTI: 2005.

17 MS. LIBOLT: The original law was  
18 October 11 of 2005.

19 MR. NIKOLA: Right. It was  
20 amended this past year.

21 MS. LIBOLT: Correct. Yeah, it  
22 says amended 8/26/2024, by local law  
23 3/2024.

24 MR. NIKOLA: So, a year ago.

25 CHAIRMAN CONN: Do we have any

1 SANTINI RESIDENCE - WORKSHOP

2 other questions?

3 MR. NIKOLA: No.

4 MR. MEKEEL: No.

5 MR. BARTOLOTTI: No.

6 CHAIRMAN CONN: Anything else that  
7 you want to add?

8 MS. LIBOLT: No.

9 CHAIRMAN CONN: We're going to  
10 keep the workshop open based on the  
11 amount of information and everything  
12 that we have.

13 MS. LIBOLT: Understood.

14 CHAIRMAN CONN: Possibly a site  
15 visit if we can work it out to get  
16 there.

17 MS. LIBOLT: Okay.

18 CHAIRMAN CONN: But just to give  
19 us more time to review it and go over  
20 it --

21 MS. LIBOLT: Very well.

22 CHAIRMAN CONN: -- before we get  
23 to the next step of the public hearing.

24 MS. LIBOLT: So, we will not be on  
25 the October agenda for a public

1 SANTINI RESIDENCE - WORKSHOP

2 hearing. Potentially November?

3 CHAIRMAN CONN: Correct.

4 MS. LIBOLT: So, someone will  
5 reach out to me and schedule a site  
6 visit, or if there is any other  
7 information that you need?

8 CHAIRMAN CONN: Yes.

9 MS. LIBOLT: Thank you, Mr,  
10 Chairman.

11 CHAIRMAN CONN: We have your  
12 contact information?

13 MS. LIBOLT: Yes.

14 CHAIRMAN CONN: So, the next  
15 workshop meeting will be October 9.

16 MS. FLYNN: October 9th, but my  
17 cutoff is September 25th.

18 MS. LIBOLT: So, we don't have the  
19 ability to get on that agenda or not on  
20 that agenda. Are you saying that  
21 you're going to put us on that agenda  
22 just for further discussion?

23 CHAIRMAN CONN: Yes.

24 MS. LIBOLT: There is no  
25 additional information that you're

1 SANTINI RESIDENCE - WORKSHOP

2 asking for right now? If there is, we  
3 can get it before September 25th.

4 CHAIRMAN CONN: I don't think  
5 there is anything else that we need.

6 MS. LIBOLT: Okay.

7 CHAIRMAN CONN: We just want some  
8 more time to digest everything.

9 MS. LIBOLT: Very well, thank you  
10 very much.

11 CHAIRMAN CONN: Thank you.

12 MR. NIKOLA: Thank you.

13 CHAIRMAN CONN: Anything else?

14 MR. NIKOLA: No.

15 MR. MEKEEL: No.

16 MR. BARTOLOTTI: No.

17 CHAIRMAN CONN: Motion to close,  
18 please.

19 MR. BARTOLOTTI: I make a motion  
20 to close the meeting.

21 MR. NIKOLA: Second.

22 CHAIRMAN CONN: All in favor?

23 MR. MEKEEL: Aye.

24 MR. BARTOLOTTI: Aye.

25 MR. NIKOLA: Aye.

1 SANTINI RESIDENCE - WORKSHOP

2 CHAIRMAN CONN: Aye. Thank you.

3 (Whereupon, at 6:46 P.M., the

4 Hearing was adjourned.)

5 ° ° ° °

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## SANTINI RESIDENCE - WORKSHOP

## C E R T I F I C A T E

STATE OF NEW YORK                    )  
  : SS.:  
COUNTY OF ULSTER                 )

I, LISA M. ROSSO, a Notary Public for  
and within the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 17th day of September 2025.

  
\_\_\_\_\_  
LISA M. ROSSO