

Town of Marlborough Planning Board Application

Application For:

(Check One)

Subdivision _____

Site Plan X

Lot Line Revision _____

Application Number: _____

Date of Submission: _____

Name of Project: Site Plan prepared for Brooklyn Bottling of Milton, NY

Location of Project: 9 Riverview Drive Marlborough

Tax Section Block and Lot: 109.1-2-5.111

Zoning District: HD

Number of Acres: 21+- Sq. Footage of Building: 52300

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

Applicant proposes to construct a 52300 sq.ft. addition attached to the north side of the existing 118000 sq.ft. building to increase area for storage. A review/design of the of the existing/proposed storm water discharge system will be performed by a NYS Professional Engineer.

EMAIL: _____

Name of Property Owner: Ham III Realty, LLC

Address of Property Owner: PO Box 808 Milton NY, 12547

Telephone Number of Property Owner: _____

Name of Applicant: Brooklyn Bottling of Milton, NY

Address of Applicant: PO Box 808 Milton, NY 12547

Telephone Number of Applicant: _____

Name of Surveyor: Brooks & Brooks, Land Surveyors, PC

Address of Surveyor: 11 Main Street Highland, NY 12528

Telephone Number of Surveyor: 845-691-7339

Name of Engineer:

Address of Engineer:

Telephone Number of Engineer

Name of Attorney:

Address of Attorney:

Telephone Number of Attorney:

Reason For Application: The need for more storage area.

Description of Proposal: Addition of a 52300 sq. ft. building

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. x_____ Completed Application
2. x_____ Environmental Assessment Form (*May be obtained from Planning Board*)
3. x_____ Letter of Agent Statement
4. x_____ Application Fee (*Separate check from escrow fee*)
5. x_____ Escrow Fee (*Separate check from application fee*)
6. x_____ Copy of deed
7. x_____ Completed checklist (*Automatic rejection of application without checklist*)
8. n/a_____ Agricultural Data Statement (*if applicable*)
9. x_____ 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. x_____ Name and address of applicant
2. x_____ Name and address of owner (*if different*)
3. x_____ Site Plan name and location
4. x_____ Tax Map Data (*Section-Block-Lot*)
5. x_____ Location map at a scale of 1" = 2,000
6. x_____ Zoning table showing what is required in the particular zone and what applicant is proposing.
7. x_____ Show zoning boundary if any portion of proposed subdivision or site is within or adjacent to a different zone
8. x_____ Date of plat preparation and/or plat revisions
9. x_____ 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. x_____ Show existing or proposed easements (*note restrictions*)
20. x_____ Right of way width and Rights of Access and utility placement.
21. n/a 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. x_____ 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. x_____ Applicable note pertaining to owners review and concurrence.
27. x_____ 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. x_____ 2 Foot Contours

30. x _____ 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. n/a _____ Planning Board approval block 4" x 2"
39. x _____ Special district boundaries, agricultural, school, fire, water, sewer, etc.
40. n/a _____ Sight distance of all intersections and driveways.
41. n/a _____ Ridgeline and steep slope notation.
42. n/a _____ Agricultural setbacks.
43. x _____ 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: _____

Pat D. Brooks
Licensed Professional

Stamp

03-21-2019
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, Eric Miller, Ham III Realty LLC, having a business at 9 Riverview Drive, make the following statements about interests in the real property which is the subject of this application, petition or request for a Site Plan Review, 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: Eric Miller

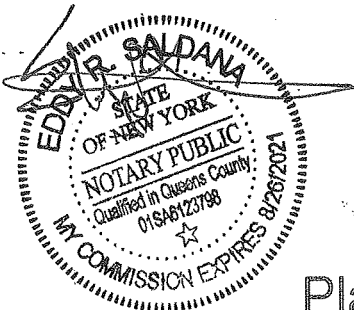
Date: 3/11/19

ACKNOWLEDGMENT

State of New York
County of:

On March 11, 2019, before me personally appeared Eric Miller, 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.

Notary



Planning Board Fees

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.

Agent
Applicant's Name(Print): Patricia P. Brooks
Agent
Applicant's Signature: Patricia P. Brooks
Date: 03-21-2019

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

Letter of Agent

I (We), Eric Miller as Ham III Realty, LLC am (are) the owner(s) of a parcel of land located on Riverview Drive in the Town of Marlborough, Tax Map Designation:

Section: 109.1 Block 2 Lot 5.111

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 Subdivision, Site Plan, or Lot Line Revision Application. (circle one)

E. Miller

Signature

3/11/19

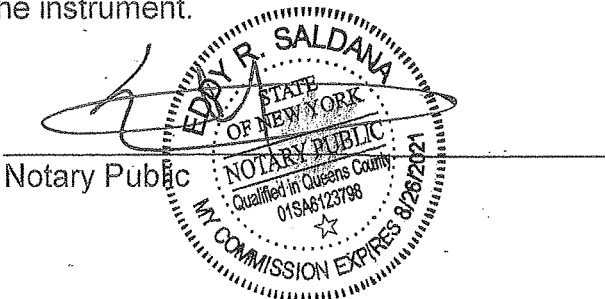
Date

State Of New York
County Of Kings }

SS:

On the 11 day of March in the year 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared

Eric Miller, 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.



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

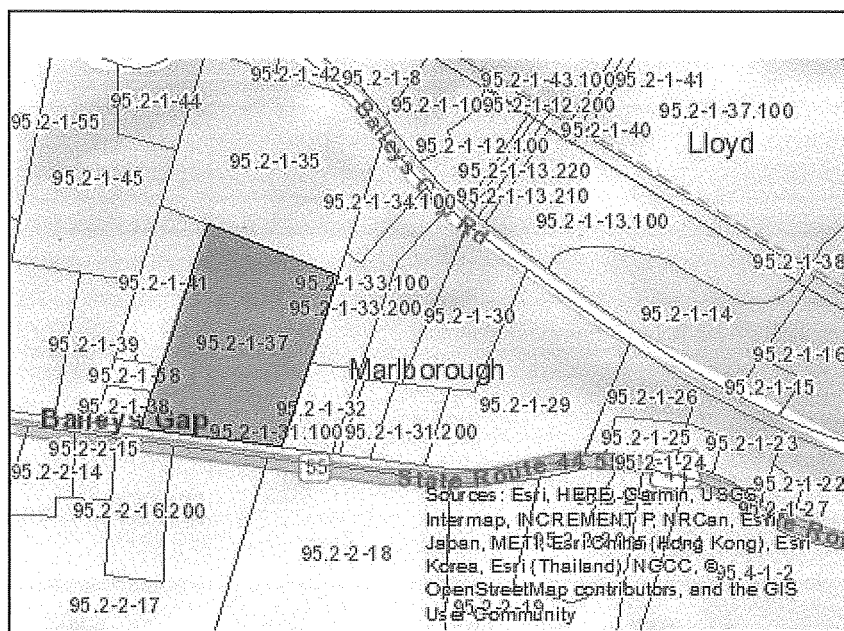
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

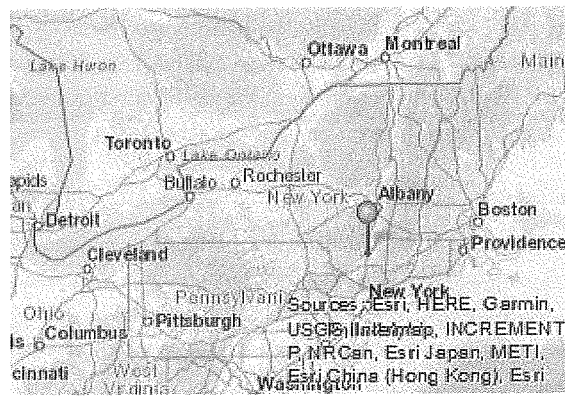
Part 1 – Project and Sponsor Information				
Name of Action or Project: Site Plan prepared for Brooklyn Bottling of Milton, NY				
Project Location (describe, and attach a location map): 9 Riverview Drive Town of Marlboro SBL: 109.1-2-5.111 Ulster County NY				
Brief Description of Proposed Action: Proposal includes construction of a 52300 sq. ft. building attached to an existing 118000 sq. ft. storage/ warehouse building. Also, review/design of drainage related to the entire site.				
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? 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.			NO <input checked="" type="checkbox"/>	YES <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:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 21 acres b. Total acreage to be physically disturbed? _____ 2.4 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 21 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 checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
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 type="checkbox"/>	<input checked="" 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: Any new construction will meet or exceed NYS Building Codes.	<input type="checkbox"/>	<input checked="" 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: _____ Buildings is serviced by municipal water.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Building will utilize existing septic system.	<input type="checkbox"/>	<input checked="" 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: Note regarding 13a: There are no regulated wetlands located on or adjoining this property as per current NYSDEC Wetland Mapping.			

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 type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" 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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Existing swales and drainage ditches will be utilized.		
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	NO	YES
property is located within 2000' of the Hudson River	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Brooks & Brooks, Land Surveyors, PC</u> Date: <u>March 22, 2019</u> Signature: _____ Title: _____		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	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

Ulster County
Nina Postupack
County Clerk
Kingston, NY 12401

PB Copy Subject

109-1-②-5.111



60 2013 00000787

Volm-5483 Pg-77

Instrument Number: 2013- 00000787

As

D01 - Deed

Recorded On: January 15, 2013

Parties: CHELSEA HOMES INC

To

HAM III REALTY LLC

Billable Pages: 6

Recorded By: SUTTON LAND SERVICES

Num Of Pages: 6

Comment:

**** Examined and Charged as Follows: ****

D01 - Deed	70.00	RP5217-250	250.00	Tax Affidavit TP 584	5.00
Recording Charge:	325.00				
	Amount	Consideration Amount	RS#/CS#		
Tax-Transfer	14,400.00	3,600,000.00	1972	Basic	0.00
MARLBOROUGH				Local	0.00
				Additional	0.00
				Special Additional	0.00
				Transfer	14,400.00
Tax Charge:	14,400.00				

**** 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:

Document Number: 2013- 00000787

Receipt Number: 1225142

Recorded Date/Time: January 15, 2013 09:43:20A

Book-Vol/Pg: Bk-D VI-5483 Pg-77

Cashier / Station: m mpol / Cashier Workstation 7

Record and Return To:

SUTTON ALLIANCE LLP

515 ROCKAWAY AVENUE

VALLEY STREAM NY 11581



Nina Postupack

Nina Postupack Ulster County Clerk

6
M. 36

BARGAIN AND SALE DEED

AS OF
21

THIS INDENTURE, made as of the day of December, 2012, between

CHELSEA HOMES, INC., having a mailing address of 3942 Route 9G,
Red Hook, New York 12571,

party of the first part,

and

HAM III REALTY, LLC, having a mailing address of 643 South Road,
Milton, New York 12547,

party of the second part,

ULSTER

SEC 109.1

BLK 2

LOT 5.111

WITNESSETH that the party of the first part in consideration of Ten Dollars (\$10.00), lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns, forever,

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Marlborough, County of Ulster, and State of New York bounded and described as follows:

SEE ATTACHED SCHEDULE A

THE premises are not in an agricultural district and the parcel is entirely owned by the transferors.

THIS conveyance is made subject to covenants, conditions, easements and restrictions of record.

THIS conveyance was made with the consent of the holders of all outstanding shares of the party of the first part.

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, its successors and assigns, forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever.

/ Sutton Land Services

CHECKED 2


ENTERED 2

MARK/OFF

AND the party of the first part, in compliance with §13 of the Lien Law, covenants that the party of the first part 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.

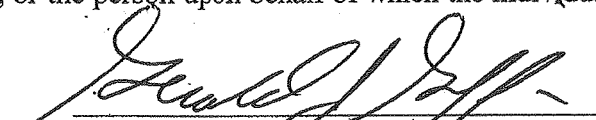
IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed the day and year first above written.

CHELSEA HOMES, INC.

By: 
Timothy Hourihan, President

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

On the 17th day of December, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared **Timothy Hourihan**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public, State of New York

GERALD J. GRIFFIN
Notary Public, State of New York
No. 4780856
Qualified in Dutchess County
Commission Expires Sept. 30, 2013

RECORD AND RETURN TO:

✓ SUTTON ALLIANCE, LLP
515 ROCKAWAY AVENUE
VALLEY STREAM, NY 11581

SUTTON LAND TITLE AGENCY

as Agent for
Fidelity National Title Insurance Company

SCHEDULE A – DESCRIPTION

Title No.: SLTA-3182

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

BEGINNING at a point lying on the easterly side of New York State Route 9W (State Highway #5114), said point being the southwesterly corner of lands now or formerly of Warden and also being the northwesterly corner of the parcel herein intended to be described.

THENCE south 81 degrees 35 minutes 00 seconds east for a distance of 175.00 feet along lands now or formerly of Warden to a point.

THENCE south 08 degrees 25 minutes 00 seconds west for a distance of 100.00 feet along lands now or formerly of Mannese to a point.

THENCE south 81 degrees 35 minutes 00 seconds east for a distance of 100.00 feet continuing along lands now or formerly of Mannese to a point.

THENCE north 08 degrees 25 minutes 00 seconds east for a distance of 100.00 feet continuing along lands now or formerly of Mannese to a point.

THENCE south 81 degrees 35 minutes 00 seconds east feet for a distance of 11.00 feet along lands now or formerly of Warden to a point.

THENCE north 02 degrees 10 minutes 40 seconds east for a distance of 140.89 feet continuing along lands now or formerly of Warden to a point.

THENCE south 81 degrees 04 minutes 12 seconds east for a distance of 242.87 feet along lands now or formerly of Balchunas to a point.

THENCE north 37 degrees 19 minutes 48 seconds east for a distance of 718.61 feet continuing along lands now or formerly of Balchunas and along lands now or formerly of Giameta to a point.

THENCE north 88 degrees 38 minutes 48 seconds east for a distance of 150.30 feet continuing along lands now or formerly of Giameta to a point.

THENCE south 20 degrees 30 minutes 48 seconds west for a distance of 50.00 feet along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 69 degrees 29 minutes 12 seconds east for a distance of 50.00 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 29 degrees 30 minutes 48 seconds west for a distance of 350.00 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 60 degrees 30 minutes 48 seconds west for a distance of 165.00 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

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THENCE south 10 degrees 30 minutes 48 seconds west for a distance of 160.00 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 40 degrees 30 minutes 48 seconds west for a distance of 360.00 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 02 degrees 30 minutes 48 seconds west for a distance of 610.00 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a tall iron pin found.

THENCE south 44 degrees 24 minutes 12 seconds east for a distance of 38.96 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 45 degrees 05 minutes 00 seconds west for a distance of 714.13 feet along lands now or formerly of 55 Riverview Drive, LLC and along lands now or formerly of Douglas Brown Development (Parcel C on the filed map entitled "Chelsea Homes" filed in the Ulster County Clerk's Office on May 5, 1987, as Map #6876) to a point lying on the northerly side of Riverview Drive.

THENCE north 59 degrees 13 minutes 40 seconds west for a distance of 138.16 feet along the northerly side of Riverview Drive to a point.

THENCE north 60 degrees 31 minutes 50 seconds west for a distance of 69.54 feet continuing along the northerly side of Riverview Drive to a point.

THENCE north 23 degrees 52 minutes 10 seconds east for a distance of 452.48 feet along lands now or formerly of TKB Properties LLC (Parcel A on the filed map entitled "Chelsea Homes" filed in the Ulster County Clerk's Office on May 5, 1987, as Map #6876) and also along lands now or formerly of Scatturro to a point.

THENCE north 58 degrees 38 minutes 20 seconds west for a distance of 325.00 feet continuing along lands now or formerly of Scatturro to a point lying on the easterly side of New York State Route 9W (State Highway #5114).

THENCE the following courses and distances along the easterly side of New York State Route 9W (State Highway #5114):

- North 17 degrees 11 minutes 10 seconds east, a distance of 73.00 feet to a concrete monument found.
- North 33 degrees 24 minutes 10 seconds east, a distance of 90.24 feet to a point.
- North 29 degrees 22 minutes 00 seconds east, a distance of 121.30 feet to a point.
- North 27 degrees 16 minutes 30 seconds east, a distance of 79.02 feet to a point.
- North 28 degrees 09 minutes 50 seconds east, a distance of 153.67 feet to a point.
- North 02 degrees 23 minutes 10 seconds east, a distance of 120.10 feet to a point.
- North 13 degrees 48 minutes 20 seconds west, a distance of 125.76 feet to the point or place of beginning.

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

BEGINNING at a point, said point being located the following courses and distances from the southeasterly corner of the parcel above described.

North 45 degrees 05 minutes 00 seconds east, a distance of 765.75 feet.

South 45 degrees 13 minutes 38 seconds east, a distance of 328.36 feet.

THENCE south 61 degrees 01 minutes 12 seconds east for a distance of 58.51 feet along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE south 28 degrees 58 minutes 48 seconds west for a distance of 16.89 feet continuing along lands now or formerly of Copart of Connecticut, Inc. to a point.

THENCE north 44 degrees 55 minutes 00 seconds west for a distance of 60.90 feet along lands now or formerly of 55 Riverview Drive LLC to the point or place of beginning.

TOGETHER with the benefits of a right-of-way along the northerly line of lands now or formerly of 55 Riverview Drive LLC.

TOGETHER with the benefits of a common driveway easement filed in the Ulster County Clerk's Office in Deed Liber 4964, Page 61 and Instrument #2010-00010292.

Note: Address, Block & Lot shown for informational purposes only

Designated as Section 109.1 Block 2 Lot 5.111 and also known as 9 Riverview Drive, Marlborough, NY.

NOT FOR INSURANCE- FOR CONVEYANCING PURPOSES ONLY:

ALL that certain plot, piece or parcel of land situate, lying, and being in the Town of Marlborough, County of Ulster, State of New York being known as Parcel B on a map entitled "Chelsea Homes" filed in the Ulster County Clerk's Office on May 5, 1987, as Map #6876.

SAID parcels contain 898,484.55 square feet or 20.63 acres more or less.

TOGETHER with a right-of-way to a portion of Parcel B along the northerly line of lands now or formerly of 55 Riverview Drive LLC.

TOGETHER with and subject to a common driveway easement filed in the Ulster County Clerk's Office in Deed Liber 4964, Page 61.

SUBJECT to any easements, covenants, or restrictions of record.