

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

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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

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from the October meeting.

CHAIRMAN CONN: Second?

MR. BARTOLOTTI: Second.

CHARIMAN CONN: All in favor?

MR. CRACOLICI: Aye.

MR. BARTOLOTTI: Aye.

MR. NIKOLA: Aye.

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

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

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

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

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

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MS. LIBOLT: So, again, I am representing Steve and Caroline Santini. This is 229 Mount Zion Road. This is 18.69 acres and the property is in the RAG Ridgeline Protection area. We are here for an Interpretation. We are appealing the Interpretation that was issued, and on the face of it, this is not an Interpretation of the Zoning Enforcement Officer; it's really an Interpretation of the Town Engineer. At the core of this issue, and I will go into the fact of this matter, is where are the measurements if you take them for the assertion of whether or not the house is above or below the highest Ridgeline of the Marlboro Ridgeline. The Town Engineer states that the code requires that we utilize the highest point on the Applicant's property and we disagree. The ZEO didn't necessarily render a decision one way or another. In fact, the ZEO wrote a letter in September of 2023,

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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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states whereas the Town of Marlboro Planning Board, as lead agency for the environmental review of the action, has reviewed the action and all relevant supporting information and documentation and they have identified the relevant areas of concern and have prepared the reasonably expected results of the action with a criteria set forth in NYCRR 617 and they determined that there will be no potential impact -- or no potential environmental impacts associated with the action, specifically this document references plans for proposed location of a house, well, and septic system on lot 3 have been provided by the Applicant. It specifically states and concludes that the action will not result in the impairment of the character or quality of important aesthetic community resources, and it specifically concludes that the planning board has examined all the reasonably related

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

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letter that I previously referenced from the Town Building Inspector, the ZEO, stating that he found the area shown on the plan to be an acceptable area for new home construction. After receiving planning board approval, the Applicant proceeded with providing the Town Building Department with copies of plans to illustrate compliance with the Ridgeline Protection portion of the code, which is section 155-41. And in that submission, February 26, 2025, there was numerous documents that were provided. There was the map of the Ridgeline Protection, which we have here. This is the map of the required Ridgeline Protection area. We provided lines-of-sight distance. We provided a slope conditions map showing the various slopes on the site. We provided a letter by Mark Day of Day & Stokosa summarizing that there is limited locations on the property for the selection of house. And a letter



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

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1  
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

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

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section 155.41F as amended today reads as follows: And it says that deletions are stricken, and additions are underscored. So, and we provided you with these documents in our application. In this section, it speaks to the new section and the old section. The old section specifically strikes the portion that compares the application or the measurement of the application to the project area. And it specifically stated no structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline affected by the application. In other words, the project area. That was stricken. The new code specifically references that the Applicant shall demonstrate that no proposed building shall extend above the highest elevation of the Marlboro Ridgeline. Not the project area, not the portion of the ridgeline affected by the application, by the Marlborough

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1  
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 then the highest elevation on the  
25 ridgeline, which is 1,100 feet by 65

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

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

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

MR. NIKOLA: Town of Marlborough Zoning Board of Appeals legal notice. Please take notice that a public hearing will be held by the Town of Marlborough Zoning Board of Appeals, further known as ZBA, at the Town Hall, 21 Milton Turnpike, Milton, New York, on November 13, 2025, at 6:00 P.M. or thereafter as may be heard. The owner/applicant Steve Santini is seeking an Interpretation pursuant to section 155-41.1. Location: 229 Mount Zion Road, Marlboro, New York 12542. Tax Parcel: Section 102.3. Block 2. Lot 15.300. Any interested parties, either for or against this application, will have the opportunity to be heard at this time. Lenny Conn, Chairman, Town of Marlborough Zoning Board of Appeals.

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?



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MR. BARTOLOTTI: Yes.

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

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

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

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

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

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

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

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

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

CHARIMAN CONN: We've seen it.

MS. LIBOLT: Sorry?

CHARIMAN CONN: We had seen it.

MS. LIBOLT: Okay.

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

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visit as well.

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

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

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

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

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

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

CHAIRMAN CONN: Yes, sir.

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

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1  
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



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

CHARIMAN CONN: Thank you.

MR. NICKLIN: Thank you very much.

CHARIMAN CONN: Anyone else?

MS. SIMONOFSKY: Good evening.

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

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report to the Town Board for the revision of Code 155 is attached as a link for you reference. That will be given to you, gentlemen. But our comments tonight hopefully will address the specific issue you are tasked to decide and will assist you in making a decision that will continue to offer ridgeline protections as is legally dictated by our comprehensive master plan. A detailed explanation of the master plan was given to the CAC, and a copy of that will be provided. The CAC continues our defense of the ridgeline, one of our town's natural resources, by reminding the ZBA members that our Town Code, Chapter 75, specifically addresses clearing and grading, and describes the purpose to protect the public health, safety, and welfare of the residents of the town by providing for the proper use of land and regulating site preparation, construction activities, and other

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activities impacting the land. It is not known to the CAC if that Applicant obtained the necessary permits to clear the acreage on the top of the ridgeline that is obvious to the naked eye. There is a photo attached. If there was no permit from the building inspector, then it is quite possible that the clearing already performed on top of the ridgeline was a violation of Town Code. If the ZBA approves the request for this matter, it will be giving permission to continue to ignore this part of Town Law. There are other considerations that we feel are worth reviewing. If building restrictions on the ridgeline are removed for this request, a precedent is set, and it is conceivable that the entire ridgeline could be dotted with assorted housing types in the future, permanently changing the bucolic character of our community. It would be wise to consider the impacts, not only of the

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aesthetic changes this could create,  
but also the magnification of erosion,  
changes in drainage, and more that  
could affect the town's infrastructure,  
and the economic benefits we enjoy by  
having a thriving agricultural  
landscape. The CAC stands firm for the  
public hearing that the intention of  
the Ridgeline Protection Law be  
sustained. The code was written to  
ensure that an uninterrupted line of  
treetops will be maintained as the  
westernmost vista looking from east to  
west. In addition to the aesthetics of  
a uniform horizon line, protecting the  
steep slopes and landforms below, along  
with the flora and fauna that reside  
there, is essential to the quality and  
character of our town. We trust that  
the attached documents will assist you  
in your determinations. We also ask  
that this statement and the links  
attached will be included in the  
minutes of this public hearing. We

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

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CHARIMAN CONN: Thank you.

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

MS. SIMONOFSKY: I am sorry?

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

MS. SIMONOFSKY: I represent the  
CAC, yes.

MS. LIBOLT: Okay, thank you.

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

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

**SANTINI - PUBLIC HEARING**

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

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**SANTINI - PUBLIC HEARING**

Hines: There shall be no disturbance of the tree line area above the highest points of the structure and highest point of the ridgeline. Property was cleared at the potential home site at the top of the ridgeline. KARC response: The applicant has installed a fully approved UCDOH-approved septic system at the location shown on the subdivision plan prepared by Control Point, dated October 26, 2023, previously approved by Town of Marlborough Planning Board in Exhibit E. My comment: An approved septic system is irrelevant as it is depicted on the ridgeline. Also, Exhibit E does not show a house, only a pad. The planning board gave approval for the 18.69-acre lot without a definitive house -- excuse me, The planning board gave approval for the 18.69-acre lot without a definitive location for a house. They did so because they knew a house could not be placed on the ridge

**SANTINI - PUBLIC HEARING**

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

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**SANTINI - PUBLIC HEARING**

1  
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

**SANTINI - PUBLIC HEARING**

1  
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.

**SANTINI - PUBLIC HEARING**

1  
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**

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

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**SANTINI - PUBLIC HEARING**

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

**SANTINI - PUBLIC HEARING**

doesn't, but the code does allow for a remedy that can be offered by the Town Engineer, should it be necessary. I would ask the zoning board to consider the code very carefully. The Town invested much time, energy and money into revising it to better meet the Town's Master Plan. They have also indicated that it is the Town's prerogative to designate the Town Engineer and the Code Enforcement Officer as the gatekeepers to oversee the enforcement of this Ridgeline Protection Code. If the zoning board should negate any of that authority, what would the impact be on future applications. I would also like to call to your attention under case law, that when a zoning board makes a decision on zoning Interpretation, they must take into account that statutes must be given effect as written by the legislature and to legislative intents, what was the Town Board intending with

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**SANTINI - PUBLIC HEARING**

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

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

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

**SANTINI - PUBLIC HEARING**

Ridgeline on Mountain Road. I would like to bring up the precedent access, if the board agrees with the Interpretation of KARC Planning Consultants. There are currently several lots directly to the north of my property on that line ridgeline, known as the Truncali's subdivision. A developer purchased this property over the summer, and then they wanted it developed directly on the ridgeline as well. That would be the expectation of this developer and every future developer along the ridgeline if the board accepts this Interpretation. I'd like to point out that the Town is currently in the State Supreme Court case where it's being accused of selective in enforcing the Town Code. Agreeing to the KARC Interpretation will open the Town to potential lawsuits from developers wanting to build on the ridge resulting in an increased burden on the Town's

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**SANTINI - PUBLIC HEARING**

1  
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**

points. First, the Ridgeline Steep Slope Protection Code states that a building or structure may not extend above the highest elevation of the Marlboro Ridgeline. And what was not mentioned earlier is that it expressly states as viewed from the east. Anything to the north or south has nothing to do with considering where a house can be placed. It's looking at that house location and the ridgeline behind it from the east. It cannot go above the ridgeline. That is what the law states. So that is just smoke and mirrors regarding this proposed homesite. The building is permitted on the Marlboro Ridge, it just has to be on the side of the ridge that will conform to the code. The ridgeline, however, is the very top of the ridge. It fits the land, the actual earth of the wonderful mountain itself, and the Ridgeline Steep Slope Protection Code says you cannot build on it. Second, I

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**SANTINI - PUBLIC HEARING**

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

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**SANTINI - PUBLIC HEARING**

1  
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**

law, which I would be in favor of. But we are on to a point of Interpretation of that law and how it applies to this case. And a lot of us with land that's been in our families for well over a hundred years on the edge of our seats waiting to see how it plays out. With some aggressively against someone building one single-family home on an 18-acre parcel of land. All while championing new codes to allow accessory dwelling units in the same zone. Affordable housing they say, but run this kid through the ringer, so he can have double invested in one single-family home. Put a second home in every back yard in R AG-1, but can't build one on the mountain because five people at best may see it, maybe more from Dutchess County if they have their binoculars on. I believe the Applicants planner has done a pretty good job in responding to all of the 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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**SANTINI - PUBLIC HEARING**

1  
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

**SANTINI - PUBLIC HEARING**

1  
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

**SANTINI - PUBLIC HEARING**

1  
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

**SANTINI - PUBLIC HEARING**

Hearing was adjourned.)

**C E R T I F I C A T E**

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of November 2025.



---

LISA M. ROSSO

## 1 SANTINI - PUBLIC HEARING

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

-----X

4 In the Matter of

5 LUFTIM PAPULI - WORKSHOP -  
6 100 Plattekill Road  
7 Marlboro, New York 12542  
8 SBL #108 2-8-30  
9 RAG-1 23-19

-----X

8 DATE: November 13, 2025

9 TIME: 6:57 P.M.

10 PLACE: Town of Marlborough  
11 Town Hall  
12 21 Milton Turnpike  
Milton, New York 12547

## 13 BOARD MEMBERS:

14 LENNY CONN, Chairman  
15 JEFF MEKEEL, Absent  
16 ANDREW NIKOLA  
LARRY BARTOLOTTI  
NICK CRACOLICI

## 17 ALSO PRESENT:

18 JEN FLYNN, Zoning Board Secretary

19 LUFTIM PAPULI - Applicant  
20 KLORINDA PAPULI - Applicant21 HANNAH L. ATKINSON, ESQ., Van DeWater & Van  
DeWater

22 -----X

23 LISA MARIE ROSSO  
24 140 Mahoney Road  
Milton, New York 12547  
25 (845) 674-3937

LISA MARIE ROSSO - (845) 674-3937

1                                   **PAPULI - WORKSHOP**

2                   CHARIMAN CONN:   Next up we have a  
3                   new application for Luftim Papuli, a  
4                   workshop for a side yard variance of 6  
5                   feet, 8 inches, variance of side yard,  
6                   100 Plattekill Road, Marlboro.

7                   MS. PAPULI:    Yes.

8                   CHARIMAN CONN:   Go ahead.

9                   MS. PAPULI:    So, the house is  
10                  already built.   There was a mistake, I  
11                  guess when the -- because the next door  
12                  neighbor, the fence was already there  
13                  built, right, so it came to the  
14                  attention when after the C/O, they  
15                  needed the final survey, I guess with  
16                  the final survey combined with engineer  
17                  survey and all of that.   So, when the  
18                  inspector reviewed that survey, after  
19                  we actually got the C/O, it was -- that  
20                  is when everybody saw that it was  
21                  6.8 feet, something like that.

22                  CHARIMAN CONN:   6 feet, 8 inches.

23                  MS. PAPULI:    Yeah, something like  
24                  that.   So, that is what we were told  
25                  that we need to apply for zoning board

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                                  CHARIMAN 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                                   CHARIMAN CONN: The overhang is --

3                                   MS. ATKINSON: I think that the  
4                                   setback for an accessory is different,  
5                                   maybe 10 instead of 35, but still, I  
6                                   can't tell the distance here, and I  
7                                   think all of this information should be  
8                                   on a bulk table, and we can't proceed  
9                                   with SEQR or really any of the  
10                                  necessary review for the variance until  
11                                  we know that there aren't other  
12                                  variances needed on this property.  
13                                  Could you contact this -- did the  
14                                  surveyor -- this same surveyor did the  
15                                  revision in July?

16                                 MR. PAPULI: Yes, they did.

17                                 MS. PAPULI: We have been using  
18                                 the same surveyor for everything.

19                                 MS. ATKINSON: Great. So, you  
20                                 should contact him and see if they can  
21                                 add the bulk table to this map.

22                                 MS. PAPULI: What's the difference  
23                                 now? After everything is done. Like  
24                                 what do we need that for?

25                                 MS. ATKINSON: Because it will

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

1                                   **PAPULI - WORKSHOP**

2                   best decision forward. Does that make  
3                   sense?

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

10                  CHAIRMAN CONN: You had a  
11                  temporary C/O.

12                  THE WITNESS: Huh?

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

1                                   **PAPULI - WORKSHOP**

2                   variance on a house that is already  
3                   built. And apparently there was a  
4                   mistake from the surveyor or because he  
5                   came out and did an actual survey,  
6                   there should be no way that you should  
7                   be outside of your setbacks areas.

8                   MS. PAPULI: If it was done  
9                   correctly from the beginning?

10                  CHAIRMAN CONN: Yes, ma'am.

11                  MS. ATKINSON: I'm under the  
12                  impression that there was a house in  
13                  the same spot that burned down?

14                  MS. PAPULI: Yes, in 2019, yes.

15                  MS. ATKINSON: So, the lot itself  
16                  is already nonconforming because the  
17                  width of the lot is not 150 feet. I  
18                  believe that is the width requirement.  
19                  So, the prior construction, which  
20                  burned down when?

21                  MS. PAPULI: 2019.

22                  MS. ATKINSON: That was already  
23                  nonconforming. And if they rebuilt  
24                  exactly in the --

25                  CHAIRMAN CONN: "If."



1                                   **PAPULI - WORKSHOP**

2                                   MS. ATKINSON: -- shadow then that  
3                                   would not have been an issue. The  
4                                   width is that prior structure. It's  
5                                   the depth that is different which is  
6                                   why we're looking at these new  
7                                   approvals down here. I will say too,  
8                                   there is no prohibition against you  
9                                   finding and approving for an area  
10                                  variance in cases like this. In fact,  
11                                  I see it fairly regularly that there is  
12                                  something built or a mistake made, and  
13                                  an inappropriate permit issued, and  
14                                  then granting an area variance after  
15                                  the fact. There is no problem with  
16                                  that. You just have to go through that  
17                                  same five requirements that you have to  
18                                  review for every area variance. One of  
19                                  which is the self-created hardship,  
20                                  which is not determinative. But in a  
21                                  case such as this, where something was  
22                                  a mistake and then it was built, and  
23                                  there was an accident, maybe you could  
24                                  weigh more heavily that factor than you  
25                                  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

1                                   **PAPULI - WORKSHOP**

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

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

11                                 MR. PAPULI: Yes.

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

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

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

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

25                                 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                                   MS. FLYNN: By November 26th.

3                                   MR. NIKOLA: And you do realize  
4                                   what we were talking about in reference  
5                                   to the shed overhang when we said --  
6                                   you only have 1.7 depicted on the map  
7                                   here?

8                                   MR. PAPULI: Yeah, two feet  
9                                   overhang from the front side to the  
10                                  stairs.

11                                  MR. NIKOLA: No, I'm talking about  
12                                  the shed overhang. Do you see where  
13                                  I'm referencing? Not the house itself,  
14                                  the shed.

15                                  MS. PAPULI: Oh, the shed.

16                                  MR. NIKOLA: The overhang.

17                                  MS. PAPULI: That has been there  
18                                  for awhile.

19                                  MR. PAPULI: This is the shed.

20                                  MR. BARTOLOTTI: Was that a  
21                                  preexisting structure?

22                                  MR. PAPULI: Yes.

23                                  MR. NIKOLA: Was it there before  
24                                  the house?

25                                  MR. PAPULI: Yes, it was there

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

1                                   **PAPULI - WORKSHOP**

2                   your permit, C/O.

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

6                   CHAIRMAN CONN: Off the record.

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

9                   MS. PAPULI: Thank you, everyone.

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

12                  MR. BARTOLOTTI: I'll second.

13                  CHAIRMAN CONN: All in favor?

14                  MR. CRACOLICI: Aye.

15                  MR. BARTOLOTTI: Aye.

16                  MR. NIKOLA: Aye.

17                  CHAIRMAN CONN: Aye. Thank you.

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

20                                   °       °       °       °

21

22

23

24

25



**PAPULI - WORKSHOP****C E R T I F I C A T E**

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of November 2025.

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