

Town of Marlborough Planning Board Application

Application For: (Check One)

Subdivision **Site Plan** **Lot Line Revision**

Application Number: _____

Date of Submission: February 22, 2019

Name of Project: Subdivision of lands of Frederick M. & Sharon A. Wilklow

Location of Project: 43 Baileys Gap Road

Tax Section Block and Lot: 95.4-1-15

Zoning District: R-Ag-1

Number of Acres: 20+- acres Sq. Footage of Building: _____

Description of Project (include number of lots/units & bedrooms): _____

Two Lot Subdivision of SBL :95.4-1-15 . Proposed Lot 1 will be a 1.06 acre parcel containing an existing house, well and septic. A new driveway entrance will be used to access the property. Proposed Lot 2 will be the remaining 19+- acre which contains cidery processing building and agricultural fields.

EMAIL: _____

Name of Property Owner: Frederick M. & Sharon A. Wilklow

Address of Property Owner: 341 Pancake Hollow Road

Telephone Number of Property Owner: 914-474-0420

Name of Applicant: Frederick M. & Sharon A. Wilklow

Address of Applicant: 341 Pancake Hollow Road - Highland, NY 12528

Telephone Number of Applicant: 914-474-0420

Name of Surveyor: Brooks & Brooks, Land Surveyors, P.C.

Address of Surveyor: 11 Main Street Highland, NY 12528

Telephone Number of Surveyor: 845-691-7339

Name of Engineer: n/a

Address of Engineer:

Telephone Number of Engineer

Name of Attorney: n/a

Address of Attorney:

Telephone Number of Attorney:

Reason For Application: Separate house parcel from farm parcel

Description of Proposal: Two Lot Subdivision

CHECKLIST FOR MAJOR/MINOR SUBDIVISION, SITE PLAN and/or LOT LINE REVISION

I. The following items shall be submitted for a COMPLETED Planning Board Application Form.

1. Completed Application
2. Environmental Assessment Form (*May be obtained from Planning Board*)
3. Letter of Agent Statement
4. Application Fee (*Separate check from escrow fee*)
5. Escrow Fee (*Separate check from application fee*)
6. Copy of deed
7. Completed checklist (*Automatic rejection of application without checklist*)
8. Agricultural Data Statement (*if applicable*)
9. Provide twelve (12) copies of all maps, plans, reports and a PDF computer file on CD of all documentation submitted. Plan sets must be correlated packages.

II. The following checklist items shall be incorporated on the Subdivision Plat, Site Plan, or Lot Line Revision prior to consideration of being placed on the Planning Board Agenda. Non-Submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (*if different*)
3. Subdivision name and location
4. Tax Map Data (*Section-Block-Lot*)
5. Location map at a scale of 1" = 2,000
6. Zoning table showing what is required in the particular zone and what applicant is proposing.
7. Show zoning boundary if any portion of proposed subdivision or site is within or adjacent to a different zone
8. Date of plat preparation and/or plat revisions
9. Scale the plat is drawn to (Max 1" = 100')

10. X North Arrow

11. at final Surveyor's Certification

12. at final Surveyor's seal and signature

13. X Name, SBL and acreage of adjoining owners

14. n/a NYSDEC Wetland and 100 foot buffer zone with an appropriate Certification block regarding DEC requirements.

15. n/a Flood plain boundaries

16. n/a Federal Wetland Boundary

17. X Metes and bounds of all lots

18. X Name and width of adjacent streets, include dedication parcels. The road boundary is to be a minimum of 25 feet from the centerline of the paved street.

19. n/a Show existing or proposed easements (*note restrictions*)

20. X Right of way width and Rights of Access and utility placement.

21. X Road profile and typical section including existing proposed grades, vertical curve data, utilities, drainage and other improvements.

22. X Lot area acreage. For lots under 2 acres, list in square feet & acres.

23. X Number of lots including residual lot.

24. n/a Show any existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 feet of parcel boundaries.

25. n/a A note stating a road maintenance agreement is to be filed in the County Clerk's Office for private roads.

26. n/a Applicable note pertaining to owners review and concurrence.

27. n/a Show any public improvements, i.e. drainage systems, water lines, sewer lines, etc.

28. n/a Show all existing houses, accessory structures, wells and septic systems on and within 200 feet of the parcel to be subdivided.

29. n/a 2 Foot Contours

30. n/a Indicate any reference to a previous subdivision, i.e., filed map number, data

and previous lot number.

31. n/a If a private road, Town Board approval of name required, and notes on the plan that no Town services will be provided and a street sign (per Town specs) is to be furnished and installed.

32. n/a The amount of grading expected or known to be required to bring the site to readiness.

33. n/a Estimated or known cubic yards of material to be excavated.

34. n/a Estimated or known cubic yards of fill required.

35. n/a The amount of grading expected or known to be required to bring the site to readiness.

36. n/a Type and amount of site preparation which falls within the 100 foot buffer strip of wetlands and within the Critical Environmental Area. Please explain in square feet or cubic yards.

37. n/a Amount of site preparation within a 100-year flood plain or any water course on the site. Please explain in square feet or cubic yards.

38. X Planning Board approval block 4" x 2"

39. X Special district boundaries, agricultural, school, fire, water, sewer, etc.

40. X Sight distance of all intersections and driveways.

41. n/a Ridgeline and steep slope notation.

42. X Agricultural setbacks.

43. - After final approval is given by the Planning Board, the Building dept. needs to be contacted for further guidance.

The plat for the proposed subdivision, site plan, or lot line revision has been prepared in accordance with this checklist.

By: 
Licensed Professional

Stamp

February 21, 2019
Date

Legal Notices for Public Hearing

Public Hearings will be held only on the first (1st) Monday of the Month.

Procedure for Notice:

1. Planning Board will schedule Public Hearing during a regularly scheduled meeting, after approval for such is granted.
2. Applicant is to obtain surrounding property owner names and addresses from Assessor's Office.
3. Applicant is to send Public Notice Letter, obtained from Planning Board Office, via Certified Mail with Return Receipt to property owners no less than 10 days prior to Public Hearing.
4. Planning Board Office will send notification to the town's official newspaper.
5. All Certified Mail with Return Receipt receipts and a copy of the Assessor's listing of names and addresses must be submitted at Public Hearing.

Any questions regarding procedures may be answered at 845-795-5243.

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: grand parents, parents, spouse, significant other, children, grand children, 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, Fredrick M. & Sharon A. Wilkow, residing at 341 Pancake Hollow Road Highland, NY, make the following statements about interests in the real property which is the subject of this application, petition or request for a Two Lot Subdivision, before the Planning 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 a 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:

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) 795-2220.

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

Signed: Frederick Wilklow

Date: 2/21/19

ACKNOWLEDGMENT

State of New York

County of:

On 2/21/19, before me personally appeared Frederick Wilklow, 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.

SUZANNE DEMSKIE
Notary Public, State of New York
Reg. No. 01DE6240448
Qualified in Ulster County
Commission Expires May 02, 2019

Notary



Planning Board Fees

(All Applications Subject To Escrow Fees)

Application Fees:

Residential Subdivision – Single Family or Town House	<u>\$1,900.00</u> <i>1 new lot</i>
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$150.00 per Lot or Unit
Commercial Subdivision	\$600.00, plus \$200.00 per Lot or Unit
Commercial Site Plan	\$1,000.00, plus \$10.00 per 1,000 sf of Building
All Other Site Plan Reviews	\$550.00
Lot Line Revision	\$600.00
Recreation Fees (Residential Subdivisions & 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 Deposit: *(To be replenished to 75% of original escrow when level drops to 25% remaining in account.)*

Residential Subdivision – Single Family or Town House	<u>\$1,900.00</u> <i>1 new</i>
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$150.00 per Lot or Unit
Commercial Subdivision	\$600.00 per Lot (up to 4 lots,) then \$200.00 per Lot Thereafter
Commercial Site Plan	\$1,000.00 Minimum
All Other Site Plans	\$750.00 Minimum
Lot Line Revision	\$600.00 Minimum

Engineer Inspection Fees (All Town Road 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): Fred M. Wilklow ^{SRP}
Applicant's Signature: Fred M. Wilklow
Date: Feb. 21, 2019 ^{SRP}

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

Letter of Agent

I (We), Frederick M. & Sharon A. Wilklow am (are) the owner(s) of a parcel of land located on Baileys Gap Road in the Town of Marlborough, Tax Map Designation: Section 95.4 Block 1 Lot 15.

I (We) hereby authorize Brooks & Brooks, Land Surveyors, PC 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, or Lot Line Revision Application. (circle one)

Frederick M. Wilklow

Signature

Sharon A. Wilklow

Signature

2/21/19

Date

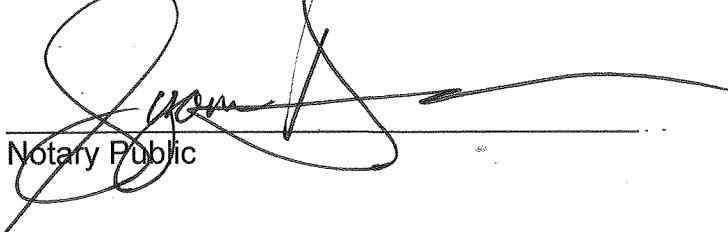
2/21/19

Date

State Of New York
County Of Ulster } SS:

On the 21st day of February in the year 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared

Frederick & Sharon Wilklow, 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.


Notary Public

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

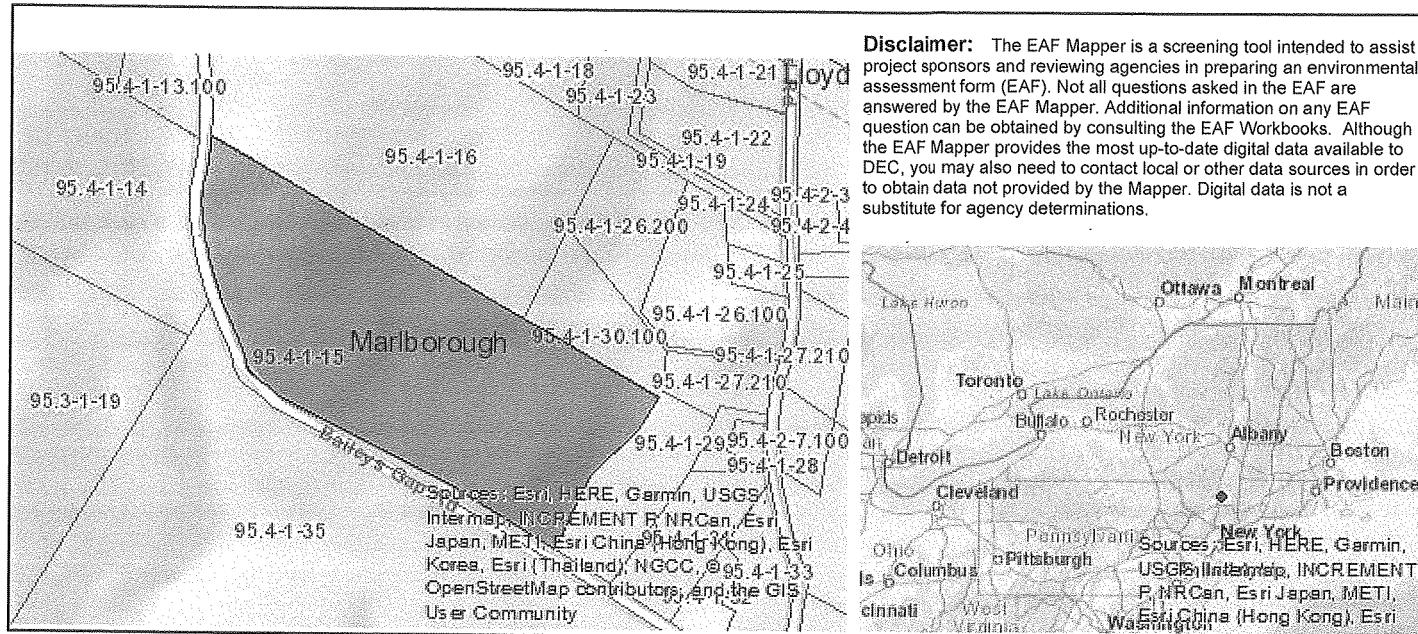
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Subdivision of lands of Frederick M. & Sharon A. Wilklow			
Project Location (describe, and attach a location map): 43 Baileys Gap Road Marlboro NY			
Brief Description of Proposed Action: Proposed two lot subdivision. Lot 1 will be a 1.06 acre parcel containing an existing house, well and septic. Lot 2 will be the remaining lands, a 19+- acre agricultural parcel containing a cidery and agricultural fields.			
Name of Applicant or Sponsor: Brooks & Brooks, Land Surveyors, PC		Telephone: 845-691-7339 E-Mail: pbrooks@bnbpc.biz	
Address: 11 Main Street			
City/PO: Highland		State: NY	Zip Code: 12528
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO <input type="checkbox"/> YES <input type="checkbox"/>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Marlborough Highway Department- driveway permit			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <u>20</u> acres b. Total acreage to be physically disturbed? <u>0</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>20</u> acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
No new construction is proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Both proposed Lot 1 and Lot 2 are supplied by their own separate wells.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Both proposed Lot 1 and Lot 2 utilize their own separate sewage disposal systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
16. Is the project site located in the 100-year flood plan?			
<input checked="" type="checkbox"/> <input type="checkbox"/>			
17. Will the proposed action create storm water discharge, either from point or non-point sources?			
<input type="checkbox"/> YES If Yes,			
a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?			
If Yes, briefly describe: <hr/> <hr/>			
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?			
If Yes, explain the purpose and size of the impoundment: <hr/> <hr/>			
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?			
If Yes, describe: <hr/> <hr/>			
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?			
If Yes, describe: <hr/> <hr/>			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor/name:		Brooks & Brooks, Land Surveyors, PC	
		Date: February 22, 2019	
Signature:		Title: CST	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

AGRICULTURAL DATA STATEMENT

1. Name and address of applicant:

Frederick M. & Sharon A. Wilklow

341 Pancake Hollow Road

Highland, NY 12528

2. Location of the proposed action:

43 Baileys Gap Road

3. Description of the proposed action to include: (1) Size of parcel or acreage to be acquired and tax map identification number of tax parcel(s) involved: (2) The type of action proposed (e.g., single-family dwelling or subdivision, multi-family development, apartment complex, commercial or industrial facility, school, community or public service facility, airport, etc.) and (3) Project density.

Proposed two lot subdivision of I, SBL:95.4-1-15. Lot 1 is a proposed 1.06 acre parcel with an existing house, well and septic. Lot 2 is the remaining 19+- acre parcel with a cider processing building and agricultural fields.

4. Name, address, telephone number and type of farm of owner(s) of land within the agricultural district which land contains farm operation(s) and upon which the project is proposed or which is located within 500 feet of the boundary of the property upon which the is proposed:

95.4-1-30.100

Name: Fresh Farms, LLC

Address: PO Box 235 Clintondale, NY 12515

Type of Farm: Nursery

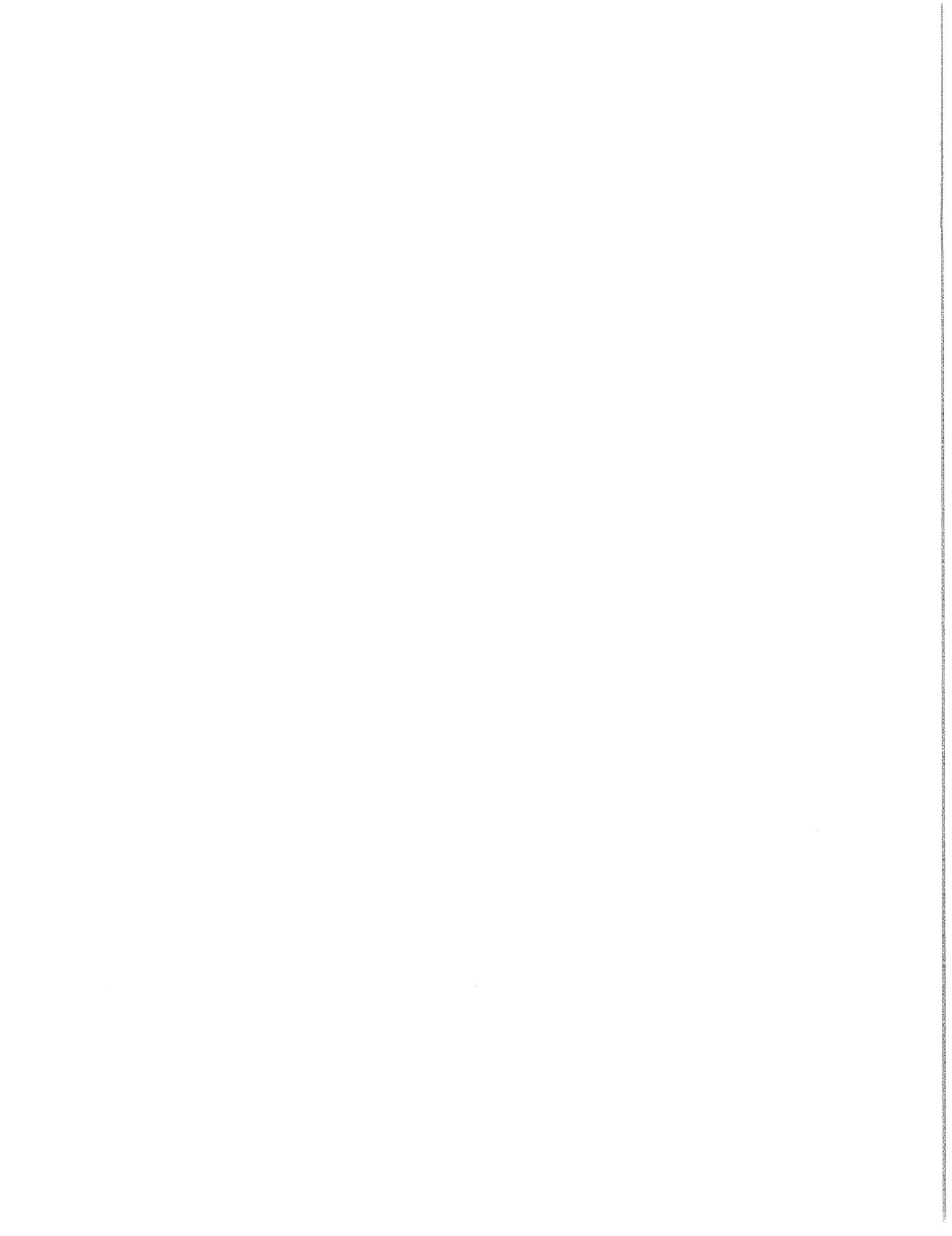
95.4-1-14

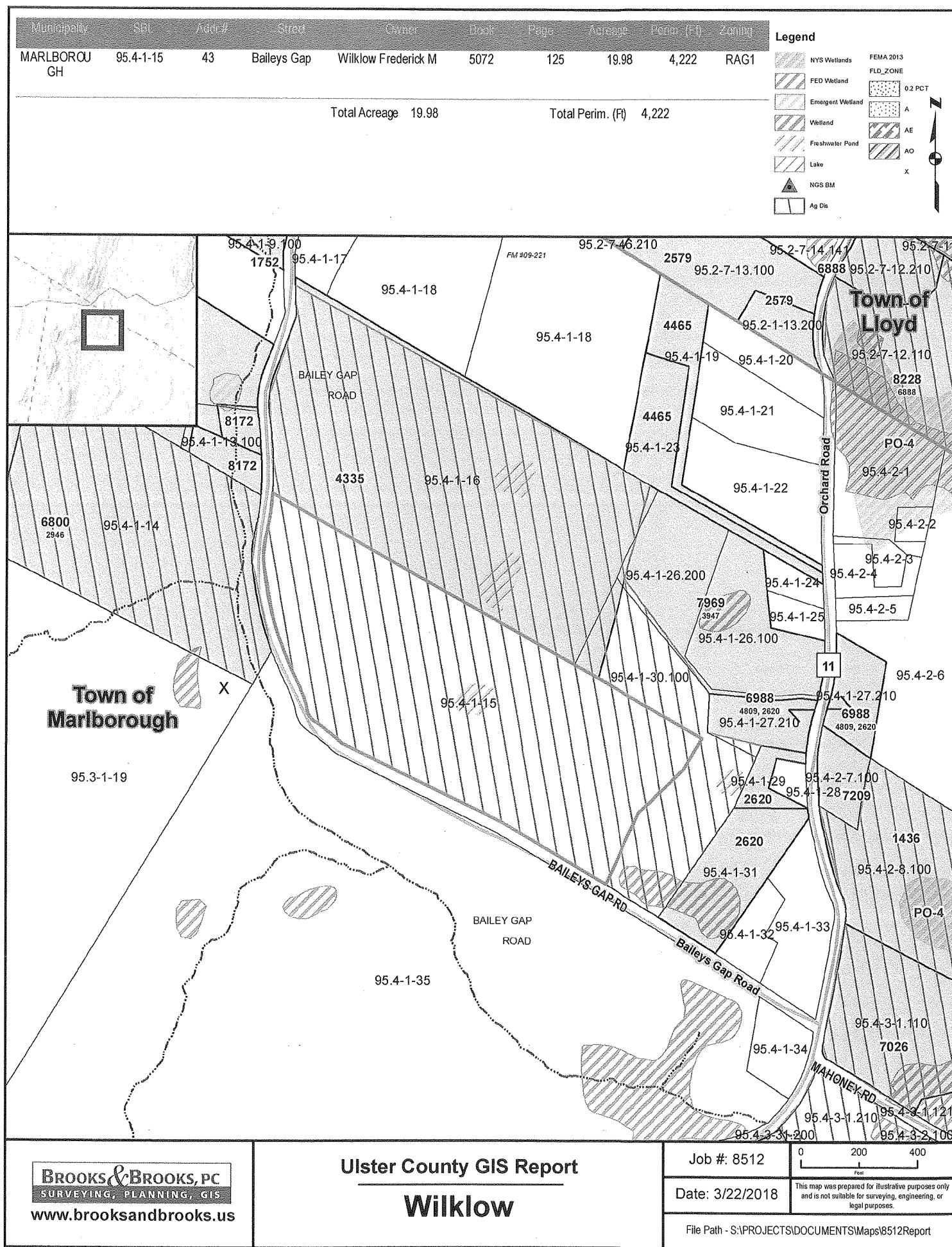
Name: Terrence & Laura Cuddy

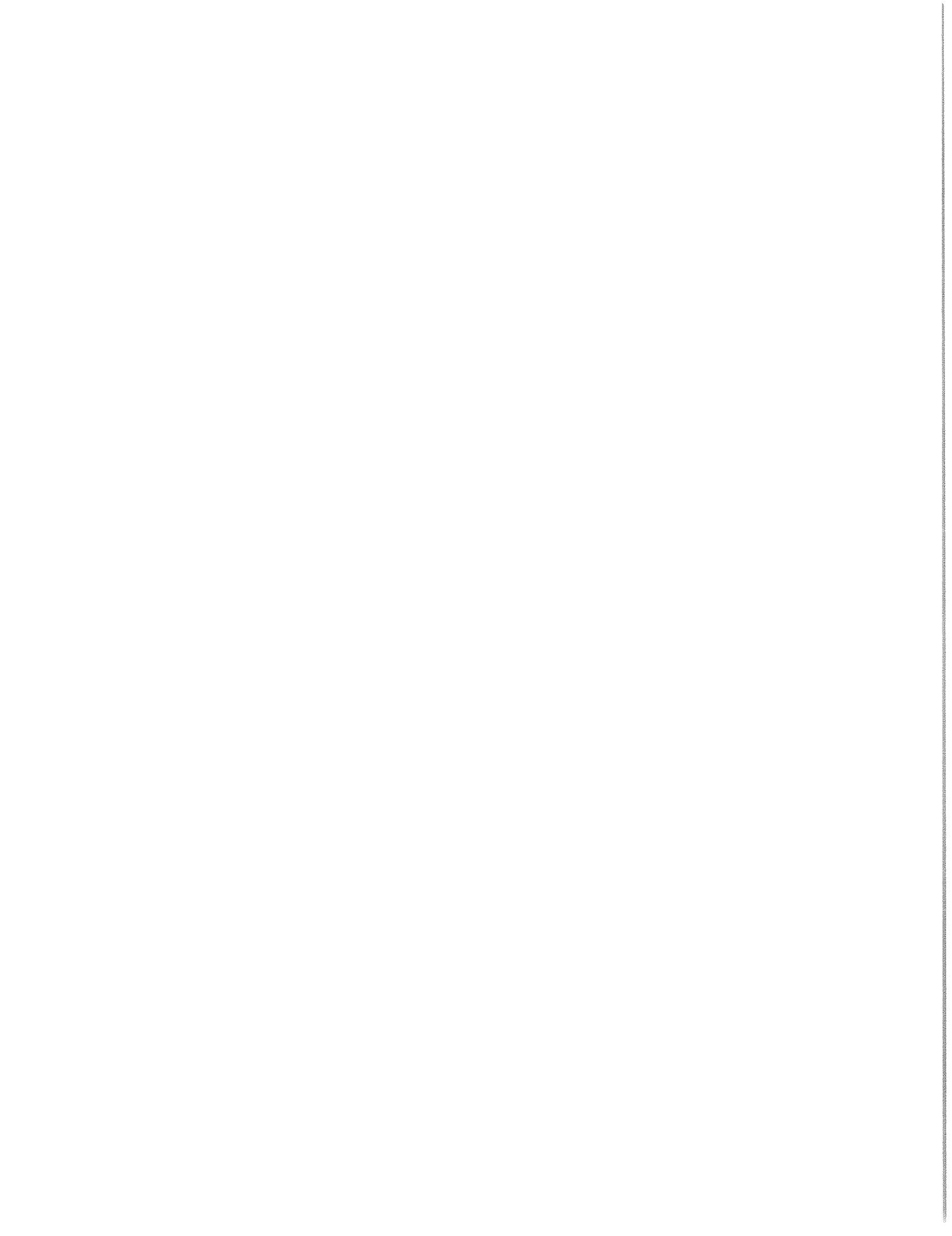
Address: 50 Baileys Gap Road Highland NY 12528

Type of farm: Fruit Crop.

5. Tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the ADS.







Ulster County
Nina Postupack
County Clerk
Kingston, NY 12401

Subject
954-1-15



60 2011 00001658

Volm-5072 Pg-125

Instrument Number: 2011-00001658

As

D01 - Deed

Recorded On: January 31, 2011

Parties: BROZENICH GARY

To

WILKLOW FREDERICK M

Billable Pages: 5

Recorded By: HVA

Num Of Pages: 5

Comment:

** Examined and Charged as Follows: **

D01 - Deed	65.00	RP5217-125	125.00	Tax Affidavit TP 584	5.00
Recording Charge:	195.00				
		Consideration			
	Amount	Amount	RS#/CS#		
Tax-Transfer	1,760.00	440,000.00	2040	Basic	0.00
MARLBOROUGH				Special Additional	0.00
				0.00 Transfer	1,760.00
Tax Charge:	1,760.00				

** THIS PAGE IS PART OF THE INSTRUMENT **

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Ulster County,

File Information:

Record and Return To:

Document Number: 2011-00001658

JAMES L MELBERT ESQ

Receipt Number: 1004208

PO BOX 574

Recorded Date/Time: January 31, 2011 01:40:44P

NEW PALTZ NY 12561

Book-Vol/Pg: Bk-D VI-5072 Pg-125

Cashier / Station: s smat / Cashier Workstation 4



Nina Postupack Ulster County Clerk

5
J.W.
34

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR (INDIVIDUAL)

STATUTORY FORM C

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE
RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE
SIGNING.

T.T.
1760!

THIS INDENTURE, made the 1 day of January, two thousand and eleven,
between GARY BROZENICH, of 43 Bailey's Gap Road, Highland, New York 12528,
party of the first part, and as husband + wife 
Frederick M. Wilklow & Sharon A. Wilklow, of 341 Pancake Hollow Road, Highland, New York 12528,
party of the second part:

WITNESSETH, that the party of the first part, in consideration of one dollar and other good and valuable consideration, lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, successors and assigns forever, all that certain plot piece or parcel of land, lying situate and being in the Town of Marlboro, County of Ulster, State of New York, more particularly described in Schedule A Description attached hereto;;

Subject to all covenants, easements and restrictions of record, if any, affecting said premises;

Being and hereby intending to convey the same premises as conveyed to the parties of the first part by Deed dated September 15th, 2000 and recorded in the Ulster County Clerk's Office on September 27th, 2000, in Liber/Reel 3085 at page 234;

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, successors and assigns forever. And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

And the party of the first part/grantor, in compliance with Section 13 of the Lien Law, covenants that the party of the first part/grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" or "grantor" shall be construed as if it read "parties" or "grantors" whenever the sense of this document so requires.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

CHECKED EC
ENTERED Smm
MARKED MM

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

~~GARY BROZEPICK, Seller~~

In presence of:

Acknowledgment by a Person Within New York State (RPL § 309-a)

STATE OF NEW YORK)
COUNTY OF DUTCHES) ss.:
)

On the 1 day of December in the year 2010, before me, the undersigned, personally appeared GARY BROZENICH, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

DEHNA M. DYKEMAN
Notary Public, State of New York
No. 01DY6202187
Qualified in Dutchess County
Commission Expires March 9, 2012

✓ **HUDSON VALLEY ABSTRACT
COMPANY, INCORPORATED**
Seven Innis Avenue, PO Box 220
New Paltz, NY 12561
Telephone: 845-255-0007

R.R. 2
James L. Melbent, Esq.
P.O. Box 574
New Paltz, N.Y. 12561

Schedule A Description

Underwriter No. 21,190
Title Number 750-U-9771

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ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Marlboro, County of Ulster and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point in Bailey's Gap Road, said point being in range with the division line of lands now or formerly of Constant and the herein described parcel and running thence through Bailey's Gap Road the following courses and distances;

North 45 degrees 05'10" West 324.69 feet;

North 52 degrees 15'45" West 156.61 feet;

North 45 degrees 58'20" West 292.48 feet;

North 46 degrees 33'50" West 325.45 feet;

North 26 degrees 12'30" West 51.26 feet;

North 16 degrees 18'40" West 68.05 feet;

North 07 degrees 53'15" West 219.75 feet;

North 02 degrees 49'50" West 130.33 feet;

North 04 degrees 33'40" East 74.61 feet;

North 12 degrees 04'00" East 70.30 feet;

North 18 degrees 26'30" East 55.45 feet; and

North 22 degrees 00'30" East 202.72 feet;

THENCE along lands now or formerly of Fuhrman, South 53 degrees 52'25" East 163.75 feet to a point in a stone wall;

THENCE following a wall and the projection thereof, South 44 degrees 23'45" East 383.16 feet;

THENCE along the southerly side of a lane and through a wall and following:

South 43 degrees 12'00" East 181.98 feet;

Continued -

Schedule A Description

Underwriter No. 21,190
Title Number 750-U-9771

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South 46 degrees 17'40" East 458.18 feet;

South 43 degrees 14'00" East 93.53 feet and

South 45 degrees 45'40" East 417.08 feet to a wall corner;

THENCE still through a stone wall and along lands now or formerly of Coutant, South 44 degrees 46'20" West 132.66 feet;

South 60 degrees 49'50" West 198.00 feet;

South 39 degrees 49'05" West 293.70 feet to the point or place of BEGINNING.

