

1

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

-----X

4 In the Matter of

5 EMILY ELOISE WINTER - PUBLIC HEARING -
6 Front Yard Variance of 39.5'
7 Side Yard Variance of 26.2'
8 Depth Lot Variance of 8.36'
9 Stipulation of the porch cannot be rebuilt
10 222 Milton Cross Road
11 Highland, New York 12528
12 SBL #95.4-1-37
13 RAG-1 23-17

-----X

10

11 DATE: September 11, 2025

12

13 TIME: 6:00 P.M.

14

15 PLACE: Town of Marlborough
16 Town Hall
17 21 Milton Turnpike
18 Milton, New York 12547

19

BOARD MEMBERS:

20

LENNY CONN, Chairman

21

JEFF MEKEEL

22

ANDREW NIKOLA, Absent

23

LARRY BARTOLOTTI

24

ALSO PRESENT:

25

JEN FLYNN, Zoning Board
Secretary

26

EMILY ELOISE WINTER, Applicant

27

28

-----X

29

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

30

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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1 EMILY ELOISE WINTER - PUBLIC HEARING

2 C E R T I F I C A T E

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

5

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

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

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

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

19

20

21



LISA M. ROSSO

22

23

24

25

2 STATE OF NEW YORK : COUNTY OF ULSTER
3 TOWN OF MARLBOROUGH ZONING BOARD
-----X

4 In the Matter of

5 ADAM DANIELLE BROZA - WORKSHOP -
6 Appeal of Determination
7 20 Mount Rose Road
8 Marlboro, New York 12542
9 SBL #109.1-4-57, 58
10 R-1 23-17
-----X

11 DATE: September 11, 2025

12 TIME: 6:05 P.M.

13 PLACE: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, New York 12547
17

18 BOARD MEMBERS:

19 LENNY CONN, Chairman
20 JEFF MEKEEL
21 ANDREW NIKOLA
22 LARRY BARTOLOTTI
23

24 ALSO PRESENT:

25 JEN FLYNN, Zoning Board
Secretary

26 KYLE W. BARNETT, ESQ., Town Attorney

27 KENNETH M. STENGER, ESQ., Applicant Attorney

28 -----X
29 LISA MARIE ROSSO
30 140 Mahoney Road
31 Milton, New York 12547
32 (845) 674-3937
33

34 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 subpenas 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.)

1 ADAM DANIELLE BROZA - WORKSHOP

2 C E R T I F I C A T E

3 STATE OF NEW YORK)
4 COUNTY OF ULSTER) : SS.:
5)

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

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

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

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

19

20

21



LISA M. ROSSO

22

23

24

25

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

-----X

4 In the Matter of

5 SANTINI RESIDENCE - WORKSHOP -
6 Appeal of Interpretation
7 229 Mt. Zion Road
8 Marlboro, New York 12542
9 SBL #102 3.2-15.300
10 RAG-1 23-3

-----X

11 DATE: September 11, 2025

12 TIME: 6:22 P.M.

13 PLACE: Town of Marlborough
14 Town Hall
15 21 Milton Turnpike
16 Milton, New York 12547

17 BOARD MEMBERS:

18 LENNY CONN, Chairman
19 JEFF MEKEEL
20 ANDREW NIKOLA
21 LARRY BARTOLOTTI

22 ALSO PRESENT:

23 JEN FLYNN, Zoning Board
24 Secretary

25 KYLE W. BARNETT, ESQ., Town Attorney

26 KELLY LIBOLT, KARC Planning Consultants

27 PAT RUTBELL, KARC Planning Consultants

28 -----X

29 LISA MARIE ROSSO
30 140 Mahoney Road
31 Milton, New York 12547
32 (845) 674-3937

33 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

SANTINI RESIDENCE - WORKSHOP

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

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

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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

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brief. The record is the record. But there were four points. The first is really the only relevant point, which is, does the building expand above the highest point on the ridgeline. And Mr. Heinz states that the house location elevation is that 1,007.5. We all agree that that is the elevation for the proposed house. But where we disagree is Mr. Heinz states that the highest point on the property is 112.8, but that is not what the code says. The code says that the structure can't extend above the highest point of the ridgeline in the Town of Marlborough. And so we retained the expertise of Patty Brooks, a very well-known surveyor in this area, she provided us documentation stating that the highest point of the ridgeline is actually 1,100 feet, and we provided a map illustrating that to you on page -- I think it's on page 8. So, if you utilize the base elevation of the house

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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

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1 lines-of-sight elevations would provide
2 year-round screening during leaf off.
3
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

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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,

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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

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system and the location of the driveway meet that slope that we provided to you. There is different ranges, 15 percent, 15 to 25, he states that this office is in a position -- is not in a position to make an interpretation of the information submitted by the applicants. He suggested that there may be other suitable locations for the location of the septic system, but at the end of the day, the Ulster County Department of Health permitted the septic system and the well in this location. There, of course, is much more work that is involved in submitting navigation to the department of health. There is deep test, percolation test, design criteria, setbacks and wetlands and other structures and so this is the location that the Ulster County Department of Health approved. We did provide Mr. Heinz with a letter from Mark Day, who 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

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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.

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,

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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 --

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?

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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

18 please.

19 MR. BARTOLOTTI: I make a motion

20 to close the meeting.

21 MR. NIKOLA: Second.

22 CHAIRMAN CONN: A

23 MR. MEKEEL: Aye.

24 MR. BARTOLOTTI: Aye.

25 MR. NIKOLA: Aye.

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2 CHAIRMAN CONN: Aye. Thank you.

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

4 Hearing was adjourned.)

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2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)
5 COUNTY OF ULSTER) : SS.:
6

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

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

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

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

20

21



22

LISA M. ROSSO

23

24

25