
**STENGER, GLASS, HAGSTROM,
LINDARS & IUELE LLP**

August 18, 2025

Kenneth M. Stenger
Jessica J. Glass
Karen E. Hagstrom
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A.J. Iuele
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partner emeritus

Lenny Conn, Chairman
and Members of the Zoning Board of Appeals
21 Milton Turnpike
Milton, NY 12547

***Re: Appeal of Building Inspector's Determination Regarding Use of 20-38
and 40 Mount Rose Road for Weddings and Events***

Dear Chairman Conn and Members of the Zoning Board of Appeals:

Mary Kate Ephraim
Jad B. Haddad
Daniel J. Ravo

This office represents Adam Broza, Danielle Broza, Bellflower Group LLC, and Someplace Upstate LLC, owners of the property located at 20-38 and 40 Mount Rose Road (the "Subject Property"). We submit this appeal challenging the Building Inspector's determinations dated July 29, 2025, regarding the use of the Subject Property for occasional weddings and events.

OF COUNSEL
Joan F. Garrett
Kyle A. Steller
Mary E. Tokarz
Mariel D. Gil

Specifically, we challenge the following determinations: (1) that the proposed use is not an accessory use, (2) that the use constitutes a Resort Hotel, and (3) that site plan approval is required.

PARALEGALS
Jillian Medina
Sandra Oakley
Jennifer Arno
Carla Salvatore
Michelyn Montesione

The Building Inspector's determination that hosting occasional weddings is not an accessory use is in direct contravention to the plain language of the zoning code. The Town Code defines "Accessory Use" as a use "subordinate to" and "customarily incidental to" the principal use of a property. The Brozas' proposal to host up to four weddings per year is consistent with this definition.

The Subject Property is a working family farm, a principal permitted use in the R-1 Zone under §155-12(2)(e). The Brozas cultivate crops, raise livestock, and board horses, all of which meet the definition of "Agriculture" under §155-1. Occasional weddings supplement the farm's income and are consistent with the local custom of agricultural properties hosting events.

**CLOSING
COORDINATORS**
Maria L. Jones
Sandra A. De Groot

LAW CLERK
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professional security, compliance with sound codes, and limited hours, ensure minimal impact on neighbors, further supporting the accessory nature of the use.

Furthermore, the Building Inspector's determination that the proposed use constitutes a "Resort Hotel" under Town Code §155-12(B)(4)(k) is wholly improper. A Resort Hotel requires living accommodations for 20 or more persons, a public lobby, dining rooms, and recreational facilities. The Subject Property does not meet these criteria. The Brozas reside on the property full-time, operate it as a family farm, and do not provide public dining or recreational facilities. Occasional weddings do not transform the property into a commercial venue, nor do they meet the definition of a Resort Hotel.

Finally, for the reasons stated above, the Building Inspector's determination that site plan approval is required because the proposed use is not permitted is erroneous.

We respectfully request that the Zoning Board of Appeals overturn the Building Inspector's determinations and find that:

1. Hosting occasional weddings is a lawful accessory use under Town Code §155-12;
2. The proposed use does not constitute a Resort Hotel; and
3. Site plan approval is not required for the proposed use.

Thank you for your attention to this matter. We are available to meet with the Board to discuss this appeal further.

Very truly yours,

STENGER, GLASS, HAGSTROM, LINDARS & IUELE, LLP



KENNETH M. STENGER, ESQ.

kstenger@stengerglass.com

KMS/klg

cc: Kyle Barnett, Esq.
 Someplace Upstate LLC

TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, P.O. BOX 305
MILTON, NEW YORK 12547
PHONE: 845-795-6167 EXT. 118 / FAX: 845-795-2031

ZONING BOARD APPLICATION

THOMAS CORCORAN JR.
BUILDING INSPECTOR
CODE ENFORCEMENT

DATE August 18, 2025

NAME Adam and Danielle Broza

ADDRESS 20 Mount Rose Road

Marlborough, NY 12542

TELEPHONE (617) 487-9758 **EMAIL** abroza@gmail.com

REQUEST (DESCRIBE IN DETAIL) Applicants request that the Zoning Board of Appeals review and overturn the determination made by the Building Inspector on July 29, 2025, concerning the use of property located at 20-38 and 40 Mount Rose Road (see attached cover letter with accompanying exhibits).

FOR OFFICE USE ONLY

DENIED _____ DATE _____

APPROVED _____ DATE _____

ZONING BOARD OF APPEALS _____

PROCEDURE FOR APPLICANTS TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

APPLICATION FEES: COMMERCIAL \$300.00
RESIDENTIAL \$300.00

ESCROW FEES: \$700.00

(LEGAL NOTICE FEE, TRANSCRIBER FEES & ATTORNEY FEES TO BE TAKEN OUT OF ESCROW FEE)

***PLEASE ISSUE TWO SEPARATE CHECKS FOR APPLICATION AND ESCROW FEES**

1. APPLICATION MADE TO BUILDING INSPECTOR FOR BUILDING PERMIT.
2. IF APPLICATION IS DENIED BY THE BUILDING INSPECTOR, APPLICATION MAY BE MADE TO THE ZONING BOARD.
3. ZONING BOARD OF APPEALS WILL REVIEW APPLICATION AT THEIR NEXT SCHEDULED HEARING IF ALL DOCUMENTATION HAS BEEN SUBMITTED TO THE SECRETARY BY THE DESIGNATED DEADLINE.
4. ZONING BOARD OF APPEALS WILL EITHER:
 - A. APPROVE APPLICATION SUBMITTED
 - B. REQUIRE FURTHER SUBMISSIONS
 - C. DISAPPROVE SUBMITTED APPLICATION
 - D. REQUEST A SITE PLAN FROM THE PLANNING BOARD AND/OR A REFERRAL FROM THE ULSTER COUNTY PLANNING BOARD
5. IF A SITE PLAN REVIEW IS REQUESTED BY THE ZONING BOARD OF APPEALS, SAID APPLICATION WILL BE PLACED ON THE NEXT AVAILABLE AGENDA OF THE PLANNING BOARD.
6. THE PLANNING BOARD WILL REFER THEIR FINDING OF THE SITE PLAN REVIEW TO THE ZONING BOARD. IF ENGINEERING REVIEW IS REQUIRED THE APPLICANT WILL BE LIABLE FOR THOSE CHARGES.
7. LEGAL NOTICES MUST BE SENT TO ALL PROPERTY OWNERS WITHIN 500 FEET OF THE QUESTIONED PROPERTY. THE ZONING BOARD WILL ADVISE THE APPLICANT WHEN THIS MUST BE DONE.

SIGNATURE

DATE

8/18/2025

APPLICATION TO THE ZONING BOARD OF APPEALS
TOWN OF MARLBOROUGH, NEW YORK

APPLICANT Adam and Danielle Broza PHONE # (617) 487-9758
ADDRESS 20 Mount Rose Road, Marlborough, NY ZIP 12542
LOCATION OF PROPERTY 20-38 and 40 Mount Rose Road
ZONING DISTRICT R-1 SECTION 109.1 BLOCK 4 LOT 57 & 58
APPLICANT IS: OWNER Yes TENANT _____ OTHER _____
ATTORNEY (IF REQUIRED) Kenneth M. Stenger
ADDRESS 1136 Rte 9 Ste 2, Wappingers Falls, NY 12590 PHONE # (845) 298-2000

CHECKLIST OF REQUIREMENTS

1. COPY OF THIS COMPLETED APPLICATION WITH REQUIRED FEE MADE PAYABLE TO THE TOWN OF MARLBOROUGH.
2. SIX (6) COPIES OF PLOT PLAN SHOWING SETBACKS OF PROPOSED VARIANCE AND ALL OTHER STRUCTURES LOCATED ON THE PROPERTY, ALSO EXISTING WELL AND SEPTIC.
3. ANY OTHER DETAILS AND EXHIBITS (PHOTOGRAPHS) DEEMED NECESSARY APPLICABLE TO THIS PROPOSAL.
4. COPY OF DEED AND TAX BILL OF PROPERTY REQUIRING VARIANCE.
5. LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTIES WITHIN 500 FEET OF THE PROPERTY FROM "ALL" EXTERIOR BOUNDARIES.
ALL PROPERTY OWNERS MUST BE NOTIFIED BY CERTIFIED MAIL WITH RETURN RECEIPT 10 DAYS PRIOR TO THE PUBLIC HEARING.
6. COPY OF BUILDING PERMIT SHOWING PROPOSAL AND REASON FOR DENIAL IF DENIED.

APPLICATIONS WILL NOT BE ACCEPTED UNLESS ACCOMPANIED BY ALL OF THE NECESSARY DOCUMENTATION.

PLEASE ANSWER ALL QUESTIONS #1-12

1. THE UNDERSIGNED HEREBY APPEALS TO THE ZONING BOARD OF APPEALS OF THE TOWN OF MARLBOROUGH.

Yes. FROM AN ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING INSPECTOR
N/A FROM A DECISION BY THE PLANNING BOARD OF THE TOWN OF MARLBOROUGH
N/A OTHER N/A

2. WHAT IS THE APPROXIMATE ACREAGE OF THE PROPERTY INVOLVED? 14.02

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES?

4. DOES THE EXISTING BUILDING HAVE A CERTIFICATE OF OCCUPANCY? N/A

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? N/A

6. HAS IMPROVEMENT, ADDITION, OR CONSTRUCTION BEEN STARTED? N/A

7. WILL PREMISES BE OWNER OCCUPIED? N/A

8. WAS A PREVIOUS APPEAL OR VARIANCE APPLICATION BEEN MADE WITH RESPECT TO THIS PROPERTY? NO IF SO, WHEN N/A

9. IS THE LAND OR BUILDING WITHIN 500 FEET OF:

N/A BOUNDARY OF ANY CITY, TOWN OR VILLAGE?

N/A BOUNDARY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARK OR OTHER RECREATION AREA?

N/A RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARKWAY, THRUWAY, EXPRESSWAY, ROAD OR HIGHWAY?

N/A RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STREAM OR DRAINAGE CHANNEL OWNED BY THE COUNTY OR FOR WHICH THE COUNTY HAS ESTABLISHED CHANNEL LINES?

10. TYPE OF ACTION SOUGHT:

Yes. AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP
 N/A A VARIANCE TO THE ZONING ORDINANCE

11. NATURE OF REQUEST:

TOWN CODE SECTION: 155-1; 155-12; 155-18 **TITLE:** Definition of "Accessory Use or Structure" and "Resort Hotel"; "Use Regulations"; "Amusement, recreation and vacation uses"

12. REASON YOU ARE PETITIONING THE ZONING BOARD OF APPEALS. (IF SEEKING A VARIANCE INDICATE HARSHSHIP YOU WILL SUFFER IF THE VARIANCE IS NOT GRANTED).

see attached cover letter.

STATE OF NEW YORK
COUNTY OF Ulster

SWORN TO ME THIS 18th DAY OF August 2025

Lindsay A. Jankovitz
NOTARY PUBLIC SIGNATURE

Lindsay A Jankovitz
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01JA6368902
Qualified in Ulster County
Commission Expires December 26, 2025

SIGNATURE

THE TOWN OF MARLBOROUGH MUNICIPAL CODE SETS FORTH THE SCHEDULE OF FEES FOR APPLICATIONS TO THE ZONING BOARD. THE SIGNING OF THIS APPLICATION INDICATES YOUR ACKNOWLEDGMENT OF RESPONSIBILITY FOR PAYMENT OF THESE FEES TO THE ZONING BOARD FOR REVIEW OF THIS APPLICATION, INCLUDING BUT NOT LIMITED TO FEES FOR PROFESSIONAL SERVICES (ATTORNEY'S, ENGINEER, LEGAL NOTICE AND TRANSCRIBER FEES).

APPLICANT SUBMISSIONS AND RE-SUBMISSIONS WHICH ARE NOT COMPLETE WILL NOT BE CONSIDERED BY THE ZONING BOARD OR PLACED ON ITS AGENDA UNTIL ALL OUTSTANDING FEES HAVE BEEN PAID.

APPLICATION FEES: COMMERCIAL \$300.00
RESIDENTIAL \$300.00

ESCROW FEES: \$700.00

*ANY PORTION OF THE ESCROW FEE DEPOSIT NOT EXPENDED DURING THE REVIEW OF SUCH APPLICATION SHALL BE RETURNED TO THE APPLICANT UPON FINAL ACTION BY THE TOWN OF MARLBOROUGH.

*ANY AND ALL FEES OUTSTANDING FROM THE ESCROW FEE DEPOSIT IS THE RESPONSIBILITY OF THE APPLICANT TO MAKE IMMEDIATE PAYMENT OF THE AMOUNT DUE TO THE TOWN OF MARLBOROUGH (AN INVOICE WITH BALANCE DUE WILL BE MAILED TO THE APPLICANT).

Adam Broza

APPLICANTS NAME (PRINT)



APPLICANT'S SIGNATURE

August 18, 2025

DATE