

1 STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF MARLBOROUGH PLANNING BOARD

2 -----X
In the Matter of

3 PENDINO and FERRO

4 Project No. 25-1009
5 92 Old Indian Road, Milton
6 Section 103.3; Block 1; Lot 39 and 38.100
-----X

7 SKETCH - LOT LINE

8 Date: November 3, 2025
9 Time: 7:00 p.m.
10 Place: Town of Marlborough
Town Hall
21 Milton Turnpike
11 Milton, New York 12547

12 BOARD MEMBERS: CHRIS BRAND, CHAIRPERSON
13 FRED CALLO
STEVE JENNISON
14 JOE LOFARO
BOB TRONCILLITO
15 JOHN LaMELA

16 ALSO PRESENT: HANNAH ATKINSON, ESQ.
17

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19 APPLICANT'S REPRESENTATIVE: KIMBERLY BRENNAN
20
21
22
23
24

-----X
25 Stacie Sullivan, CSR
staciesullivan@rocketmail.com

PENDINO and FERRO - SKETCH LOT LINE

1 CHAIRMAN BRAND: I'd like to call the meeting
2 to order with the Pledge of Allegiance to the Flag of
3 our Country.

4 (Pledge of Allegiance.)

5 CHAIRMAN BRAND: Agenda, Town of Marlborough
6 Planning Board, November 3, 2025, regular meeting,
7 7:00. On the agenda this evening we have the approval
8 of the minutes for the October 6th and the
9 October 20th, 2025, meetings, and our only review is
10 under New Application Review, Pendino and Ferro for a
11 sketch of the lot line at 92 Old Indian Road in Milton.
12 The next deadline is Friday, November 7th. The next
13 meeting, Monday, November 17th. Can I have a motion to
14 approve the minutes for October 6th and 20th?

15 MR. JENNISON: I'll make the motion.

16 MR. CALLO: I'll second that.

17 CHAIRMAN BRAND: Any discussion?

18 (No response.)

19 CHAIRMAN BRAND: Any objection?

20 (No response.)

21 CHAIRMAN BRAND: So moved. Under
22 Communication, we did receive communication from our
23 attorney, Hannah, from Van DeWater & Van DeWater.
24 Would you like to just give us the gist of that?

25 MS. ATKINSON: Yes. So this has to do with

PENDINO and FERRO - SKETCH LOT LINE

1 this application, Pendino and Ferro. And Van Dewater
2 represents Mr. Pendino in estate planning matters, and
3 so there are certain conflicts of interest that can be
4 waived. This is one of those, which basically this
5 agreement says that we don't believe that our
6 representation of either one of you would inhibit or
7 limit representation of the other. So Mr. Pendino has
8 already signed and agreed to waive conflict. And so if
9 the Board agrees and votes in favor, then you can also
10 waive the conflict, and I can proceed to represent you
11 in this application.

12 CHAIRMAN BRAND: Great.

13 MR. JENNISON: I'll make a motion to waive
14 the conflict.

15 MR. TRONCILLITO: I'll second that.

16 CHAIRMAN BRAND: Any discussion?

17 (No response.)

18 CHAIRMAN BRAND: Any objection?

19 (No response.)

20 CHAIRMAN BRAND: Okay. Pendino and Ferro,
21 you are seeking a two-lot lot line revision. I'll just
22 read through Pat's comments quickly for the record.

23 The application should be signed by all
24 parties involved. No forms or signatures from the
25 Ferro parcel are present on the application. This lot

PENDINO and FERRO - SKETCH LOT LINE

1 should be added to the application.

2 The bulk table should be added to the plan
3 for each lot in the existing and proposed condition.

4 The lot lines should be shown to the assumed
5 highway boundary. Notes pertaining to use of the
6 roadway for highway purposes should be added to the
7 plans.

8 The front yard setback appears to be
9 deficient once the lot line is depicted at highway
10 boundaries for Lot 39.

11 Lot 39 appears to contain two residential
12 structures. Existing and proposed lot areas are not
13 adequate for two residential structures.

14 The front yard setback for Lot 38.100 will be
15 deficient once the front yard setbacks are identified
16 from the assumed highway boundary.

17 Bulk table should identify minimum setbacks
18 in accordance with Section 155-52 for agricultural
19 setbacks if Tax Lot Number 40 is active agriculture.

20 Can you talk to us about the two residential
21 structures on that property?

22 MS. BRENNAN: Yes. So it's a
23 mother/daughter. It's an addition. It's not two
24 separate structures.

25 MR. JENNISON: Is that based on because the

PENDINO and FERRO - SKETCH LOT LINE

1 porch -- it's attached by a porch or breezeway?

2 MS. BRENNAN: Correct.

3 MR. JENNISON: Did that clear through Tommy
4 Corcoran?

5 MS. BRENNAN: Yes.

6 MR. JENNISON: Because that's what I saw. I
7 rode up there and saw it.

8 MR. CALLO: It's been that way for a while;
9 right?

10 MS. BRENNAN: Yes. We're in our second year.
11 But, yeah, it was the open breezeway.

12 MR. JENNISON: So that makes it non -- not
13 two structures, then.

14 CHAIRMAN BRAND: Right. So basically I think
15 once you get your maps in order, this probably will
16 have to go to ZBA. Are you in agreement with that,
17 that the setbacks will be deficient once they're set on
18 the highway boundaries?

19 MS. BRENNAN: I'm not really sure. I'll have
20 to -- you know, some of what you're talking about is
21 like a foreign language. I understood the missing
22 signature on the application. So I'll have to go back
23 to the surveyor.

24 CHAIRMAN BRAND: Yeah. Basically, I would
25 tell you -- do you have another professional working

PENDINO and FERRO - SKETCH LOT LINE

1 with you as well, like an engineer person, or just the
2 surveyor?

3 MS. BRENNAN: Just the surveyor.

4 CHAIRMAN BRAND: It was Rhinevault?

5 MS. BRENNAN: Carney, yes.

6 CHAIRMAN BRAND: So I guess what I'd
7 recommend at this time is to talk to Jen in our office
8 to make sure that you complete whatever needs to be
9 completed, and we will -- we can move tonight to go
10 further to the ZBA should those lot lines be deficient.
11 So that will take one step out of the process for you.

12 Can I have a motion should those variables --
13 variances --

14 MS. ATKINSON: Could I add something, I'm
15 sorry, before we move on that?

16 CHAIRMAN BRAND: Sure.

17 MS. ATKINSON: In the past, or recently,
18 we've discussed that if there's an application like
19 this, that has been split, where we have to refer to
20 the ZBA, that the Planning Board should go ahead and do
21 SEQRA first. So what that would mean, to complete
22 SEQRA before sending it over to the ZBA, would be that
23 you would have to decide tonight that each part of this
24 application, both the variances that may need to take
25 place and the lot line revision itself, are Type II,

PENDINO and FERRO - SKETCH LOT LINE

1 which I believe they are, which means you wouldn't have
2 to circulate for SEQRA. So my recommendation would be
3 to move on that first and then send it over to the ZBA,
4 which then you do by motion.

5 CHAIRMAN BRAND: So I just need a motion to
6 declare this a Type II action?

7 MS. ATKINSON: Yes.

8 MR. JENNISON: One second. Before we do
9 that, but we don't have the signature; the application
10 is incomplete?

11 MS. ATKINSON: Yes. So that's another thing.
12 You would be putting a couple of conditions on the
13 referral, which is not ideal, but I've seen it done
14 before. So I think -- I mean, what would be a safer
15 option -- and that's a good point -- is that you could
16 just wait and get a full application first and then
17 move with SEQRA and the referral. I think that's
18 another way to go about it too.

19 MR. JENNISON: We've never done anything
20 without a signed application.

21 CHAIRMAN BRAND: Well, I think it is signed
22 by her. It's just not signed by the other party. We
23 have done things like that in the past where we've said
24 that if they're missing something small -- I mean, it's
25 not going to be an issue for Mrs. -- Mr. Ferro?

PENDINO and FERRO - SKETCH LOT LINE

1 MS. BRENNAN: Mr. Ferro, no. He's verbally
2 agreed.

3 CHAIRMAN BRAND: I'll leave it up to you
4 guys. If you want to hold off until we get a complete
5 application so these things are better clarified, we
6 can do that. Either way it's going to be a Type II
7 action.

8 MS. ATKINSON: Do we know if there's going to
9 be more than one variance? Did Pat's note say there's
10 going to be more than one?

11 CHAIRMAN BRAND: It looks like they're going
12 to need a variance for the front yard setback for both
13 lots, 39 and 38.1. And it appears that she clarified
14 the two residential structures. It says the bulk table
15 should also -- it would just be those two I think,
16 front yard setbacks for both properties.

17 MS. ATKINSON: So, upon the receipt of a
18 complete application, which would include the signed
19 documents, whatever those may be, with the bulk tables,
20 then otherwise we're satisfied on the application
21 itself; right?

22 CHAIRMAN BRAND: I believe so. I'll make the
23 motion to declare this a Type II action under SEQRA.
24 Is there a second?

25 MR. LaMELA: Second.

PENDINO and FERRO - SKETCH LOT LINE

1 CHAIRMAN BRAND: Any discussion?

2 (No response.)

3 CHAIRMAN BRAND: Any objection?

4 (No response.)

5 CHAIRMAN BRAND: So we will wait until we get
6 that back, that application, and then we will go to the
7 ZBA just to make sure that's there. Okay.

8 MS. BRENNAN: Okay. Do I have to wait for
9 another meeting on the 17th to present a signed
10 application?

11 CHAIRMAN BRAND: No. You can submit the
12 signed application. You'll have until this Friday,
13 November 7th, to get all the paperwork in to her, as
14 well as updated maps that would show the bulk table
15 updates that Pat is requesting, as well as probably you
16 should include the setbacks, what they are, so there's
17 no guesswork there. And maybe, if it's possible, some
18 type of letter from Tommy or someone that says that's
19 actually not two structures on the same -- it's one
20 structure.

21 MS. BRENNAN: I mean, I have a Certificate of
22 Occupancy. Would that suffice?

23 MR. JENNISON: I would still get the letter
24 from the Code Enforcement Officer.

25 CHAIRMAN BRAND: I would get him to

PENDINO and FERRO - SKETCH LOT LINE

1 specifically say that it is one residential structure.

2 MS. BRENNAN: Okay.

3 CHAIRMAN BRAND: Because I don't know that a
4 CO indicates that.

5 MS. BRENNAN: I mean, we have engineer plans
6 that reference mother/daughter.

7 CHAIRMAN BRAND: I think a letter from him
8 would be the easiest one.

9 MS. BRENNAN: Okay.

10 MS. ATKINSON: Do we know when the ZBA
11 meeting is this month?

12 CHAIRMAN BRAND: That, I don't.

13 MS. ATKINSON: Because, presumably, once you
14 have this all settled, you can speak with Jen, and then
15 just get on the ZBA schedule before circling back to
16 us.

17 MS. BRENNAN: What is the ZBA?

18 CHAIRMAN BRAND: Zoning Board of Appeals.

19 MS. BRENNAN: Oh. That's where we are this
20 evening?

21 CHAIRMAN BRAND: No. This is the Planning
22 Board.

23 MS. BRENNAN: Okay. That's the next step.

24 CHAIRMAN BRAND: The next meeting of the ZBA
25 would be on December 11th.

PENDINO and FERRO - SKETCH LOT LINE

1 MR. JENNISON: I'm sure they have a cutoff
2 too.

3 CHAIRMAN BRAND: I believe that Jen is
4 actually the secretary for both, so if you ask for her,
5 she'll let you know when you have to have the material
6 in by. I'm hoping that by our next meeting, the 17th,
7 you'll have everything in order. We can meet and we
8 can refer you, and that will be time enough for you to
9 make the December 11th deadline for the ZBA.

10 MS. BRENNAN: Okay.

11 CHAIRMAN BRAND: Anything else on this?

12 (No response.)

13 MR. JENNISON: Motion to adjourn.

14 MR. CALLO: Second that.

15 Time noted: 7:10 p.m.

16 C E R T I F I C A T I O N

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18 Certified to be a true and accurate transcript.

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Stacie Sullivan

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Stacie Sullivan, CSR

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