

1

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

-----X

4 In the Matter of

5 SANTINI RESIDENCE - CONTINUATION OF PUBLIC  
6 HEARING -

7 Appeal of Interpretation  
8 229 Mt. Zion Road  
9 Marlboro, New York 12542  
10 SBL #102 3.2-15.300  
11 RAG-1 23-18

-----X

12 DATE: December 11, 2025

13 TIME: 6:00 P.M.

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

18 BOARD MEMBERS:

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

24 ALSO PRESENT:

25 JEN FLYNN, Zoning Board  
Secretary

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

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

31

32 -----X  
33 LISA MARIE ROSSO  
34 140 Mahoney Road  
35 Milton, New York 12547  
36 (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

1 SANTINI - PUBLIC HEARING

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

5 First up, we have the continuation  
6 of the public hearing for the Santini  
7 residence appeal of interpretation,  
8 155.41.1. A note for everybody, we are  
9 waiting for further documentation from  
10 the Applicant that we requested at the  
11 last meeting. They are still waiting  
12 on that to receive it to be able to  
13 give it to us. We are going to keep  
14 the public hearing open, at least until  
15 January's meeting, one more meeting.  
16 So, there is no new documentation;  
17 there is no new information that the  
18 Applicant has. If anyone has anything  
19 to say, maybe you want to wait until we  
20 have those documents and information  
21 and comment in January. If anyone  
22 wishes to, the public hearing is open.  
23 I just wanted to say there is really  
24 nothing new to discuss.

25 AUDIENCE: Can I just ask a

1 SANTINI - PUBLIC HEARING

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

13 CHAIRMAN CONN: You can do that?

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

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

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

22 MS. FLYNN: It's the last Thursday  
23 of the month, but this one is  
24 January -- I mean, February 29th  
25 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.

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

2 the last public hearing. The first, I  
3 would like to enter into the record the  
4 Town Engineer's Technical Review  
5 comments of October 2nd, 2023. These  
6 are from the initial sketch review of  
7 the Santini subdivision. These  
8 comments were for the planning board  
9 discussion and were made available to  
10 the Applicants. It is noted in item  
11 six that the proposed house location is  
12 contrary to the Ridgeline and Steep  
13 Protection Ordinance. Section 155-41F5  
14 states the development should be sited  
15 behind or below visual barriers such as  
16 trees, ridgelines, and other  
17 topographic features. The height and  
18 location of the development shall not  
19 alter views of and from the natural  
20 ridgeline. The house location is  
21 located at the high point of the  
22 property currently. Thus, Mr. Santini  
23 was made aware that the proposed site  
24 for the house did not meet the  
25 engineer's criteria for approval under



1 SANTINI - PUBLIC HEARING

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.

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. SIMONOF SKY: No, that would be  
20 privileged.

21 CHAIRMAN CONN: Right.

22 MS. SIMONOFSKY: 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

1 SANTINI - PUBLIC HEARING

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. SIMONOFSKY: 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. SIMONOF SKY: 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

1                   **SANTINI - PUBLIC HEARING**

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

6                   CHAIRMAN CONN: Thank you.

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

9                   CHAIRMAN CONN: You too.

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

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1 SANTINI - PUBLIC HEARING

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

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4 STATE OF NEW YORK )  
5 COUNTY OF ULMSTER ) : SS.:

6

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

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

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

18 IN WITNESS WHEREOF, I have hereunto set  
19 my hand this 15th day of December 2025.

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Mr. ROSSO

LISA M. ROSSO

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

-----X

4 In the Matter of

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

-----X

10 DATE: December 11, 2025

11 TIME: 6:12 P.M.

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

16 BOARD MEMBERS:

17 LENNY CONN, Chairman  
18 JEFF MEKEEL, Absent  
19 ANDREW NIKOLA  
20 LARRY BARTOLOTTI  
21 NICK CRACOLICI

22 ALSO PRESENT:

23 JEN FLYNN, Zoning Board Secretary

24 LUFTIM PAPULI - Applicant

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

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28

-----X

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

33 LISA MARIE ROSSO - (845) 674-3937

1 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, and6                   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 that12                   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 depends16                   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.)

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1                           **PAPULI - WORKSHOP**2                           **C E R T I F I C A T E**

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

6

7                   I, LISA M. ROSSO, a Notary Public for  
8                   and within the State of New York, do hereby  
9                   certify:10                  That the witness whose examination is  
11                  hereinbefore set forth was duly sworn and  
12                  that such examination is a true record of  
13                  the testimony given by that witness.14                  I further certify that I am not related  
15                  to any of the parties to this action by  
16                  blood or by marriage and that I am in no way  
17                  interested in the outcome of this matter.18                  IN WITNESS WHEREOF, I have hereunto set  
19                  my hand this 18th day of December 2025.

20

21



22

LISA M. ROSSO

23

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25

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

4 In the Matter of

5 PENDINO & FERRO - WORKSHOP -  
6 92 Old Indian Road  
7 Milton, New York 12547  
8 SBL #103.3-1-39, 38, 100  
9 RAG-1 23-20  
-----X

10 DATE: December 11, 2025  
11  
12 TIME: 6:18 P.M.  
13 PLACE: Town of Marlborough  
14 Town Hall  
15 21 Milton Turnpike  
16 Milton, New York 12547

17 BOARD MEMBERS:

18 LENNY CONN, Chairman  
19 JEFF MEKEEL, Absent  
20 ANDREW NIKOLA  
21 LARRY BARTOLOTTI  
22 NICK CRACOLICI  
23

24 ALSO PRESENT:

25 JEN FLYNN, Zoning Board Secretary

ELISEO PENDINO - Applicant

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

-----X  
23 LISA MARIE ROSSO  
24 140 Mahoney Road  
25 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

1                   **PENDINO & FERRO - WORKSHOP**

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.)

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1                   **PENDINO & FERRO - WORKSHOP**2                   **C E R T I F I C A T E**

3

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

6

7                   I, LISA M. ROSSO, a Notary Public for  
8                   and within the State of New York, do hereby  
9                   certify:10                  That the witness whose examination is  
11                  hereinbefore set forth was duly sworn and  
12                  that such examination is a true record of  
13                  the testimony given by that witness.14                  I further certify that I am not related  
15                  to any of the parties to this action by  
16                  blood or by marriage and that I am in no way  
17                  interested in the outcome of this matter.18                  IN WITNESS WHEREOF, I have hereunto set  
19                  my hand this 18th day of December 2025.

20

21



22

LISA M. ROSSO

23

24

25