

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

-----X

In the Matter of

SANTINI RESIDENCE - CONTINUATION OF 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: December 11, 2025

TIME: 6:00 P.M.

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

BOARD MEMBERS:

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

ALSO PRESENT:

JEN FLYNN, Zoning Board  
Secretary

KELLY LIBOLT, KARC Planning Consultants  
MICHAEL NESHEIWAT, ESQ., Law Offices of  
Michael Nesheiwat, PLLC

JANIS M. GOMEZ ANDERSON, ESQ., Rodenhausen  
Chale & Polidoro, LLP

-----X

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

LISA MARIE ROSSO - (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. We all  
6 reviewed the minutes. I think we need  
7 to make a change to Jeff being present.  
8 He wasn't present last meeting.

9                   STENOGRAPHER: I will correct it  
10 and resend it to everyone.

11                  CHAIRMAN CONN: Okay. Everything  
12 else okay with that?

13                  MR. NIKOLA: Yes.

14                  MR. CRACOLICI: Yes.

15                  MR. BARTOLOTTI: Yes. I will make  
16 a motion to approve the minutes from  
17 the November meeting.

18                  MR. NIKOLA: Second.

19                  CHAIRMAN CONN: All in favor?

20                  MR. CRACOLICI: Aye.

21                  MR. BARTOLOTTI: Aye.

22                  MR. NIKOLA: Aye.

23                  CHAIRMAN CONN: Aye. Thank you.  
24 Next up, we have to recognize for the  
25 minutes that Mr. Mekeel completed

**SANTINI - PUBLIC HEARING**

training, use of accessory dwelling units to respond to changing housing needs, one hour.

First up, we have the continuation of the public hearing for the Santini residence appeal of interpretation, 155.41.1. A note for everybody, we are waiting for further documentation from the Applicant that we requested at the last meeting. They are still waiting on that to receive it to be able to give it to us. We are going to keep the public hearing open, at least until January's meeting, one more meeting. So, there is no new documentation; there is no new information that the Applicant has. If anyone has anything to say, maybe you want to wait until we have those documents and information and comment in January. If anyone wishes to, the public hearing is open. I just wanted to say there is really nothing new to discuss.

AUDIENCE: Can I just ask a

**SANTINI - PUBLIC HEARING**

question? Would it be possible to make that -- once you receive that documentation, could you make that available on the website or something. Because coming in January and hearing about it then doesn't give us any opportunity to think about it and respond to it. So, continuing the public hearing until January, we won't know anymore then, than we do now unless something is different.

CHAIRMAN CONN: You can do that?

MS. GOMEZ: Yeah, we can get something on the website with the agenda, because it has to be turned in with the agenda.

MS. FLYNN: The agenda doesn't get done until the Friday after the cutoff.

MS. GOMEZ: So, a week or two days?

MS. FLYNN: It's the last Thursday of the month, but this one is January -- I mean, February 29th cutoff.

1                   **SANTINI - PUBLIC HEARING**

2                   MR. NIKOLA:   December 29th.

3                   MS. FLYNN:   I am sorry, December  
4                   29th for the January 8th meeting.

5                   MS. GOMEZ:   Okay.   Maybe would you  
6                   be able to get it up as soon as we had  
7                   it in some way?

8                   MS. FLYNN:   Yes.

9                   CHAIRMAN CONN:   As soon as we have  
10                  it available, we will try and get it  
11                  up, but we will do our best.

12                  AUDIENCE:   Okay.

13                  CHAIRMAN CONN:   Yes, ma'am.

14                  MS. LANZETTA:   Can I come up  
15                  there?

16                  CHAIRMAN CONN:   Yes.

17                  MS. LANZETTA:   How are you?   My  
18                  name is Cindy Lanzetta.   And I just  
19                  want to make clear that any remarks  
20                  that I make are my own personal remarks  
21                  and no reflection on my fellow planning  
22                  board members.   There are two points  
23                  that I would like to make in reference  
24                  to the Santini appeal that are separate  
25                  from the original concerns I raised at

**SANTINI - PUBLIC HEARING**

the last public hearing. The first, I would like to enter into the record the Town Engineer's Technical Review comments of October 2nd, 2023. These are from the initial sketch review of the Santini subdivision. These comments were for the planning board discussion and were made available to the Applicants. It is noted in item six that the proposed house location is contrary to the Ridgeline and Steep Protection Ordinance. Section 155-41F5 states the 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 views of and from the natural ridgeline. The house location is located at the high point of the property currently. Thus, Mr. Santini was made aware that the proposed site for the house did not meet the engineer's criteria for approval under

**SANTINI - PUBLIC HEARING**

the town code. I would like to call your attention to that particular section of code that the engineer cites has not changed at all since the application review of October 2023. The second comment is in reference to the need to comply with the intent of the town law when reviewing an appeal. Any town action such as developing a comprehensive plan or enacting laws must comply with the state environmental quality review, SEQR, that involves a comprehensive look that includes the economic impact. In order to have a balanced approach, the town must weigh potential economic benefits and costs along with environmental and social considerations. Because of this consideration, the extent of the protection of the Marlboro ridgeline has not only benefited the environment, it has led to additional economic benefits in agritourism and hospitality. Most recently, there has

**SANTINI - PUBLIC HEARING**

1  
2 been the approval of the resort located  
3 on Lattintown Road that is a  
4 90-million-dollar investment expected  
5 to generate approximately 125 new jobs.  
6 As well as supporting numerous local  
7 construction and service industry jobs.  
8 This 152-scenic-acre resort has a  
9 direct view as seen from the east of  
10 the Marlboro ridgeline. It is that  
11 view that is the enhancement to bring  
12 this type of development to the town of  
13 Marlborough. And it is the type of  
14 development that was anticipated by the  
15 master plan that gave rise to the  
16 Ridgeline Protection Law. I hope these  
17 items will be taken under advisement by  
18 the Zoning Board of Appeals and their  
19 legal counsel. Thank you.

20 CHAIRMAN CONN: Thank you.

21 MR. NIKOLA: Thank you.

22 CHAIRMAN CONN: Yes, ma'am.

23 MS. SIMONOFISKY: Mici Simonofsky,  
24 Marlboro, New York. I am here as a  
25 citizen tonight as opposed to the chair

**SANTINI - PUBLIC HEARING**

1 of Marlboro Conservation Advisory  
2 Committee, and I just have a question  
3 about the ZBA's legal counsel. Will  
4 the public be hearing any notes about  
5 any advice from counsel at this meeting  
6 or at the January meeting? Do you know  
7 about that? Can you give us any advice  
8 on how that will be provided to the  
9 public?

10  
11 CHAIRMAN CONN: I don't --  
12 everything is --

13 MS. GOMEZ: I'm not sure I  
14 understand. I mean, essentially -- I  
15 am not sure I understand the question.

16 CHAIRMAN CONN: You're wanting to  
17 know what we spoke about with our  
18 attorney?

19 MS. SIMONOFISKY: No, that would be  
20 privileged.

21 CHAIRMAN CONN: Right.

22 MS. SIMONOFISKY: I'm concerned as  
23 a citizen. I know that your counsel is  
24 here provided to you by the town  
25 taxpayers at \$400 an hour plus other

**SANTINI - PUBLIC HEARING**

1  
2 legal expenses incurred, so I just want  
3 to find out how the public will be made  
4 aware of any recommendations. Will it  
5 be after the fact or will it be in time  
6 for public comment at a public hearing  
7 I guess -- does that say it better?

8 MS. GOMEZ: I mean, I guess the  
9 answer to that is I don't make  
10 recommendations on what they should or  
11 shouldn't decide. I just give them  
12 guidance on what their obligations are  
13 under the law.

14 MS. SIMONOFISKY: Okay. But will  
15 that be verbalized to the public or  
16 will that only be in private with them?  
17 I just want to know.

18 CHAIRMAN CONN: That will still  
19 fall under the attorney/client  
20 privilege, and any decision that we  
21 make will be our decision.

22 MS. SIMONOFISKY: Okay.

23 CHAIRMAN CONN: Will we reach out  
24 for advice if we need it? Absolutely.  
25 But any decisions that is made is this

1                   **SANTINI - PUBLIC HEARING**

2                   board's decisions and solely this  
3                   board's decision.

4                   MS. SIMONOFSKY: Okay. So, that  
5                   answers that question. Thank you very  
6                   much.

7                   CHAIRMAN CONN: Thank you.  
8                   Anybody else?

9                   (No audible response.)

10                  CHAIRMAN CONN: We're good. If  
11                  that is the case, we will adjourn the  
12                  public hearing for Santini and move it  
13                  to keep it open until January's  
14                  meeting.

15                  MR. NESHEIWAT: Thank you, Mr.  
16                  Chairman. I just wanted to introduce  
17                  myself. My name is Michael Nesheiwat.  
18                  I am the attorney representing Mr.  
19                  Steven Santini. As you had mentioned  
20                  earlier, there is no new information to  
21                  provide at the moment. We are hopeful  
22                  that we will have the requested  
23                  information prior to the December 29th  
24                  deadline to submit, at which point we  
25                  will then provide a more in-depth

**SANTINI - PUBLIC HEARING**

analysis at the next hearing. And  
hopefully, we will have the public  
hearing closed at that point. Thank  
you.

CHAIRMAN CONN: Thank you.

MS. LIBOLT: Thank you. Have a  
good holiday.

CHAIRMAN CONN: You too.

(Whereupon, at 6:11 P.M., the  
Hearing was adjourned.)

**SANTINI - PUBLIC HEARING**

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

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

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

That 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 15th day of December 2025.

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

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

-----X

In the Matter of

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

-----X

DATE: December 11, 2025

TIME: 6:12 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

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

-----X

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

LISA MARIE ROSSO - (845) 674-3937

1                                   **PAPULI - WORKSHOP**

2                                   CHARIMAN CONN:   Next, we have Mr.  
3                                   Papuli's application review workshop  
4                                   for side yard variance of 6 feet, 8  
5                                   inches, 100 Plattekill Road, Marlboro.  
6                                   We got the bulk table; correct?

7                                   MR. NIKOLA:    Correct.

8                                   MR. BARTOLOTTI:  Yes.

9                                   CHAIRMAN CONN:  We have anymore  
10                                  questions before we bring up what  
11                                  Hannah said?

12                                 MR. BARTOLOTTI:  Well, we need  
13                                 left and right.  Like I said, the steps  
14                                 are 25.4 off of the property line where  
15                                 you need 35.  So we're going to need a  
16                                 9.6 on the right side of the residence.  
17                                 And on the other side we have 28.6 so  
18                                 we're going to need 6.4.  And how are  
19                                 we making out with the overhang on the  
20                                 shed?

21                                 MR. PAPULI:    Yeah, I take off the  
22                                 overhang.

23                                 MR. BARTOLOTTI:  You took off the  
24                                 overhang?

25                                 MR. PAPULI:    I take off the

1                                   **PAPULI - WORKSHOP**

2                   overhang.

3                               MS. ATKINSON: I agree with the  
4                   statement about the steps. I looked up  
5                   the definition of the side yard, and  
6                   it's in the area of unoccupied and  
7                   unobstructed. So, of course, it's up  
8                   to the ZBA to make that interpretation.  
9                   But I would say that the steps intrude  
10                  on unoccupied space so the variance  
11                  should be from the steps to that  
12                  right-hand property line. So, that  
13                  puts us at two variances. And then as  
14                  to the shed, there is -- it's usually  
15                  ten feet, but I think that it depends  
16                  on the height of the accessory  
17                  building. So, I found something that  
18                  says -- this is in the code 155.16 that  
19                  says, no accessory structure ten feet  
20                  in height or less may be closer than  
21                  ten feet but then accessory structures  
22                  more than ten feet in height should be  
23                  set back an additional foot for each  
24                  additional foot in height. So, I am  
25                  guessing it's not greater than ten

1                                   **PAPULI - WORKSHOP**

2                   feet. Can you confirm how tall the  
3                   shed is?

4                   MR. PAPULI: It's eight feet.

5                   MS. ATKINSON: Eight feet in which  
6                   case ten foot, but we're still at 9.9  
7                   so technically there should be a  
8                   variance there too.

9                   MR. BARTOLOTTI: Yes.

10                  CHAIRMAN CONN: I will keep this  
11                  workshop open because what we would  
12                  like you to do is, these new amendments  
13                  to the application, these new variances  
14                  that you want, let's get them all  
15                  complete in one application so we're  
16                  not just kind of adding on and adding  
17                  on. So, we can get that to him; right?

18                  MS. ATKINSON: Yes. And to  
19                  confirm, it's 6.4, 9.6 and then .1 for  
20                  the shed.

21                  MR. BARTOLOTTI: Yes.

22                  MS. ATKINSON: And then I presume  
23                  we'll hold off on SEQRE. We can do the  
24                  variances all at once. That will be a  
25                  type two that won't change, and it

1                                   **PAPULI - WORKSHOP**

2                                   doesn't require a county referral. So,  
3                                   once we have the full application with  
4                                   those three variances, then we can set  
5                                   the public hearing.

6                                   CHAIRMAN CONN: Do you understand,  
7                                   Mr. Papuli?

8                                   MR. PAPULI: Yes.

9                                   CHAIRMAN CONN: So, see the  
10                                  building office and amend the  
11                                  application to add on these three  
12                                  variances so we have one complete  
13                                  application at the next meeting and  
14                                  then we can send it to public hearing  
15                                  once we have all of that; okay?

16                                  MR. PAPULI: Okay, that's fine.

17                                  CHAIRMAN CONN: Okay, thank you.  
18                                  See you in January.

19                                  (Whereupon, at 6:18 P.M., the  
20                                  Hearing was adjourned.)

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 18th day of December 2025.

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

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

-----X

In the Matter of

PENDINO & FERRO - WORKSHOP -  
92 Old Indian Road  
Milton, New York 12547  
SBL #103.3-1-39, 38, 100  
RAG-1 23-20

-----X

DATE: December 11, 2025

TIME: 6:18 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

ELISEO PENDINO - Applicant

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

-----X

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

LISA MARIE ROSSO - (845) 674-3937

1                   **PENDINO & FERRO - WORKSHOP**

2                   CHARIMAN CONN: Next up we have a  
3 review, a workshop for Pendino & Ferro,  
4 92 Old Indian Road, Milton, side yard  
5 variance, lot 38.100.39.

6                   MR. BARTOLOTTI: Could you explain  
7 to us what you're looking to do?

8                   MR. PENDINO: So, we are looking  
9 to expand the property on the back lot  
10 and the side lot and I guess the  
11 engineer said that the front setbacks  
12 didn't meet -- the houses are  
13 preexisting, the zoning laws, my mom's  
14 house was 1930, Mr. Ferro's house is, I  
15 believe like 1790, so that was the only  
16 thing in question was the fact that  
17 we're not meeting the setbacks on  
18 preexisting housing grandfathered -- I  
19 would think grandfathered in. But as  
20 far as what we're looking at -- I mean,  
21 as far as what we're looking to do is  
22 just simple lot change, two lot change.  
23 We're just trying to add some property.  
24                   CHAIRMAN CONN: To be clear, do  
25 you mean front and side?

1                   **PENDINO & FERRO - WORKSHOP**

2                   MR. PENDINO: No, I meet the side  
3 setback.

4                   CHAIRMAN CONN: You mean the  
5 front?

6                   MR. PENDINO: Just the front  
7 because the houses -- Ferro's house is  
8 preexisting the zoning laws that  
9 doesn't meet the setbacks, and neither  
10 does my mom and my house.

11                  CHAIRMAN CONN: Okay.

12                  MS. FLYNN: I'm showing that they  
13 talked about the side yard setback.

14                  CHAIRMAN CONN: Who?

15                  MS. FLYNN: The planning board  
16 sent him here for the side yard  
17 setback.

18                  CHAIRMAN CONN: Zoning board  
19 applications says front.

20                  MR. PENDINO: It was the front  
21 yard.

22                  MS. FLYNN: Okay.

23                  CHAIRMAN CONN: Amend that. The  
24 application that he filled out says a  
25 front yard setback.

1                   **PENDINO & FERRO - WORKSHOP**

2                   MS. ATKINSON: From the engineers,  
3 it was, I believe the front is --

4                   MR. BARTOLOTTI: Do you have a  
5 full-size copy of the map?

6                   MR. PENDINO: Yeah, I have the  
7 map. I gave the planning board -- I  
8 believe they have 12 copies of a  
9 full-size map so what they're looking  
10 for was when the engineer said it would  
11 be deficient once front yard setbacks  
12 are identified from the high boundary  
13 so we're not meeting the setbacks.

14                  MR. BARTOLOTTI: So right now this  
15 is one big lot?

16                  MR. PENDINO: Correct.

17                  MR. BARTOLOTTI: You're looking to  
18 subdivided?

19                  MR. PENDINO: Yeah, where the  
20 lines are.

21                  MR. BARTOLOTTI: Okay.

22                  MR. PENDINO: Just looking to add  
23 that little back piece that has  
24 diagonal lines.

25                  MR. BARTOLOTTI: Now, are you okay

1                   **PENDINO & FERRO - WORKSHOP**

2                   with what -- there is no dimensions on  
3                   here. Are you okay with the lot?

4                   MR. PENDINO: Am I okay with --

5                   MR. BARTOLOTTI: The lot that  
6                   you're proposing, are you going to be  
7                   okay with the width and all that of  
8                   that?

9                   MR. PENDINO: Yes, absolutely.  
10                  From the engineer's first report, it  
11                  was after we did all of the bulk table.  
12                  We did the report on this. It said  
13                  front yard setback, lot 38.100 would be  
14                  deficient, front yard setbacks from  
15                  this boundary. And also the lot 39 as  
16                  well. So, 39 too, because the houses  
17                  are closer to the road so that is why  
18                  we're not meeting the setbacks. They  
19                  preexist. I would -- I don't know how  
20                  far back the zoning laws go, but I know  
21                  my mom's house --

22                  CHAIRMAN CONN: Late '71 was  
23                  zoning.

24                  MR. PENDINO: So, my mom's was  
25                  late '30s, 1930s. And Mr. Ferro's was

1                   **PENDINO & FERRO - WORKSHOP**

2                   1790.

3                   CHAIRMAN CONN: Do you have town  
4                   water or town sewer?

5                   MR. PENDINO: Yeah.

6                   CHAIRMAN CONN: Both?

7                   MR. PENDINO: We have town water.

8                   MR. BARTOLOTTI: Do you plan on  
9                   doing town water on the proposed?

10                  MR. PENDINO: No, we're just  
11                  looking to expand the property. There  
12                  is -- all the structures are existing.

13                  MR. BARTOLOTTI: Okay.

14                  MR. PENDINO: All we're asking for  
15                  is where the diagonal lines are on the  
16                  property we're looking to expand. It  
17                  would be -- truthfully, we would be in  
18                  compliance with zoning for the RAG-1,  
19                  because we're at three quarters of an  
20                  acre now. After this expansion, we  
21                  would be at 1.38, I think. So, we  
22                  would be compliant with the zoning  
23                  property three quarters of an acre.

24                  MR. BARTOLOTTI: You're not  
25                  looking to subdivide?

1                   **PENDINO & FERRO - WORKSHOP**

2                   MR. PENDINO:   No.

3                   MR. BARTOLOTTI:   This is -- you're  
4                   adding two?

5                   MR. PENDINO:   We're looking to add  
6                   this little piece of property.   It's  
7                   like right behind our lot, and the way  
8                   that it goes from Mr. Ferro's, it's  
9                   just behind us so we're just looking to  
10                  purchase that piece behind us, and that  
11                  is the crest of the hill so it looks  
12                  like our property, but it really isn't  
13                  our property.   It's just kind of to  
14                  make it more aesthetic from our  
15                  property.

16                  MR. NIKOLA:   You already purchased  
17                  this from Mr. Ferro?

18                  MR. PENDINO:   Just waiting on the  
19                  approvals from zoning and planning  
20                  board, but we're all in, you know, it's  
21                  a handshake deal.

22                  MS. ATKINSON:   So, it looks like  
23                  this has already been before the  
24                  planning board and thank God for Jen  
25                  for having the minutes.   I was not

**PENDINO & FERRO - WORKSHOP**

1  
2 aware this was on the agenda for this  
3 evening, but SEQRE has been done on  
4 this. The procedure normally is that  
5 the first board to get it does SEQRE  
6 for the whole project, which would  
7 include whatever comes before the  
8 planning board, and whatever comes  
9 before ZBA. So, this has been declared  
10 a type two action to include the lot  
11 line adjustment at the planning board  
12 and these variances. So, no SEQRE will  
13 need to be performed by the board. But  
14 depending on how close they are to --  
15 as far as the GML 239 referrals, there  
16 still, front yard setbacks are subject  
17 to referral if they're within that  
18 500-feet distance.

19 CHAIRMAN CONN: You're just  
20 looking to incorporate that land and  
21 make it one large rectangular lot?

22 MR. PENDINO: Correct. That is  
23 what we are pretty much trying. So,  
24 the property, it's at the crest of the  
25 hill, and it's actually Mr. Ferro's

1                   **PENDINO & FERRO - WORKSHOP**

2                   property so we're just looking to make  
3                   it, as you said, rectangular, which is  
4                   pretty much rectangular, that was  
5                   pretty much all we wanted to do.

6                   CHAIRMAN CONN: But you can't do  
7                   that because the existing lot is  
8                   nonconforming with the front yard  
9                   variance that you need?

10                  MR. PENDINO: Correct. Well,  
11                  that's what they're asking for -- I  
12                  think they said meets the requirements.

13                  MR. NIKOLA: On the front yard.

14                  MR. PENDINO: We're not building  
15                  anything. Nothing is being built.

16                  MR. NIKOLA: You're just trying to  
17                  make it clean.

18                  MR. PENDINO: We're just trying to  
19                  add that hill in the back yard.

20                  CHAIRMAN CONN: Do you know what  
21                  the acreage is?

22                  MR. PENDINO: Mr. Ferro's is 2.64,  
23                  I believe, almost three acres.

24                  MR. CRACOLICI: What are you  
25                  getting off of that?

1                   **PENDINO & FERRO - WORKSHOP**

2                   MR. PENDINO:   So, I believe it's  
3                   like 24.

4                   MR. NIKOLA:   I put my glasses  
5                   close to the paper.   It's -- 2.485 is  
6                   the old area, and the proposed area is  
7                   1.948.

8                   MR. PENDINO:   We're at three  
9                   quarters with our lot.   But the good  
10                  thing about it is that I know it's in  
11                  compliance with lot 38.11, so I'm  
12                  actually doing the right thing by  
13                  purchasing the property.

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

16                  MS. ATKINSON:   So, before the  
17                  planning board, I believe the Applicant  
18                  had been -- had signed as agent for  
19                  both himself and Mr. Ferro so that is  
20                  fine, and that is the instance in this  
21                  case, then he can -- is that within the  
22                  packet, the submission?

23                  MR. NIKOLA:   It says he's  
24                  requesting front yard variance on two  
25                  lots.

1                   **PENDINO & FERRO - WORKSHOP**

2                   MS. ATKINSON: For Pendino &  
3                   Ferro.

4                   MR. NIKOLA: Correct.

5                   MS. ATKINSON: There should be a  
6                   separate document in there that says --

7                   MS. FLYNN: We don't have that;  
8                   the affidavit?

9                   MR. PENDINO: He did sign a notary  
10                  that I was acting as an applicant.

11                  MS. ATKINSON: The agent. In that  
12                  case, then that is fine, and he can  
13                  apply for both of those front yard  
14                  variances. And the reason why that  
15                  needs to happen now is because there is  
16                  a change. It could exist as a  
17                  nonconforming -- preexisting  
18                  nonconforming except that matters now  
19                  the lot line change is being made,  
20                  because of that change, it brings up  
21                  all of these things that need approvals  
22                  again. Is this on a county road or a  
23                  state road?

24                  CHAIRMAN CONN: Town road.

25                  MS. ATKINSON: Okay. And it's not

1                   **PENDINO & FERRO - WORKSHOP**

2                   within 500 feet of the boundary of the  
3                   town?

4                   CHAIRMAN CONN:   No.

5                   MR. NIKOLA:    No.

6                   MR. PENDINO:    No.

7                   MS. ATKINSON:   Okay, then we  
8                   probably don't need county referral.

9                   MR. BARTOLOTTI:   I can't make out  
10                  the distance we're looking for.

11                  MR. NIKOLA:   Well, that would be  
12                  in the bulk table screenshot.   So, it  
13                  looks -- again, this is the bulk table.

14                  MR. BARTOLOTTI:   So, 36.9 on  
15                  parcel 103.3-1-39.   And we're going to  
16                  need 44 feet on parcel 103.3-1-38.100.

17                  MS. FLYNN:   Which is 44 feet?

18                  CHAIRMAN CONN:   Yes.

19                  MR. BARTOLOTTI:   Yes.

20                  MS. FLYNN:   Both front yard, okay,  
21                  thank you.

22                  MR. BARTOLOTTI:   Front yard  
23                  setbacks on both of them.

24                  CHAIRMAN CONN:   Are we good to go  
25                  to public hearing?   For a matter of

1                   **PENDINO & FERRO - WORKSHOP**

2                   record, Andrew will read the variance.

3                   MR. NIKOLA: I will make a motion  
4                   to move the Pendino & Ferro property  
5                   located at 92 Old Indian Road, Milton,  
6                   will need a variance on lot 103.3-1-39,  
7                   front yard variance of 36.9 feet, on  
8                   lot 103.3-1-38.100 will need a front  
9                   yard variance of 44 feet, and I'll make  
10                  a motion to move this matter to public  
11                  hearing.

12                 CHAIRMAN CONN: Second?

13                 MR. BARTOLOTTI: Second.

14                 CHAIRMAN CONN: All in favor?

15                 MR. CRACOLICI: Aye.

16                 MR. BARTOLOTTI: Aye.

17                 MR. NIKOLA: Aye.

18                 CHAIRMAN CONN: Aye. Any more  
19                  questions?

20                 MR. NIKOLA: No.

21                 MR. CRACOLICI: No.

22                 MR. BARTOLOTTI: I'm good.

23                 CHAIRMAN CONN: We're good, so  
24                  make a motion to close.

25                 MR. BARTOLOTTI: Make a motion to

1                   **PENDINO & FERRO - WORKSHOP**

2                   close the workshop and adjourn.

3                   CHAIRMAN CONN:   And a second?

4                   MR. NIKOLA:    Second.

5                   CHAIRMAN CONN:   All in favor?

6                   MR. CRACOLICI:   Aye.

7                   MR. BARTOLOTTI:   Aye.

8                   MR. NIKOLA:    Aye.

9                   CHAIRMAN CONN:   Aye.

10                  (Whereupon, at 6:38 P.M., the  
11                  Hearing was adjourned.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**PENDINO & FERRO - 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 18th day of December 2025.

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