

Town of Marlborough Planning Board
Simple Two-Lot Lot Line Change Application

Application # 25-1009

Under this application there can be no change in buildings, access, and no variance for any dimension requirement. The Planning Board has the right to determine the application requires a site plan approval.

Please refer to the Town of Marlborough Town Code Section 155-31 <https://www.ecode360.com/8667578#8667578> to review all relevant local legislation with regards to Site Plan Review.

Failure to accurately complete this application in its entirety may result in delays and additional review costs.

Date of Initial Submission and Latest Revision	10/20/2025
Name of Project	PENDING & FERRO
Addresses of Project	92 OLD INDIAN RD. MILTON NY 80 OLD INDIAN RD, MILTON NY
Tax Section, Block, and Lot Numbers	SECTION 103.3 BLOCK 1 LOT 39
Zoning District(s)	This application is only valid for R-1 ____ and R-AG-1 ☒ zones Indicate which
Number of Acres each lot	0.7864 / 2.94
Proposed number of acres for each lot	

Reason For Application:

EXTEND REAR & RIGHT SIDE PROPERTY LINES
AT 92 OLD INDIAN RD, MILTON NEW YORK 12547

Description of Proposal 155-31 E (3) (a):

ADD 0.541 ACRE TO EXISTING PROPERTY
AT 92 OLD INDIAN RD MILTON NY TO
PROPOSED TOTAL AREA 1.328 ACRES

Requested waivers based on this being a simple two-lot lot line change Item 26 to 50, others noted above.

CONTACT INFORMATION	
Name of Property Owner	ANNA & ELISEO PENDINO
Address of Property Owner	92 OLD INDIAN RD, MILTON NY
Telephone Number of Property Owner:	845-559-8409
Email of Property Owner	EJPENDINO@GMAIL.COM
Name of Applicant	ELISEO PENDINO
Address of Applicant	92 OLD INDIAN RD, MILTON NY
Telephone Number of Applicant	845-559-8409
Email Address of Applicant	EJPENDINO@GMAIL.COM
Name of Surveyor	CARNEY RHINEVAULT
Address of Surveyor	6 MAIN ST. HYDE PARK, NY 12538
Telephone Number of Surveyor	845-229-8225
Email Address of Surveyor	CARNEYTATIANA@YAHOO.COM
Name of Engineer	
Address of Engineer	
Telephone Number of Engineer	
Email Address of Engineer	
Name of Attorney	
Address of Attorney	
Telephone Number of Attorney	
Email Address of Attorney	
Name & Profession of Other Involved Personnel	
Address of Other Involved Personnel	
Telephone Number of Other Involved Personnel	
Email of Other Involved Personnel	

Town of Marlborough Planning Board

Simple Two-Lot Lot Line Change Application

The following items shall be submitted for a Planning Board Simple Two-Lot Line Change Application to be considered complete.

Simple Two-Lot Line Change plans and Checklist shall be prepared by a licensed professional engineer, architect, land surveyor or landscape architect. Additional Town Codes apply to all Simple Two-Lot Line Change plans.

Please check each required item. Y for yes provided, N for not provided, or RW for Request Waiver. **Provide a written explanation for any requested waivers from the checklist.**

After final approval is given by the Planning Board, the Building Department should be contacted for further guidance.

Y/N/RW	Required Items To Be Submitted
1 Y	Complete application with below information and twelve (12) copies of this completed application, all maps, plans, reports, and a PDF file of all documentation submitted. Plan sets must be submitted in collated packages. (155 E, 155-31 E (5)). Plans SHALL be prepared by licensed professional (155-31 E) and shall refer to specific data sources. (See section 75-6 B. (6) regarding plan stamp requirements of licensed professional.
2 Y	Completed Simple Two-Lot Lot Line Change Application form (Pages 1 and 2) 155-31 E (1).
3 Y	Simple Two-Lot Lot Line Change Application Checklist Complete (Automatic application rejection without checklist) pages 3 to 6.
4 Y	Ethics code Town of Marlborough Disclosure of Interest (where applicable) Pages 8-10
5 Y	Application Fee Paid (Separate check from Escrow Fee) see page 11.
6 Y	Initial Escrow Fee Paid (Separate check from Application Fee) see page 11, also 155-31 J.
7 Y	Disclaimer Forms Provided See Page 12.
8 N/A	Letter of Agent Statement Page 13.
9 Y	A location map, at a scale of 2,000 feet to the inch or larger, showing the applicant's entire property and all easements and streets and existing structures within 500 feet of the applicant's property as well as the Tax Map and section on of USGS (United States Geological Survey) mapping. 155-31 E (2).
10 Y	Project Narrative. Complete Brief document 155-31 E (3) (a) A description of proposed project (bottom of page 1 of Simple Two-Lot Lot Line Change Application) (c) An analysis of how the project complies with the requirements contained within this Chapter 15 5, Zoning, is included. (d) Any waivers or variances needed have been identified. 155-31 F Waivers shall be discussed in the briefing document to be submitted by the applicant.
11 Y	Title of the drawing, including the name and address of the owner of record, applicant, and licensed professional(s) responsible for the preparation of such drawing, including seal and signature. 155-31 E(4)(a).

12	Y	Map of the site includes North arrow, scale, and date. 155-31 E (4) (b).
13	Y	Map of the site depicts boundaries of the property with surveyed dimensions. 155-31 E (4) (c).
14	Y	Map of the site depicts acreage of each distinct existing and proposed land use on the applicant's property, and the proposed density of each if residential uses are proposed. 155-31 E (4) (f).
15	Y	Map of the site depicts location, proposed use, and setback measurements of all existing and proposed buildings, structures and signs on the applicant's property, 155-31 E (4) (j).
16	Y	Map of the site depicts the locations of all existing and proposed water supply system. 155-31 E (4) (p) [1].
17	Y	Map of the site depicts the locations, of all existing and proposed sewage disposal system. 155-31 E (4) (p) [2].
18	N/A	A copy of the deed to the property as most recently filed and/or a copy of the executed contract of sale is included 155-31 E (4) (aa) [1].
19	N/A	A copy of each covenant, easement or deed restriction in effect or intended to cover all or part of the tract is included 155-31 E (4) (aa) [2].
20	N/A	Identification, and submittal when available, of all necessary permits from federal, state, county or local agencies, approvals required from said agencies for the project's execution, and proof of special permit and/or variance approvals, if applicable, are included 155-31 E (4) (aa) [4].
21	N/A	Agricultural Data Statement (If applicable). See also 155-52 Setbacks and buffers from active agricultural lands.
22	N	Inventory and quantity of hazardous materials anticipated for on-site storage and/or use, if applicable, are provided. 155-31 E (4) (v).
23	N	Plans for the disposal of construction and demolition, waste, whether on-site or at a New York State approved solid waste management facility are indicated. 155-31 E (4) (w).
24	N	A park or open space is being provided see 155-31 E (4) (x).
25	N	For projects involving more than one phase, a site plan showing each phase of the project is included. 155-31 E (4) (y)
26	RW on item (b)	Project Narrative. Complete Brief document 155-31 E (3) (b) A description of whether the site design includes the possibility for interconnections with adjoining sites and, if no such interconnection is provided, a thorough narrative as to why an interconnection is not feasible.
27	RW	Public hearing and legal notice page 7
28	RW	Names of all owners of record adjacent to the applicant's property are indicated. 155-31 E (4) (d).
29	RW	Existing school district (if applicable), zoning district, and overlay district boundaries (if applicable), within 500 feet of the site's perimeter is indicated. 155-31 E (4)(e).
30	RW	Grading and drainage plan showing existing and proposed contours with intervals of two feet extending 50 feet beyond the tract. If any portion of the parcel is within a one-hundred-year floodplain as determined by the Federal Emergency Management Agency (FEMA), the area will be shown and base flood elevations given. 155-31 E (4) (g).

31 RW	Map of the site depicts location and boundaries of all existing natural land features on the property, including rock outcrops, isolated trees 12 inches or more in diameter at breast height (dbh) and all trees over 24 inches in dbh (whether isolated or in a forested area), existing vegetative and forest cover, orchards, hedgerows and other ornamental landscaping, stone walls, soil types and boundaries, active farmlands, visually prominent agricultural landscape features, such as fields, pastures, and meadows on knolls and hilltops, woodlands along roadways, property lines, and streams, steep slopes in excess of 15%, and water sources. Water sources include ponds, lakes, wetlands and watercourses, primary aquifers and primary aquifer recharge areas, floodplains, and drainage retention/detention areas. The plan shall show locally significant trees which include rare or unusual species, trees associated with historic events or persons, or trees that significantly contribute to a unique scenic viewshed. 155 E (4) (h).
32 RW	Location of all existing buildings, structures, signs, and agricultural lands, on adjacent property within 100 feet of the subject lot lines is shown. 155-31 E (4) (i).
33 RW	Map of the site depicts location, proposed use, and height, of all existing and proposed buildings, structures and signs on the applicant's property, including floor plans, and plans for exterior elevations, at a scale of 1/4 inch equals one foot, showing the structure's mass and architectural features, and indicating the type and color of materials to be used. A table indicating square footage of building areas to be used for a particular use, such as retail operation, office use, warehousing, or other commercial activity; maximum number of employees; maximum seating capacity, where applicable; and number of parking spaces existing and required for the intended use. 155-31 E (4) (j).
34 RW	Traffic flow patterns within the site, entrances and exits, the location of potential interconnections between the project site and adjoining sites, truck/commercial vehicle loading and service areas, curb cuts on the site and within 100 feet of the site, and all streets which are either proposed, mapped or built are indicated. 155-31 E (4) (k). The Town requires right-of-way of 25 feet from the center line of Town roads along the property frontage. See also 155-31 G (8).
35 RW	Any cross-access easements, walkways, and bicycle path opportunities associated with the project are indicated. 155-31 E (4) (l).
36 RW	The location, design (including size of spaces, and accessible parking information) and construction materials of all off-street parking areas (open and enclosed, if any), including the number of parking spaces required and to be provided is indicated. 155-31 E (4) (m) and 155-31 G (9) (c) Off-street parking spaces are the minimum size. See 155-27 A (1) (a).
37 RW	The location, design and construction materials of all present and proposed walkways, bicycle paths and bicycle parking, benches, ramps, outdoor storage or display areas, retaining and/or landscaping walls and fences is indicated. 155-31 E (4) (n).
38 RW	A general and conceptual landscape plan showing proposed changes to existing natural land features. Trees to be saved shall be noted on site plans, and appropriate measures shall be outlined to protect the tree stock from damage during construction. 155-31 E (4) (o). Native species are encouraged. 155-31 G (17) (b).
39 RW	Map of the site depicts the design and construction materials of all existing and proposed water supply system. 155-31 E (4) (p) [1].
40 RW	Map of the site depicts the design and construction materials of all existing and proposed sewage disposal system. 155-31 E (4) (p) [2].

41 RW	Map of the site depicts the location, design and construction materials of all existing and proposed telephone, cable and energy systems, including electric, oil, gas, solar, or other energy systems. 155-31 E (4) (p) [3].
42 RW	Map of the site depicts the location, design and construction materials of all existing and proposed storm drainage system, including but not limited to existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales. 155-31 E (4) (p) [4] Identify a distance off site to show drainage structures or a natural discharge location.
43 RW	The location of fire and emergency access ways and zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies are indicated. 155-31 E 4 (q) Discussed lock box provision with fire department (see Milton or Marlboro Fire District) except on single family detached residential dwellings See also 155-31 G (13).
44 RW	The location, type, and screening details for solid waste disposal facilities and containers is indicated. 155-31 E (4) (r).
45 RW	The proposed location, height, orientation, type of illuminating device, bulb type and wattage, and photometric data of all outdoor lighting fixtures is indicated. 155-31 E (4) (s). See also 155-31 G (14)
46 RW	The location, height, size, materials, design, and illumination of all present and proposed signs and other advertising or instructional devices are indicated. 155-31 E (4) (t) See also 155-28.
47 RW	Estimates of noise generation at the source and property line are provided. 155-31 E (4) (u). See also 155-31 G (16).
48 RW	Proposed days and hours of operation are indicated. 155-31 E (4) (z).
49 RW	Enforceable map notes of stormwater drainage, utility rights-of-way, etc., are indicated 155-31 E (4) (aa) [3].
50 RW as Type II action	Short-unlisted actions or full EAF Type one action, as required by the lead agency under the Environmental Conservation Law, is complete and included. See 155-31 E (4) (aa) [6] Environmental Assessment Form. Applicants must use NYSDEC* web based system EAF mapper Application. https://www.dec.ny.gov/permits/6191.html Make sure to unblock popups.

The plat for the proposed Simple Two-Lot Lot Line Change has been prepared in accordance with this checklist. A waiver request must be submitted by design professional for any items which are not provided.

By: _____



Licensed Professional

Carney Rhinevault

LS 49097

Stamp

10/18/2025

Date

Ethics Code

TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

In accordance with the Town of Marlborough Code of Ethics, Article 13-3 (E) and Public Officers Law § 209, the following disclosure notice ("notice") must be completed and signed by any individual, including any officer or employee of the Town of Marlborough, who has an application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, special use permit, site plan, subdivision, exemption from a plat or official map, license or permit, pursuant to the provisions of the zoning and planning regulations of the Town of Marlborough before any Town of Marlborough Board, Agency or Department ("decision-making authority"), **in which a Town officer or employee has an interest in the subject of the application.** The purpose of the disclosure notice is to identify and disclose any potential or actual conflict of interest for the Town employee or officer, which may compromise his/her ability to make decisions solely in the public interest. Please refer to the Town of Marlborough Code of Ethics for further information.

Under the Town of Marlborough Code of Ethics an interest is defined as: a participation, connection or involvement of any sort whether direct or indirect, pecuniary or non-pecuniary, personal or professional, which may result in a benefit. For the purposes of the Town of Marlborough Code of Ethics, the "interests" of a Town officer or employee shall be deemed to include the "interest" of:

- A. An immediate family member. Immediate family member is defined as: grandparents, parents, spouse, significant other, children, grandchildren, brother, sister, dependent, or any household member of a Town officer, Town Board member or employee.
- B. Any person other than a bank, trust company or other lending institution with whom he/she has a substantial debtor-creditor or other financial relationship.
- C. Any person by whom he/she is employed or of which he/she is an officer, director or member having a controlling interest in any business or enterprise in which the Town employee or officer holds stock or has any other profit-bearing or beneficial relationship.
- D. An officer or employee shall also be deemed to have an interest in a matter if he/she or any person described in A through C above is a party to an agreement, expressed or implied, with any applicant before any Board of the Town, whereby he/she may receive any payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of any such application, petition or request by any Town body.

This notice must be completed and included with the application, petition or request to the appropriate Town of Marlborough Board, Agency or Department.

I, ELISE PENDING, residing at 92 OLD INDIAN RD, MILTON, make the following statements about interests in the real property which is the subject of this

application, petition or request for a NEW PROPERTY BOUNDARY LINES

before the ZONING BOARD of The Town of Marlborough.

PART I: Except as otherwise set forth in Part II below:

A. Individuals with an interest in the property.

1. No individual, having an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person having an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

B. Corporations or other entities with an interest in the property.

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity, which has an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

C. Stockholder or controlling interest

1. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

D. Party to an agreement with the applicant

1. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application; petition or request for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent, or contingent upon the favorable approval of such application, petition or request for the subject property is an immediate family member of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

PART II: If any of the statements under A through D above is not true, please explain and set forth the name and the relationship to the applicant and subject property of any Town employee or officer involved:

N/A

PART III: This completed notice is to be submitted to the Board, Agency or Department that is authorized to review and render a decision on the application, petition or request. Further, the submittal must be made prior to any review of the application, petition or request. This notice shall be made part of that decision-making authority's official record, disclosing the exact nature of the conflict in detail. If there is an actual or potential conflict, the Town officer or employee shall abstain from voting or otherwise acting on the application, petition or request so as to avoid an actual conflict.

ANY QUESTIONS REGARDING THIS DISCLOSURE NOTICE OR THE CODE OF ETHICS ARE TO BE DIRECTED TO THE TOWN SUPERVISOR AT (845) 795-6167.

PLEASE TAKE NOTICE.....A KNOWINGLY FALSE STATEMENT IS PUNISHABLE UNDER N.Y. GEN. MUN. LAW ' 809 AS A MISDEMEANOR.

Signed:

Eliseo Pendino

Date:

10/20/2025

ACKNOWLEDGMENT

State of New York,
County of:

On 10/20/25, before me personally appeared Eliseo Pendino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that [he/she/they] executed the same in [his/her/their] capacity(ies), and that by [his/her/their] signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Penny E. Cashman

Notary

PENNY E CASHMAN
Notary Public, State of New York
Registration No. 01CA6372126
Qualified in Ulster County
Commission Expires March 12, 2026

PLANNING BOARD FEES

(ALL APPLICATIONS Subject to Escrow Fees)

Please make checks payable to: Town of Marlborough

Application Fees:

Residential Subdivision – Single Family or Town House	\$1,000.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$1,000.00, plus \$100.00 per Unit
Commercial Subdivision	\$1,000.00, plus \$200.00 per Lot or Unit
Commercial Site Plan	\$2,000.00, plus \$10.00 per 1,000 Sf of Bldg.
Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)	\$500.00
For Minor Site Plans contact the Building Department for safety inspection, permit and other applicable fees	
All other Site Plans Reviews	\$1,000.00
Simple 2 Lot Line Revision	\$1,000.00
Recreation Fees (Residential Subdivision & Site Plans-Excludes parent parcel)	\$2,000.00 per Lot or Unit
Recreation Fees Adult Multiple Dwelling Affordable Housing (50 and over)	\$ 500.00 per Unit

Escrow Fees: (Escrow is to cover the cost of the attorney, engineer, stenographer and any additional consultants needed.
Escrow is to be replenished to 75% of the original escrow when level drops to 25% remaining in account.)

Residential Subdivision – Single Family or Town House	\$2,500.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$2,500.00, plus \$100.00 per Unit
Commercial Subdivision	\$2,500.00 per lot (up to 4 lots) \$200.00 Per Lot Thereafter
Commercial Site Plan	\$3,000.00 Minimum
Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)	\$1,500.00 Minimum
For Minor Site Plans contact the Building Department for safety inspection, permit and other applicable fees	
All other Site Plans Reviews	\$2,000.00 Minimum
Simple 2 Lot Line Revision	\$2,000.00 Minimum
Preliminary Conceptual Site Plan	\$500.00

Engineer Inspection Fees (All Town Roads Installation Inspections)

Improvements as approved by Town Engineer	5% of the Estimated cost to construct
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Disclaimer

The applicant is advised that the Town of Marlborough Town Code, which contains the Town's Zoning Regulations, is subject to amendment. Submission of an application to the Planning Board does not grant the applicant any right to continued review under the code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new code requirements made while the application is pending.

An approval by the Planning Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer or water. It is the applicant's responsibility to apply for and obtain Town of Marlborough and other agency approvals not within this Board's authority to grant.

AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.

The Town of Marlborough Town Board sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgment of responsibility for payment of these fees to the Planning Board for review of this application including, but not limited to, fees for professional services (Planners/Consultants, Engineers, Attorneys,) public hearings and site inspections. Applicant's submissions and re-submissions that are not complete will not be considered by the Planning Board or placed upon its agenda unless all outstanding fees have been paid.

The undersigned applies for subdivision, site plan, or lot line approval as described above under the rules and procedures of the Town of Marlborough, New York as duly authorized by the Town Board of Marlborough, New York.

The undersigned also acknowledges receipt of the "Disclaimer" above.

Applicant's Name (Print): ELISEO PENDINO

Applicant's Signature: 

Date: 10/20/2025

****Application will not be accepted if not signed and filled out completely****

Town of Marlborough Planning Board
Letter of Agent

I (We), Anna Pendino am (are) the owner(s) of a parcel
of land located on 92 OLD INDIAN ROAD MILTON, NY 13547 in the Town of Marlborough,
Tax Map Designation: Section 103.3 Block 1 Lot 39.

I (We) hereby authorize KIMBERLY BRENNAN to act as my (our) agent to
represent my (our) interest in applying to the Town of Marlborough Planning Board for a 2 Lot
Subdivision, Site Plan, Minor Site Plan, or Lot Line Revision Application. (circle one)

Anna Pendino
Signature

10-23-25
Date

Signature

Date

State Of New York
County of Ulster

On the 23rd day of October in the year 2025 before me, the undersigned, a Notary
Public in and for said State, personally appeared

Anna Pendino, personally known to me or proved to me on the
basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and
that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of
which the individual(s) acted, executed the instrument.

Danielle Cherubini
Notary Public