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

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In the Matter of

SANTINI RESIDENCE - PUBLIC HEARING -
Appeal of Interpretation
229 Mt. Zion Road
Marlboro, New York 12542
SBL #102 3.2-15.300
RAG-1 23-18

-----X

DATE: November 13, 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, Absent
ANDREW NIKOLA
LARRY BARTOLOTTI
NICK CRACOLICI

ALSO PRESENT:
JEN FLYNN, Zoning Board
Secretary

KELLY LIBOLT, KARC Planning Consultants
PAT RUTBELL, KARC Planning Consultants
JANIS M. GOMEZ ANDERSON, ESQ., Rodenhausen
Chale & Polidoro, LLP

-----X

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

1 **SANTINI - PUBLIC HEARING**

2 CHAIRMAN CONN: Please stand for
3 the Pledge of Allegiance.

4 (Pledge of Allegiance.)

5 CHAIRMAN CONN: Thank you. Thank
6 you, everybody, for coming to tonight's
7 meeting, November 13, 2025. We have
8 some minutes to approve from the last
9 two meetings.

10 MR. NIKOLA: I will make a motion
11 to approve the Zoning Board of Appeals
12 minutes from our September meeting.

13 MR. BARTOLOTTI: I'll second.

14 CHAIRMAN CONN: All in favor?

15 MR. CRACOLICI: Aye.

16 MR. BARTOLOTTI: Aye.

17 MR. NIKOLA: Aye.

18 CHAIRMAN CONN: Aye. Thank you.

19 MS. FLYNN: What about the October
20 one?

21 MR. NIKOLA: We're doing them
22 separate.

23 MS. FLYNN: Sorry.

24 MR. NIKOLA: Make a motion to
25 approve the Zoning Board of Appeals

1 **SANTINI - PUBLIC HEARING**

2 from the October meeting.

3 CHAIRMAN CONN: Second?

4 MR. BARTOLOTTI: Second.

5 CHARIMAN CONN: All in favor?

6 MR. CRACOLICI: Aye.

7 MR. BARTOLOTTI: Aye.

8 MR. NIKOLA: Aye.

9 CHAIRMAN CONN: Aye. First up on
10 the agenda, we have the Santini
11 application. Ms. Libolt, just give a
12 brief summary of what we're doing here
13 again.

14 MS. LIBOLT: Sure. My name is
15 Kelly Libolt with KARC Planning
16 Consultants.

17 MS. FLYNN: Can you talk into the
18 mic so everybody can hear you?

19 MS. LIBOLT: Oh, sure. Just as a
20 matter of procedure, we will provide
21 the zoning board secretary with a copy
22 of the green cards and the notice of
23 the public hearing.

24 MS. FLYNN: Twenty were mailed, 15
25 received back, and 1 returned.

SANTINI - PUBLIC HEARING

1
2 stating I find the area shown to me as
3 an acceptable area for a new home
4 construction. So we'll just talk about
5 the facts of the case and I will try to
6 keep it brief, Mr. Chairman. This
7 project started with an application to
8 the Planning Board of the Town of
9 Marlboro for a subdivision of one lot
10 into three lots. And at that time, the
11 planning board completed a very
12 comprehensive SEQRA review of the
13 project. And at the conclusion of that
14 very significant comprehensive SEQRA
15 review, the planning board concluded
16 with a SEQRA resolution in a negative
17 declaration. And it's crystal clear
18 under this SEQRA decision that the
19 planning board contemplated and
20 reviewed the location of the house, the
21 well, and the septic when they
22 completed their SEQRA review. In
23 essence, they completed an accumulative
24 impact of the entire project. So
25 specifically, the negative declaration

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1
2 states whereas the Town of Marlboro
3 Planning Board, as lead agency for the
4 environmental review of the action, has
5 reviewed the action and all relevant
6 supporting information and
7 documentation and they have identified
8 the relevant areas of concern and have
9 prepared the reasonably expected
10 results of the action with a criteria
11 set forth in NYCRR 617 and they
12 determined that there will be no
13 potential impact -- or no potential
14 environmental impacts associated with
15 the action, specifically this document
16 references plans for proposed location of
17 a house, well, and septic system on lot
18 3 have been provided by the Applicant.
19 It specifically states and concludes
20 that the action will not result in the
21 impairment of the character or quality
22 of important aesthetic community
23 resources, and it specifically
24 concludes that the planning board has
25 examined all the reasonably related

1 **SANTINI - PUBLIC HEARING**

2 long-term, short-term, direct, indirect
3 and cumulative impacts, including other
4 subsequent actions, which may be
5 reasonably anticipated to result from
6 the action. And so, it's just
7 important to note that -- because all
8 of this information has brought us to
9 where we are today -- within the time
10 frame that the Applicant was reviewed
11 by the planning board -- when the
12 application was reviewed by the
13 planning board, the Applicant also
14 received additional documentation so
15 they had received a letter from the
16 fire department confirming the location
17 of the driveway and the stability of
18 the driveway. They received a letter
19 from the superintendent of highways
20 saying that the driveway is safe and
21 has suitable site distance and that the
22 Applicant is agreeing to expand the
23 entrance. They received approval from
24 the department of health for a septic
25 system. And they also received a

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1
2 letter that I previously referenced
3 from the Town Building Inspector, the
4 ZEO, stating that he found the area
5 shown on the plan to be an acceptable
6 area for new home construction. After
7 receiving planning board approval, the
8 Applicant proceeded with providing the
9 Town Building Department with copies of
10 plans to illustrate compliance with the
11 Ridgeline Protection portion of the
12 code, which is section 155-41. And in
13 that submission, February 26, 2025,
14 there was numerous documents that were
15 provided. There was the map of the
16 Ridgeline Protection, which we have
17 here. This is the map of the required
18 Ridgeline Protection area. We provided
19 lines-of-sight distance. We provided a
20 slope conditions map showing the
21 various slopes on the site. We
22 provided a letter by Mark Day of Day &
23 Stokosa summarizing that there is
24 limited locations on the property for
25 the selection of house. And a letter

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1
2 by the Building Inspector that I just
3 referenced from 2023. After submitting
4 all of that documentation and some time
5 had passed, and we ultimately received
6 a letter from this ZEO indicating that
7 the Town Engineer had reviewed that
8 extensive amount of material that we
9 have provided and objected to one of
10 the provisions that we provided, which
11 was whether or not the location to be
12 selected for the measurement for the
13 height of the house and the relevant
14 section pertaining to the area of the
15 Marlboro Ridgeline was acceptable. And
16 so the letter reads: Based on the
17 attached from the Town Engineer, the
18 potential site identified on the plans
19 is not in compliance with the section
20 of the code, specifically 155-41(F)(4).
21 And so, we are here tonight seeking
22 interpretation of that letter that the
23 proposed residence does not extend
24 above the highest point of the Marlboro
25 Ridgeline pursuant to that section.

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2 And that section states -- and this is
3 the important part of this whole forum
4 discussion -- Applicants for
5 construction properties to which this
6 section applies. So, this applies to
7 us, because we are in the Ridgeline
8 Protection range, shall demonstrate to
9 the Town Engineer and the Town Code
10 Enforcement Officer that no proposed
11 structure shall extend above the
12 highest elevation of the Marlborough
13 Ridgeline. That is right from the
14 code. So, this is the map that is
15 referenced in the section of the code,
16 provided here, this is our file of the
17 Town. This is the map that shows the
18 Town of Marlborough Ridgeline. And as
19 you can see, this is extensive, this
20 runs north and south of the entire area
21 of the Town of Marlboro.

22 CHAIRMAN CONN: How long is the
23 actually ridgeline in the Town of
24 Marlboro?

25 MS. LIBOLT: In miles, I don't

1 **SANTINI - PUBLIC HEARING**

2 know, but we can get that information
3 for you. And so, the old code, if you
4 remember, the Town Board and this Town
5 went through extensive revision of this
6 section of the code, and the old code,
7 it's important to document this,
8 because there was a significant
9 deviation of how this measurement was
10 supposed to be obtained from the old
11 code to the new code. The old code
12 specifically references that all
13 numerical illustrations, all
14 measurements are supposed to be taken
15 in relation to the portion of the
16 ridgeline affected by the application.
17 That is the specific language in the
18 old code. And that is not what the new
19 law states. So, your Town went through
20 a very long process modifying the code.
21 And they specifically, in April 8th of
22 2024, they provided a redline version
23 of the code. So, the old code to the
24 new code. And on April 8th of 2024,
25 this redline specifically states that

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1
2 section 155.41F as amended today reads
3 as follows: And it says that deletions
4 are stricken, and additions are
5 underscored. So, and we provided you
6 with these documents in our
7 application. In this section, it
8 speaks to the new section and the old
9 section. The old section specifically
10 strikes the portion that compares the
11 application or the measurement of the
12 application to the project area. And
13 it specifically stated no structure
14 that is the subject of this section
15 shall be located closer than 50 feet in
16 elevation to the ridgeline affected by
17 the application. In other words, the
18 project area. That was stricken. The
19 new code specifically references that
20 the Applicant shall demonstrate that no
21 proposed building shall extend above
22 the highest elevation of the Marlboro
23 Ridgeline. Not the project area, not
24 the portion of the ridgeline affected
25 by the application, by the Marlborough

1 **SANTINI - PUBLIC HEARING**

2 Ridgeline, and this is the Marlborough
3 Ridgeline, that is the map that's on
4 file. The new code also provides the
5 definition of the ridgeline, where the
6 old code didn't. The ridgeline is
7 defined as the highest elevation of
8 land running north and south across the
9 Marlborough Ridgeline Protection Map,
10 this map. So, based on the new code,
11 which speaks about comparing the
12 elevation to the highest point on the
13 Marlborough Ridgeline, we utilized a
14 local surveyor and we identified the
15 highest point on the Marlborough
16 Ridgeline. And so the highest point is
17 1,110 feet. The Applicant's property,
18 the highest elevation is one
19 thousand -- sorry, the location of the
20 residence is 1,007 feet, it's 1,007.5.
21 The building is 27 feet. So, if you
22 take 1,007.5 plus 27, the top of the
23 structure is 1,034.5. 1,034.5 is lower
24 than the highest elevation on the
25 ridgeline, which is 1,100 feet by 65

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1
2 feet. So, we've provided those
3 calculations to you, we provided you
4 with a lot of other extraneous material
5 that talks about the other sections of
6 the code that we're required to comply
7 with. We provided you with all that
8 data that wasn't objected to by the
9 Town Engineer. So, there is no need
10 for us to necessarily bring that up in
11 this public hearing, but we did provide
12 that information to you. So, again, we
13 are utilizing the highest elevation,
14 highest point of the ridgeline, the
15 Town Engineer is suggesting that we
16 have to use the highest elevation point
17 on the subject property. And, again,
18 it's crystal clear that the Town Board
19 contemplated significant revisions to
20 this code and struck those relevant
21 sections to the code. So, that is it.
22 Mr. Chairman, I'm happy to answer any
23 questions that you may have.

24 CHARIMAN CONN: Before we open the
25 public hearing to questions and

1 **SANTINI - PUBLIC HEARING**

2 comments, I want to make sure we get
3 the legal notice on the record for
4 tonight.

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 the Town Hall,
11 21 Milton Turnpike, Milton, New York,
12 on November 13, 2025, at 6:00 P.M. or
13 thereafter as may be heard. The
14 owner/applicant Steve Santini is
15 seeking an Interpretation pursuant to
16 section 155-41.1. Location: 229 Mount
17 Zion Road, Marlboro, New York 12542.
18 Tax Parcel: Section 102.3. Block 2.
19 Lot 15.300. Any interested parties,
20 either for or against this application,
21 will have the opportunity to be heard
22 at this time. Lenny Conn, Chairman,
23 Town of Marlborough Zoning Board of
24 Appeals.

25 CHARIMAN CONN: Thank you.

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2 MR. NIKOLA: I have one question.
3 So, I know you said that the point
4 north is exceeding 1,100 feet on the
5 Marlboro Ridgeline. Where exactly is
6 that point?

7 MS. LIBOLT: We're just getting
8 the drawing. We provided it in the
9 application material. So I just want
10 to show you where it is.

11 MR. NIKOLA: We have a lot of
12 application material here.

13 MS. LIBOLT: I understand. Can I
14 approach?

15 CHARIMAN CONN: Yes.

16 MR. BARTOLOTTI: Do you know how
17 far away that is distance-wise?

18 MS. LIBOLT: No, I do not, but I
19 can get that answer for you.

20 MR. BARTOLOTTI: Have you done
21 anything with the topography on that
22 property since the elevation was
23 actually changed?

24 MS. LIBOLT: So, as far as
25 grading?

1 **SANTINI - PUBLIC HEARING**

2 MR. BARTOLOTTI: Yes.

3 MS. LIBOLT: The driveway was
4 installed, and the septic system was
5 installed.

6 MR. BARTOLOTTI: And there was a
7 considerable amount of fill put on the
8 top of the --

9 MS. LIBOLT: I don't know that for
10 a fact, but I can research that and get
11 you an answer.

12 MR. BARTOLOTTI: Yes. That is
13 going to be an important factor here as
14 well.

15 MS. LIBOLT: Understood. So,
16 you're looking for the virgin --

17 MR. BARTOLOTTI: Yes, compared to
18 where it was before.

19 CHARIMAN CONN: I understand where
20 you're coming from with the different
21 Interpretation of what was changed, how
22 do you get around on subsection F4B,
23 there shall be no disturbance of the
24 treeline above the highest point of the
25 structure and the highest point of the

1 **SANTINI - PUBLIC HEARING**

2 ridgeline? Because the trees were
3 cleared up there on the property site.

4 MS. LIBOLT: Again, if that is a
5 fact, I will have to determine, you
6 know, research that, and determine
7 whether or not the trees --

8 CHARIMAN CONN: We've seen it.

9 MS. LIBOLT: Sorry?

10 CHARIMAN CONN: We had seen it.

11 MS. LIBOLT: Okay.

12 MR. NIKOLA: Just to piggyback off
13 of what chairman was saying, it said
14 right in point three here, document,
15 based on field reviews of the project
16 site on October 26, 2023, with
17 representatives of the applicant, Town
18 of Marlboro and any engineers,
19 extensive regrading, the site was
20 evidenced with tree clearing had
21 occurred at the homesite. Numerous
22 large-diameter trees were identified
23 being deposited off the steep slope to
24 the west of the homesite. So, that is
25 kind of where we saw it during our site

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2 visit as well.

3 MS. LIBOLT: So, my understanding
4 is, of all of the sections of item
5 four, we provided documentation in
6 February to the ZEO seeking conformance
7 with these relevant sections, and the
8 only section that was disputed had to
9 do with where the elevation of the
10 structure was selected. We have not
11 been provided with any other
12 information showing that we have
13 complied with the other relevant
14 sections, and we've got no information
15 back on that.

16 CHARIMAN CONN: Well, regardless
17 of where we are and what we feel is the
18 highest point of the elevation, whether
19 it's per Applicant or application, per
20 site plan or four miles away, it still
21 says you're not supposed to disturb the
22 treeline.

23 MS. LIBOLT: But -- I understand
24 what you're saying, Mr. Chairman, but
25 that is not the subject of this

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1
2 application. The subject of the
3 application is an Interpretation
4 specifically before you that we
5 received from the Town Engineer and the
6 ZEO, and we have not received any other
7 violations. And we have not received
8 any other information showing that this
9 relevant section of the code hasn't
10 been complied with. You may believe
11 that that is the case on the field
12 visit, but I have not received any
13 other information from the Town
14 notifying us that we don't comply with
15 these relevant sections.

16 CHARIMAN CONN: I agree that that
17 is not necessarily what's before us,
18 but as Mr. Nikola has said, it's in
19 your -- here in your documentation that
20 you gave to us that you just mentioned,
21 point three states that somebody else
22 had a problem with that too. So, any
23 other questions, comments?

24 MR. BARTOLOTTI: I just -- section
25 E1, there is no soil shall be

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2 excavated, removed, deposited or
3 disturbed. I mean, that is an
4 important factor of what we're talking
5 about right now. That is why I'd
6 really like to see that difference in
7 the topographic in that particular
8 area.

9 MS. LIBOLT: That's relevant to
10 the location of the driveway?

11 MR. BARTOLOTTI: The driveway and
12 the house site on the top of the
13 mountain.

14 MS. LIBOLT: So, the driveway
15 drainage, plants, okay. And what would
16 you like us to provide?

17 MR. BARTOLOTTI: The new
18 topographic of that particular site and
19 the driveway compared to what it was
20 prior.

21 MS. LIBOLT: Okay. So a
22 comparison?

23 MR. BARTOLOTTI: Yes.

24 CHARIMAN CONN: All good on the
25 public hearing?

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2 (No audible response.)

3 CHARIMAN CONN: At this time,
4 we'll open up the meeting to public
5 comments. Please come state your name
6 and your address to the podium right
7 here in the microphone. And, please, I
8 respectfully ask if we can keep our
9 comments to three minutes or less so we
10 can accommodate everybody here.

11 MR. NICKLIN: My name is William
12 F. Nicklin. I am the executor of the
13 estate of Freda W. Nicklin, which I
14 believe has properties either
15 contiguous or close to this property.
16 Pardon my ignorance, but I'm a little
17 bit in the dark as to what the approval
18 request is and what you're trying to do
19 up there.

20 CHARIMAN CONN: That is what Ms.
21 Libolt was explaining before. He is
22 wanting to know what you want to do up
23 there. They want to put a house.
24 Interpretation of the code is, is the
25 house allowed actually on top of the

1 **SANTINI - PUBLIC HEARING**

2 ridge, or does it have to be 50 feet
3 below the ridgeline per application per
4 site, per building site.

5 MR. NICKLIN: Okay. That is way
6 out of my pay grade, but I do have a
7 comment.

8 CHAIRMAN CONN: Yes, sir.

9 MR. NICKLIN: I spent my years of
10 the 1950s and 1960s tromping those
11 hills up there all the way from
12 Huckleberry Turnpike up to Forge. One
13 thing that I do know is that there is a
14 plant up there, which is a heath, all
15 right, that is called a trailing
16 arbutus, which is protected by the
17 Department of Environmental
18 Conservation, and I was wondering if
19 anybody did -- took a look at that
20 because that plant can't be disturbed.
21 I don't know if it's there. It was all
22 through there when I was growing up.
23 There is still some in that vicinity,
24 that is indigenous to Orange/Ulster
25 County, prolific up by Mohawk, up in

1 **SANTINI - PUBLIC HEARING**

2 that area. So, whoever thinks they're
3 going to move ahead with it, I don't
4 know if it makes any difference to what
5 you're trying to do, but I think that
6 may be an issue. And if I was involved
7 in it, I'd like to get an answer as to
8 whether that plant is there now and
9 would be disturbed by anything that
10 they would want to do. Because if you
11 look where this plant is found, it's
12 typically found on Mountain Road. It's
13 kind of like by mohawk. It's typically
14 in areas under oak trees, or pine
15 trees, particularly oak trees. If you
16 weren't looking for it, you wouldn't
17 find it. Because it looks more like a
18 Wintergreen-type plant, small, close to
19 the ground. Like I said, it's a heath.
20 It looks a little bit, you know, like
21 an evergreen tree, but only grows about
22 four inches high, only blooms very
23 early in the spring, and if you weren't
24 looking for it, you wouldn't find it.
25 But I just want to bring it up. It may

1 **SANTINI - PUBLIC HEARING**

2 be an issue, and if nobody is looking
3 into it, they probably should.

4 CHARIMAN CONN: Thank you.

5 MR. NICKLIN: Thank you very much.

6 CHARIMAN CONN: Anyone else?

7 MS. SIMONOFSKY: Good evening.

8 Thank you very much for allowing me to
9 speak. Mici Simonofsky, Marlboro, New
10 York. I am representing the Town of
11 Marlboro Conservation Advisory
12 Committee, whose job it is to advise
13 the Town and its board members on items
14 relating to our town's natural resource
15 and environmental issues. As part of
16 that mission, the CAC did considerable
17 work in regard to the Ridgeline
18 Protection Code. Although, the
19 revision was adopted for the purpose of
20 clarification, it seems that the
21 Applicant is now wanting to apply a
22 different standard in order to achieve
23 his goal to build on the very top of
24 the ridge. I speak tonight as the
25 chair of the CAC. Our 58-page final

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1
2 report to the Town Board for the
3 revision of Code 155 is attached as a
4 link for you reference. That will be
5 given to you, gentlemen. But our
6 comments tonight hopefully will address
7 the specific issue you are tasked to
8 decide and will assist you in making a
9 decision that will continue to offer
10 ridgeline protections as is legally
11 dictated by our comprehensive master
12 plan. A detailed explanation of the
13 master plan was given to the CAC, and a
14 copy of that will be provided. The CAC
15 continues our defense of the ridgeline,
16 one of our town's natural resources, by
17 reminding the ZBA members that our Town
18 Code, Chapter 75, specifically
19 addresses clearing and grading, and
20 describes the purpose to protect the
21 public health, safety, and welfare of
22 the residents of the town by providing
23 for the proper use of land and
24 regulating site preparation,
25 construction activities, and other

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1
2 activities impacting the land. It is
3 not known to the CAC if that Applicant
4 obtained the necessary permits to clear
5 the acreage on the top of the ridgeline
6 that is obvious to the naked eye.
7 There is a photo attached. If there
8 was no permit from the building
9 inspector, then it is quite possible
10 that the clearing already performed on
11 top of the ridgeline was a violation of
12 Town Code. If the ZBA approves the
13 request for this matter, it will be
14 giving permission to continue to ignore
15 this part of Town Law. There are other
16 considerations that we feel are worth
17 reviewing. If building restrictions on
18 the ridgeline are removed for this
19 request, a precedent is set, and it is
20 conceivable that the entire ridgeline
21 could be dotted with assorted housing
22 types in the future, permanently
23 changing the bucolic character of our
24 community. It would be wise to
25 consider the impacts, not only of the

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1
2 aesthetic changes this could create,
3 but also the magnification of erosion,
4 changes in drainage, and more that
5 could affect the town's infrastructure,
6 and the economic benefits we enjoy by
7 having a thriving agricultural
8 landscape. The CAC stands firm for the
9 public hearing that the intention of
10 the Ridgeline Protection Law be
11 sustained. The code was written to
12 ensure that an uninterrupted line of
13 treetops will be maintained as the
14 westernmost vista looking from east to
15 west. In addition to the aesthetics of
16 a uniform horizon line, protecting the
17 steep slopes and landforms below, along
18 with the flora and fauna that reside
19 there, is essential to the quality and
20 character of our town. We trust that
21 the attached documents will assist you
22 in your determinations. We also ask
23 that this statement and the links
24 attached will be included in the
25 minutes of this public hearing. We

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1
2 question whether or not the public's
3 curiosity will be satisfied at
4 tonight's meeting, or will there be
5 additional data that results from the
6 input of others. This past Monday, the
7 Town Board approved to provide legal
8 services to the ZBA specifically on
9 this matter. The public should be able
10 to comment on any recommendations that
11 might ensue from the new hire. That
12 being the case, we ask that the public
13 hearing remain open for the public to
14 become informed of any new data they
15 may want to comment on. And,
16 respectfully submitted. I will send
17 the disc electronically to the
18 secretary, and you may have a copy
19 tonight if you would like. And there
20 is also a photo taken from Ridgeview
21 Lane, if you want to pass that down --
22 from Ridgeview Lane that shows that
23 clearing was taken January 31st, I
24 believe of 2024, and it shows how the
25 top has been decapitated. Thank you.

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1 **SANTINI - PUBLIC HEARING**

2 CHARIMAN CONN: Thank you.

3 MS. LIBOLT: If I could just ask,
4 is that a letter officially from the
5 CAC or is that a representation letter
6 individually?

7 MS. SIMONOFSKY: I am sorry?

8 MS. LIBOLT: Is that a memo from
9 the CAC?

10 MS. SIMONOFSKY: I represent the
11 CAC, yes.

12 MS. LIBOLT: Okay, thank you.

13 MR. LORIE: My name is Doug Lorie.
14 I live at 182 Ridge Road. Good
15 evening. I intend to comment on four
16 points brought forth by KARC Planning
17 Consultants in correspondence to you
18 dated 8/28/2025. I have paraphrased
19 much of the text from Town Engineer
20 Patrick Hines and KARC for expediency
21 purposes. Point number one, Hines,
22 this is Hines speaking: Proposed house
23 location is at elevation 1,007 feet.
24 This locates the house 5.3 feet below
25 the highest point of the subject

1 **SANTINI - PUBLIC HEARING**

2 property. House is to be 27 high.
3 KARC response. There is a point north
4 of the site at exceeding 1,100 feet.
5 The proposed residence has a base
6 elevation of 1,007.5 feet elevation,
7 and a proposed building height of 27
8 feet. This places the residence
9 roughly 65.5 feet below the highest
10 point on the ridge. My comment is:
11 Looking north to find a higher
12 elevation is irrelevant. Zoning Code
13 155-41.1 says as viewed from the east.
14 Point number two, Hines: The three
15 points of reference may not provide
16 screening during leaf-off conditions.
17 KARC response: Topography and tree
18 cover provides substantial buffering.
19 KARC provides three possible points of
20 view looking from the east, looking
21 west at subject property. So, if you
22 have been given this analysis, if you
23 want a copy of it. So, all of these
24 points are hidden because of the
25 topography. My comment: View from

SANTINI - PUBLIC HEARING

1
2 these three vantage points is
3 irrelevant. Code states 155-41 F.4, no
4 proposed building shall extend above
5 the highest elevation of the
6 Marlborough Ridgeline. Placing the
7 house on the Ridge's highest point
8 immediately violates the code. The
9 entire structure is above the
10 ridgeline. Further comment by myself:
11 The code uses the qualitative wording
12 from the wording, quote, "from the
13 east," unquote, because the Town is
14 expecting the Applicant to potentially
15 place a home on the side of the ridge.
16 This gives the code enforcement a gauge
17 to apply to determine if a structure
18 will poke through the ridgeline plane,
19 hence from the east. Given all that I
20 stated, I can find a location to the
21 east of the subject property when
22 traveling west on Ridge Road as it
23 descends toward Lattintown Road. The
24 subject property that I'm talking about
25 is in full view. Point number three,

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1 **SANTINI - PUBLIC HEARING**

2 Hines: There shall be no disturbance
3 of the tree line area above the highest
4 points of the structure and highest
5 point of the ridgeline. Property was
6 cleared at the potential home site at
7 the top of the ridgeline. KARC
8 response: The applicant has installed
9 a fully approved UCDOH-approved septic
10 system at the location shown on the
11 subdivision plan prepared by Control
12 Point, dated October 26, 2023,
13 previously approved by Town of
14 Marlborough Planning Board in Exhibit
15 E. My comment: An approved septic
16 system is irrelevant as it is depicted
17 on the ridgeline. Also, Exhibit E does
18 not show a house, only a pad. The
19 planning board gave approval for the
20 1869-acre lot without a definitive
21 house -- excuse me, The planning board
22 gave approval for the 18.69-acre lot
23 without a definitive location for a
24 house. They did so because they knew a
25 house could not be placed on the ridge

SANTINI - PUBLIC HEARING

1
2 per zoning code, and that there was an
3 alternate suitable location on the lot.
4 The planning board knew they could not
5 approve a non-conforming lot. Point 4,
6 Hines: Other suitable areas may exist
7 within the 6.45-acres of property
8 identified with slopes of 0-15 percent.
9 KARC response: Code Enforcement
10 Officer, T. Corcoran approved the home
11 and septic site as presented to him in
12 9/20/23. Another comment made by KARC:
13 Mark Day of Day Stokosa Engineering
14 sends a letter to Patrick Hines on
15 1/28/25, stating that west side of the
16 parcel where the proposed house is
17 located is the most suitable location
18 for a new residence. My comment: Town
19 Engineer Hines reviews site on
20 9/29/2023. He makes a statement, among
21 other items, quote, "The proposed house
22 location is contrary to the Ridgeline
23 and Steep Protection Zone." Also my
24 comment, Code Enforcement Officer T.
25 Corcoran withdraws his approval on

1 **SANTINI - PUBLIC HEARING**

2 8/12/2025. This leaves the Town with
3 a, sort of, face-off between Engineer
4 Day and Town Engineer Hines. My
5 recommendation is for the ZBA to ask
6 Mr. Hines to go to the site and define
7 a suitable home location, other than
8 one at the top of the ridge as it
9 pertains to this 18.69-acre parcel.
10 That's it. Thank you for listening to
11 me.

12 CHARIMAN CONN: Thank you.

13 MS. SCHOONMAKER: Hi, my name is
14 Judy Schoonmaker, Town of Marlboro. I
15 do congratulate the zoning board for
16 being here and doing this job. If
17 zoning codes and all of that were black
18 and white, or cut and dry, you wouldn't
19 have to do this.

20 CHARIMAN CONN: Thank you.

21 MS. SCHOONMAKER: I'm not going to
22 get into the specifics, because you've
23 got enough of that. But I do want to
24 bring up the history and the character
25 of the Town of Marlboro. I lived here

1 **SANTINI - PUBLIC HEARING**

2 my whole life, my mother lived here her
3 whole life, little younger than Bill
4 Nicklin, so I didn't grow up as much in
5 the 50s as he did, but I did most of
6 the 50s, and a little 60s, and then I
7 thought I was grown. I spent a lot of
8 time on Ridge Road. We never heard
9 about Marlboro Ridge in the 50s. Ridge
10 Road was a lovely road. Big open
11 farms, farm houses, maybe a
12 second-generation family house, and it
13 was lovely. There was no zoning.
14 There was no codes. It was lovely. It
15 was Marlboro. Then Marlboro changed.
16 You got zoning, you got codes, and now
17 Ridge Road is full of mega mansions.
18 Ridge Road is not the character in
19 Marlboro that I appreciate, and I would
20 hate to see the ridgeline end up
21 looking like Ridge Road.

22 CHAIRMAN CONN: Thank you.

23 MR. NIKOLA: Thank you.

24 MS. LANZETTA: My name is Cindy
25 Lanzetta, and I live here in Marlboro.

1 **SANTINI - PUBLIC HEARING**

2 I want to make it clear that I am a
3 member of the planning board, but I am
4 not representing the planning board in
5 any manner at the podium today. I'm
6 speaking strictly as a resident. And I
7 did time myself before, and my
8 statement is like four minutes, so I
9 hope you will give me the extra time.

10 CHARIMAN CONN: Yes, ma'am.

11 MS. LANZETTA: Thank you. My
12 concern is that the applicant has said
13 that they are seeking an Interpretation
14 that the proposed residence does not
15 extend above the highest point in the
16 Marlborough Ridgeline pursuant to
17 Section 155. And that proposed
18 section -- the proposed location of the
19 residence is a suitable and acceptable
20 location in adherence to the Ridgeline
21 Protection law. That was the relief
22 that the Applicant is looking for.
23 When the Santini application for a
24 three-lot subdivision was approved on
25 October 2023, the resolution or

SANTINI - PUBLIC HEARING

1
2 approval had six conditions, including
3 no construction on the 18-acre parcel
4 is proposed at this time. Should the
5 site be developed in the future, the
6 Ridge Preservation Code will govern any
7 proposed construction, which will be
8 conducted in conformity with the
9 provisions of the Town of Marlboro
10 Zoning Codes 155-41.1. Subsequent to
11 the approval, over the next two years
12 Santinis received multiple violations
13 for work continuing on the 18-acre
14 parcel, culminating with the Town's
15 lawyers sending a violation cease and
16 desist order. In the early -- in early
17 2024, Town Board introduced amendments
18 to the Town's Ridgeline and Steep Slope
19 Protection Code 155-41-1. The amended
20 code went through multiple public
21 hearings, Ulster County Planning review
22 and revisions and was passed by the
23 Town Board on August 26, 2024. One
24 revision was that the reference to the
25 reviewing board was struck and the Town

1 **SANTINI - PUBLIC HEARING**

2 Engineer and the Town Code Enforcement
3 Officer would oversee compliance with
4 the provisions of the Ridgeline Code.
5 In the resolution of approval, the Town
6 of Marlborough Board reiterated the
7 necessity of being consistent with the
8 goals of the Town's Comprehensive Plan
9 by mitigating the visual impact of
10 development. To that end, it was noted
11 in the Town Code section 155.41.1
12 (E) (5) would remain unchanged.
13 Development should be sited behind or
14 below visual barriers such as trees,
15 ridgelines and other topographic
16 features. The height and location of
17 the development shall not alter the
18 views of and from the natural
19 ridgeline. The Santini's request for a
20 building permit on a site in the
21 Ridgeline Protection Zone was looked at
22 and denied by the Town Engineer and
23 Code Enforcement Officer because it
24 doesn't meet the requirements of the
25 code. There are a number of reasons it

SANTINI - PUBLIC HEARING

1
2 doesn't, but the code does allow for a
3 remedy that can be offered by the Town
4 Engineer, should it be necessary. I
5 would ask the zoning board to consider
6 the code very carefully. The Town
7 invested much time, energy and money
8 into revising it to better meet the
9 Town's Master Plan. They have also
10 indicated that it is the Town's
11 prerogative to designate the Town
12 Engineer and the Code Enforcement
13 Officer as the gatekeepers to oversee
14 the enforcement of this Ridgeline
15 Protection Code. If the zoning board
16 should negate any of that authority,
17 what would the impact be on future
18 applications. I would also like to
19 call to your attention under case law,
20 that when a zoning board makes a
21 decision on zoning Interpretation, they
22 must take into account that statutes
23 must be given effect as written by the
24 legislature and to legislative intents,
25 what was the Town Board intending with

1 **SANTINI - PUBLIC HEARING**

2 the Ridgeline Protection Law. And
3 remember, when a zoning board makes a
4 decision on code interpretation, there
5 is a narrow exception to the deference
6 rule in the case of legal
7 interpretation of statutory terms.
8 That could have a significant impact if
9 the ruling is challenged and goes to
10 court and the Article 78. Lastly, I
11 would ask that the zoning board review
12 the law, not just one particular
13 section, but in its entirety so that
14 they may understand the intent of the
15 law and how that should impact their
16 decision. The Santinis are not being
17 denied the right to build on their
18 land, only that they do it in a manner
19 consistent with Town Code. Thank you.

20 CHARIMAN CONN: Anyone else? Yes,
21 sir.

22 MR. EVANS: Good evening. My name
23 is Dan Evans. My wife and I own
24 Nightingale Farms and Quartz Rock
25 Vineyard, which resides on the Marlboro

SANTINI - PUBLIC HEARING

1
2 Ridgeline on Mountain Road. I would
3 like to bring up the precedent access,
4 if the board agrees with the
5 Interpretation of KARC Planning
6 Consultants. There are currently
7 several lots directly to the north of
8 my property on that line ridgeline,
9 known as the Truncali's subdivision. A
10 developer purchased this property over
11 the summer, and then they wanted it
12 developed directly on the ridgeline as
13 well. That would be the expectation of
14 this developer and every future
15 developer along the ridgeline if the
16 board accepts this Interpretation. I'd
17 like to point out that the Town is
18 currently in the State Supreme Court
19 case where it's being accused of
20 selective in enforcing the Town Code.
21 Agreeing to the KARC Interpretation
22 will open the Town to potential
23 lawsuits from developers wanting to
24 build on the ridge resulting in an
25 increased burden on the Town's

1 **SANTINI - PUBLIC HEARING**

2 taxpayers. I believe this hearing
3 should be remained open beyond tonight
4 to allow for a complete review of
5 tonight's public comments on the
6 Interpretation before the Board. This
7 is an important decision, and I
8 appreciate the Board considering my
9 comments. Thank you.

10 CHARIMAN CONN: Thank you.

11 MS. GLORIE: Good evening, I'm
12 MaryEllen Glorie. I'm a Town of
13 Marlboro resident. So, protecting
14 Marlboro Ridgeline, whoa, still a hot
15 topic. Speakers before me this evening
16 have addressed a number of points,
17 including erroneous or misguided
18 searches made by the Applicant's
19 consultant. Continuing environmental
20 concerns, possible legal repercussions
21 and concerns about possible
22 establishment of a precedent that would
23 be exploited by others wanting to build
24 on top of the Marlboro Ridgeline. I
25 would like to briefly touch on three

SANTINI - PUBLIC HEARING

1
2 points. First, the Ridgeline Steep
3 Slope Protection Code states that a
4 building or structure may not extend
5 above the highest elevation of the
6 Marlboro Ridgeline. And what was not
7 mentioned earlier is that it expressly
8 states as viewed from the east.
9 Anything to the north or south has
10 nothing to do with considering where a
11 house can be placed. It's looking at
12 that house location and the ridgeline
13 behind it from the east. It cannot go
14 above the ridgeline. That is what the
15 law states. So that is just smoke and
16 mirrors regarding this proposed
17 homesite. The building is permitted on
18 the Marlboro Ridge, it just has to be
19 on the side of the ridge that will
20 conform to the code. The ridgeline,
21 however, is the very top of the ridge.
22 It fits the land, the actual earth of
23 the wonderful mountain itself, and the
24 Ridgeline Steep Slope Protection Code
25 says you cannot build on it. Second, I

1 **SANTINI - PUBLIC HEARING**

2 would like to applaud this board for
3 the methodical approach to this
4 particular appeal and to be opened to
5 hearing public comment. I was glad to
6 learn recently that you will have the
7 benefit of legal representation and
8 advice before making any decisions. I
9 believe it would also be helpful, as my
10 husband suggested earlier, to ask the
11 Town Engineer to do a formal evaluation
12 and determine if there is a building
13 site on the lot that would conform to
14 Town Code. I hope you do engage Mr.
15 Hines for his services on this and I
16 hope he finds a place on the property
17 to site a building that would conform
18 to the code requirement. Because if he
19 doesn't, that would mean the planning
20 board did not follow the codes,
21 specifically section B2 and 155, and
22 gain its approval for a subdivision
23 with a nonconforming lot. Finally, a
24 lot of information has been presented
25 here tonight, and I hope there will be

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1 **SANTINI - PUBLIC HEARING**

2 more forthcoming in the interest of
3 everyone, especially yourselves, having
4 the opportunity to digest all of the
5 information. I respectfully request
6 that the public hearing be held open so
7 that any and all additional information
8 may be collected and given careful
9 consideration before this board makes
10 any decisions. Thank you.

11 CHARIMAN CONN: Thank you.

12 MR. LAZAROFF: Good evening,
13 gentlemen, nice to see the ZBA has
14 drawn a crowd. My name is Gary
15 Lazaroff, 539 Old Indian Road, Milton.
16 I'm here without any personal interest
17 or agenda of the Applicant before you,
18 but as a resident and landowner that
19 may be stuck in the same unfortunate
20 situation as the Santinis. We
21 currently own five parcels above the
22 made up line of 750 feet in elevation.
23 That includes us in the ill-conceived
24 Ridgeline Protection Law. Obviously,
25 we're beyond a total recall of that

SANTINI - PUBLIC HEARING

1
2 law, which I would be in favor of. But
3 we are on to a point of Interpretation
4 of that law and how it applies to this
5 case. And a lot of us with land that's
6 been in our families for well over a
7 hundred years on the edge of our seats
8 waiting to see how it plays out. With
9 some aggressively against someone
10 building one single-family home on an
11 18-acre parcel of land. All while
12 championing new codes to allow
13 accessory dwelling units in the same
14 zone. Affordable housing they say, but
15 run this kid through the ringer, so he
16 can have double invested in one
17 single-family home. Put a second home
18 in every back yard in R AG-1, but can't
19 build one on the mountain because five
20 people at best may see it, maybe more
21 from Dutchess County if they have their
22 binoculars on. I believe the
23 Applicants planner has done a pretty
24 good job in responding to all of the
25 Town Engineer's criteria used for his

SANTINI - PUBLIC HEARING

1
2 denial at the planning board. It's
3 clearly shown that this Applicant is
4 proposing to build at over 100 feet
5 lower in elevation than multiple areas
6 of the ridge that extend beyond 1100
7 feet. As well as the fact that it's
8 not on the eastern-facing slope that
9 some seem so concerned about, but at
10 least one or two Ridges back from that.
11 It might be a greater elevation, but it
12 is not on a rock point above the rest
13 of the ridge. At a thousand feet of
14 elevation, we have a relatively flat
15 farm, as well as our neighbors to the
16 north. So, I ask you to grant this
17 appeal, which could have very well been
18 remedied by the Town Engineer and we
19 wouldn't even need to be here. I
20 believe the recent change to the law
21 make it an easier decision to grant
22 this application approval and would
23 further the Town Board's position of
24 less regulation. Side with the
25 landowners' property rights and save

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1 **SANTINI - PUBLIC HEARING**

2 this process and the denials for a
3 developer looking for a big project in
4 the ridgeline, not one house on
5 18-acres. Thank you.

6 MR. BECKETT: Good evening. How's
7 the night going? My name is Frank
8 Beckett. I live at 132 Reservoir Road,
9 Marlboro, New York. I'm here tonight
10 in support of this bill. I'm hoping
11 that this goes through and that
12 everything passes and it will not be a
13 problem for this home to be built on
14 top of the ridge where it is right now.
15 It will not affect anyone. It's
16 already 13 homes roughly on the ridge
17 and the 17 miles that it is, and I feel
18 like they should go ahead and let this
19 happen. That's about it.

20 CHARIMAN CONN: Anyone else?

21 MR. HAWLEY: Yes, sir. Hello, my
22 name is Tim Hawley. I live on Mount
23 Zion Road. I also have an interest in
24 this because I own property on Mount
25 Zion Road that could be affected by

1 **SANTINI - PUBLIC HEARING**

2 this. It's above the ridgeline. If it
3 is affected by this, they can't build
4 in the future. We're paying taxes on
5 it. That is substantial. And if it
6 is, in fact, just a wood lot because it
7 will be protected because it has heath
8 plants on it or because Marlboro wants
9 to protect it, then it should be
10 considered wood lot. We pay taxes as
11 wood lot. And what about the taxes
12 we've already put into it? So, I do
13 have interest in this, and I would like
14 to be kept up-to-date on it, whatever
15 it comes of this. But I appreciate
16 your time. Thank you.

17 CHARIMAN CONN: Thank you.

18 MR. ELLIOTT: I am Ron Elliott. I
19 live on Mount Zion. I do have a -- you
20 know, I approve of this. I believe
21 that Steve has been a long-term
22 resident there. One house won't hurt.
23 I am afraid, you know, I love the
24 mountain, I don't want to see the
25 mountain ever change. I believe this

1 **SANTINI - PUBLIC HEARING**

2 is one house up there won't be a
3 problem, maybe he's forced to sell it,
4 we'll be back here again with
5 developers and so forth. So I am for
6 Steve getting his house up there.
7 Thank you.

8 CHARIMAN CONN: Anyone else?

9 MR. MEAD: Hello, my name is David
10 Mead. I live at 133 Reservoir Road in
11 Marlboro. I looked at this site. I've
12 seen a lot of things up there. I don't
13 see how this house is going to affect
14 the view of the mountain or anything at
15 all. I think that it should be
16 approved. He meets all of the
17 requirements of the Board of Health and
18 setbacks. It should not be restricted
19 to not have a house up there. Thank
20 you.

21 CHARIMAN CONN: Thank you.

22 MR. NIKOLA: Thank you.

23 CHARIMAN CONN: Any more comments?

24 (No audible response.)

25 CHARIMAN CONN: Based on the

1 **SANTINI - PUBLIC HEARING**

2 comments and discussions that we had
3 tonight, we are going to continue this
4 public hearing and keep it open. Next
5 meeting will be when, Jen?

6 MS. FLYNN: December 11th. But my
7 cutoff for that one is November 26th,
8 because the 27th is Thanksgiving.

9 CHARIMAN CONN: Does everyone
10 understand that? Any documentation
11 that needs to be submitted or you would
12 like to make it a matter of public
13 record have to -- Ms. Flynn, has to be
14 in by November --

15 MS. FLYNN: 26th.

16 CHARIMAN CONN: November 26th.

17 MS. LIBOLT: Very good, thank you,
18 Mr. Chairman.

19 CHARIMAN CONN: Any questions?

20 MS. LIBOLT: I think we're all
21 set.

22 CHARIMAN CONN: Okay. We'll move
23 on from this public hearing and move on
24 to the next item on the agenda.

25 (Whereupon, at 6:57 P.M., the

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SANTINI - PUBLIC HEARING

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

-----X

In the Matter of

LUFTIM PAPULI - WORKSHOP -
100 Plattekill Road
Marlboro, New York 12542
SBL #108 2-8-30
RAG-1 23-19

-----X

DATE: November 13, 2025

TIME: 6:57 P.M.

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

BOARD MEMBERS:

- LENNY CONN, Chairman
- JEFF MEKEEL, Absent
- ANDREW NIKOLA
- LARRY BARTOLOTTI
- NICK CRACOLICI

ALSO PRESENT:

JEN FLYNN, Zoning Board Secretary

LUFTIM PAPULI - Applicant
KLORINDA PAPULI - Applicant

HANNAH L. ATKINSON, ESQ., Van DeWater & Van
DeWater

-----X

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

1 **PAPULI - WORKSHOP**

2 for a setback of 6 feet something.

3 MR. CRACOLICI: So they used the
4 fence for the property?

5 MS. PAPULI: Instead of using the
6 line of the property, the fence was
7 used.

8 MR. PAPULI: But the fence is 37,
9 and we think like it's 2 feet away from
10 the line of survey and supposed to be
11 35, and then we left 37 from the fence.
12 But now it's, you know, setback like
13 6 feet away.

14 MR. BARTOLOTTI: How wide is the
15 house?

16 MR. PAPULI: 26 feet.

17 MR. BARTOLOTTI: 26 feet wide?

18 MR. PAPULI: By 58.

19 MR. BARTOLOTTI: That includes the
20 porch that is off of the side of the
21 house?

22 MR. PAPULI: By the wall, wall to
23 wall is 26 feet by 58.

24 MR. BARTOLOTTI: How wide is the
25 porch if you're looking at the property

1 **PAPULI - WORKSHOP**

2 to the right side?

3 MR. PAPULI: The property is all
4 of 100 feet. There is 98.

5 MS. PAPULI: Which porch are we
6 talking about?

7 MR. PAPULI: How wide is the
8 property?

9 MR. BARTOLOTTI: I will show you
10 on the map if you want to come up?

11 CHAIRMAN CONN: Off the record.

12 (Whereupon, an off-the-record
13 discussion was held.)

14 CHAIRMAN CONN: So, Howard Weeden
15 did the survey that what I am seeing
16 here; Howard Weeden?

17 MR. NIKOLA: Who did the survey
18 map for you?

19 MS. PAPULI: The company is there.
20 It's in there.

21 MR. NIKOLA: I guess our question
22 is, it's dated April 2nd, 2021. And
23 then it was revised August 28th, 2025,
24 but absent from the survey is a bulk
25 table, which shows you all of the

1 **PAPULI - WORKSHOP**

2 setbacks that you need for each front,
3 side rear yard variance for all of the
4 setbacks. And it gives you exact, if
5 you're above it, or if you're having a
6 discrepancy, which in this case you
7 are. This is an up-to-date survey that
8 you got August 28th.

9 MR. PAPULI: Yes.

10 CHAIRMAN CONN: Did he physically
11 come out to the property and do the
12 survey?

13 MR. PAPULI: The first survey we
14 get the property, the first survey
15 it's -- is just the property line.

16 MS. PAPULI: They did come to the
17 property, yes, to do the survey. They
18 were physically there.

19 CHARIMAN CONN: In August of this
20 year, or in April of 2021?

21 MS. PAPULI: Both times. Because
22 the second time was not because they
23 needed to know because you see there is
24 a septic and well, right, so they
25 needed -- we needed to combine, I don't

1 **PAPULI - WORKSHOP**

2 know if you have the same, they -- the
3 Town requested us to have the survey of
4 the property combined with the survey
5 from the engineer where it shows the
6 septic and the well. So, they needed a
7 combined, and that was the reason that
8 we had to get a second survey to
9 combine both surveys together, and that
10 is when everything was -- everything
11 came to, when they see that we needed
12 the 6 feet setback.

13 CHARIMAN CONN: I guess our
14 concern where we're confused is, if you
15 did an actual survey, you would use the
16 markers and pins from the property
17 lines and wouldn't just say the fence,
18 let's start there. So, they would be
19 an actual survey done. And as Andrew
20 has stated, there would be a bulk table
21 over here showing rear yard, what's
22 needed, what you have, side yard, front
23 yard, all of that, lot width,
24 everything would be here on the bulk
25 table.

1 **PAPULI - WORKSHOP**

2 MR. NIKOLA: Do you know what
3 we're referring to?

4 MS. PAPULI: Yeah, like when the
5 house -- when we start to build a house
6 we should see the line, right, that is
7 what you're saying?

8 MR. NIKOLA: This is a different
9 map of another Applicant, but this is
10 what we're referring to the bulk table
11 of the survey, which tells you based on
12 our code, what is the wire and what is
13 the proposed. That is absent your
14 current survey.

15 MS. PAPULI: Yes, we didn't have
16 that.

17 MS. ATKINSON: I agree. I think
18 that it's necessary to find out if
19 there are any other potential variances
20 needed, especially because we don't --
21 I'm unclear about this map for the same
22 reasons that you are, and I think
23 requiring a bulk table is appropriate.
24 We have a couple of other structures
25 here too, I'm not sure --

1 **PAPULI - WORKSHOP**

2 tell us for certain how close the
3 building is to each side and the
4 accessory structure to make sure other
5 than this area variance of 6 feet, 8
6 inches, whether there any other ones
7 that we need too.

8 MS. PAPULI: It's hard to
9 understand what we need to ask the
10 surveyor. I'm not understanding.

11 MR. CRACOLICI: The building
12 table.

13 MS. PAPULI: The table of codes.

14 MR. NIKOLA: The challenge is that
15 you're asking for a variance on a new
16 structure.

17 MS. PAPULI: Yes.

18 MR. NIKOLA: So, it's new. We are
19 usually approving variances when it's a
20 hardship on the owner, trying to clean
21 up a lot or trying to do what's right.
22 You're asking us for something that was
23 already built on a survey that is kind
24 of incomplete with the data information
25 that is required for us to make the

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PAPULI - WORKSHOP

best decision forward. Does that make sense?

MS. PAPULI: We are very confused too. Because we've already got the C/O and everything and then we had the -- this came up after the C/O was issued to us, likes given to us, and we pay for all of that. Everything was done.

CHAIRMAN CONN: You had a temporary C/O.

THE WITNESS: Huh?

CHAIRMAN CONN: You had a temporary C/O. Because the reason that I was under the interpretation you were here tonight was because, to get your complete C/O certificate of occupancy, you need this variance. But in my conversation that I had with the building inspector, he said that he's able to grant a temporary C/O because the living conditions inside all meet code. The zoning issue is separate. To get your full C/O, we have to review this and decide whether we can give a

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PAPULI - WORKSHOP

MS. ATKINSON: -- shadow then that would not have been an issue. The width is that prior structure. It's the depth that is different which is why we're looking at these new approvals down here. I will say too, there is no prohibition against you finding and approving for an area variance in cases like this. In fact, I see it fairly regularly that there is something built or a mistake made, and an inappropriate permit issued, and then granting an area variance after the fact. There is no problem with that. You just have to go through that same five requirements that you have to review for every area variance. One of which is the self-created hardship, which is not determinative. But in a case such as this, where something was a mistake and then it was built, and there was an accident, maybe you could weigh more heavily that factor than you otherwise would.

1 **PAPULI - WORKSHOP**

2 MR. BARTOLOTTI: So, the question
3 I have, is this structure, is it built
4 the same footprint of the structure
5 that was there before?

6 CHAIRMAN CONN: Except longer.

7 MS. PAPULI: Longer.

8 MR. BARTOLOTTI: Longer?

9 MS. PAPULI: Yes.

10 MR. BARTOLOTTI: But it's the same
11 width?

12 MR. PAPULI: The same width.

13 MS. PAPULI: The same width.

14 CHAIRMAN CONN: I think before we,
15 obviously, because we need to send this
16 to the public hearing, but we need a
17 bulk table survey so we can see all of
18 the --

19 MS. PAPULI: So, I ask for the
20 bulk table survey? That is what I ask
21 for?

22 CHARIMAN CONN: Need a survey with
23 a bulk table.

24 MR. BARTOLOTTI: We're also going
25 to need measurements off of this

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PAPULI - WORKSHOP

staircase coming off of the side
because we need a variance on that side
as well.

MR. NIKOLA: Right. Because
typically, the building inspector
requires an as-built survey with
setbacks of the septic and the well,
right, so all of that would be on the
survey.

MR. PAPULI: Yes.

MR. BARTOLOTTI: So, that set of
stairs that I pointed out to you guys,
we need a measurement from that to the
property line on the right side.

MS. PAPULI: So, from the other
property line to the stairs, you need
measurements.

MR. BARTOLOTTI: Yes, because
you're going to need a variance on that
side.

MS. PAPULI: Does that make a
difference that we own the other
property?

MR. BARTOLOTTI: It's a separate

1 **PAPULI - WORKSHOP**

2 lot.

3 MS. PAPULI: I'm just saying.

4 CHARIMAN CONN: It's a separate
5 tax lot.

6 MS. PAPULI: Just a question.

7 MS. FLYNN: Mr. Chairman?

8 CHARIMAN CONN: Yes.

9 MS. FLYNN: I also am going to
10 need extra escrow for the meetings with
11 the stenographer and the lawyer to
12 cover the expenses. So, I'm going to
13 need at least \$1,500 before they can
14 come back.

15 CHARIMAN CONN: Okay.

16 MS. PAPULI: More money to pay for
17 that?

18 MS. FLYNN: I'm sorry?

19 MS. PAPULI: So, what is this?

20 CHARIMAN CONN: You need to add
21 more money into the escrow.22 MS. PAPULI: So, we did -- we paid
23 \$700; correct?24 MS. FLYNN: That is just to start
25 with. That is not final.

1 **PAPULI - WORKSHOP**

2 MS. PAPULI: You need another
3 \$1,500 for that?

4 MS. FLYNN: I do. You may get
5 some back. But to cover the expenses
6 of the lawyer and the stenographer,
7 that is what the escrow is for.

8 MS. ATKINSON: So, I don't know
9 how -- what your normal practice is
10 here with the board, but I would say I
11 wouldn't advise that you go ahead and
12 schedule the public hearing, just
13 because if there are additional things
14 needed, you want to look at the map for
15 real, the final version, doing that
16 would be appropriate.

17 CHARIMAN CONN: Correct.

18 MS. ATKINSON: Then you can do
19 SEQRE, probably a type two, but we'll
20 figure that out. And then set the
21 public hearing.

22 CHARIMAN CONN: Yeah, we
23 definitely need those, the complete
24 survey at the next meeting. Then we
25 will move forward.

1 **PAPULI - WORKSHOP**

2 before the house.

3 CHARIMAN CONN: Was the overhang
4 there, or is the overhang new?

5 MS. PAPULI: No, it's not new.
6 It's been there before when we had the
7 other house.

8 MR. PAPULI: Before the old house.

9 MR. NIKOLA: So, you didn't
10 construct the shed with the overhang?

11 MR. PAPULI: That was there.

12 MR. NIKOLA: So, we need all of
13 those setbacks because you're going to
14 need a variance for that. It needs to
15 be a minimum of 10 feet.

16 MR. PAPULI: For this one is no
17 big deal if I take it off, I take it
18 off. I'm concerned about the house,
19 because the survey -- we did the
20 survey, it's 35 feet and the fence we
21 think is 2 feet away from there, so 37.

22 MR. NIKOLA: Right, but we need
23 accurate numbers. We want to make sure
24 this is as clean as possible moving
25 forward for you guys so you can get

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PAPULI - WORKSHOP

your permit, C/O.

MS. PAPULI: We need measurements from the house to the shed; is that what you're saying?

CHAIRMAN CONN: Off the record.

(Whereupon, an off-the-record discussion was held.)

MS. PAPULI: Thank you, everyone.

MR. NIKOLA: I will make a motion to close tonight's meeting.

MR. BARTOLOTTI: I'll second.

CHAIRMAN CONN: All in favor?

MR. CRACOLICI: Aye.

MR. BARTOLOTTI: Aye.

MR. NIKOLA: Aye.

CHAIRMAN CONN: Aye. Thank you.

(Whereupon, at 7:25 P.M., the Hearing was adjourned.)

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