

**Town of Marlborough**  
**Planning Board Application**

**Application For:** *(Check One)*

**Subdivision**

**Site Plan**

**Lot Line Revision**

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Application Number:

Date of Submission: 11/18/22

Name of Project: Subdivision of Lands of Terence & Laura Cuddy

Location of Project: 50 Bailey's Gap Road Highland, N.Y. 12528

Tax Section Block and Lot: 95.4-1-14

Zoning District: R-Ag-1

Number of Acres: 13.32 Sq. Footage of Building:

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

Homestead parcel located on the west side of Bailey's Gap Road

will subdivide a 2.18 acre parcel from its 13.32 acres creating one new buildable lot.

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EMAIL: **Tlcuddy@aol.com**

Name of Property Owner: Terence & Laura Cuddy

Address of Property Owner: 50 Bailey's Gap Road Highland, N.Y. 12528

Telephone Number of Property Owner: 845-489-8585

Name of Applicant: same as owner

Address of Applicant:

Telephone Number of Applicant:

Name of Surveyor: Patricia Brooks, L.S. - Control Point Associates, Inc.  
Address of Surveyor: 11 Main Street Highland, NY 12528  
Telephone Number of Surveyor: 845-691-7339 email - pbrooks@cpssurvey.com

Name of Engineer: Salvatore M. Cuciti, RA  
Address of Engineer: Highland, NY  
Telephone Number of Engineer 845-234-0978

Name of Attorney:  
Address of Attorney:  
Telephone Number of Attorney:

Reason For Application:  
To receive Planning Board approval for a two lot subdivision.

Description of Proposal:  
Two lot subdivision of 13.32 acres. Proposed lot 1 will be 11.14 acres with an existing house, well, septic system and accessory sheds. Proposed lot 2 will be 2.18 acres with proposed houses, well and septic system.

Terence & Laura Cuddy  
Applicant's Name

## 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.  North Arrow

11.  Surveyor's Certification
12.  Surveyor's seal and signature
13.  Name, SBL and acreage of adjoining owners
14.  NYSDEC Wetland and 100 foot buffer zone with an appropriate Certification block regarding DEC requirements.
15.  Flood plain boundaries
16.  Federal Wetland Boundary
17.  Metes and bounds of all lots
18.  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.  Show existing or proposed easements (*note restrictions*)
20.  Right of way width and Rights of Access and utility placement.
21.  Road profile and typical section including existing proposed grades, vertical curve data, utilities, drainage and other improvements.
22.  Lot area acreage. For lots under 2 acres, list in square feet & acres.
23.  Number of lots including residual lot.
24.  Show any existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 feet of parcel boundaries.
25.  A note stating a road maintenance agreement is to be filed in the County Clerk's Office for private roads.
26.  Applicable note pertaining to owners review and concurrence.
27.  Show any public improvements, i.e. drainage systems, water lines, sewer lines, etc.
28.  Show all existing houses, accessory structures, wells and septic systems on and within 200 feet of the parcel to be subdivided.
29.  2 Foot Contours
30.  Indicate any reference to a previous subdivision, i.e., filed map number, data and previous lot number.

31.  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.  The amount of grading expected or known to be required to bring the site to readiness.

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

34.  Estimated or known cubic yards of fill required.

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

36.  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.  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.  Planning Board approval block 4" x 2"

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

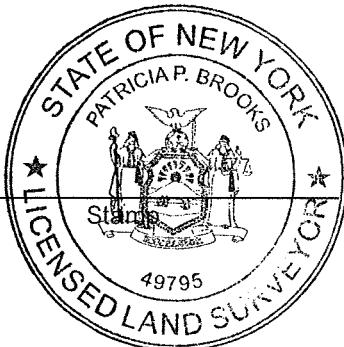
40.  Sight distance of all intersections and driveways.

41.  Ridgeline and steep slope notation.

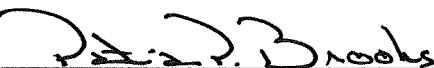
42.  Agricultural setbacks.

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:

  
Patricia P. Brooks  
Licensed Professional

12-08-2022

Date

**Town of Marlborough Planning Board  
Legal Notices for Public Hearing**

Public Hearings are generally held only on the first (1st) Monday of the Month.

***Procedure for Legal Notices:***

1. The Town of Marlborough Planning Board will schedule Public Hearings during a regularly scheduled meeting after approval for the Public Hearing has been granted.
2. Applicants are required to obtain surrounding property owner names and addresses from the Ulster County Parcel viewer for 500 feet from the parcel. See <https://ulstercountyny.gov/maps/parcel-viewer/>.
3. Applicants are required to send a Public Notice Letter, obtained from the Town of Marlborough Planning Board Office, via Certified Mail with Return Receipt to property owners no less than 10 days prior to Public Hearing.
4. The Town of Marlborough Planning Board Office will send notification to the Town's official newspaper.
5. All Certified Mail with Return Receipt receipts, in addition to a copy of the Ulster County Parcel viewer's listing of names and addresses, must be submitted at the Public Hearing.

**Any questions regarding procedures should be directed to The Town of Marlborough Planning Board Office.**

**Phone: 845-795-6167**

**Email: [marlboroughplanning@marlboroughny.us](mailto:marlboroughplanning@marlboroughny.us)**

# 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, Terence & Laura Cuddy, residing at 50 Bailey's Gap Road, make the following statements about interests in the real property which is the subject of this application, petition or request for a 2 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:

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**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.**

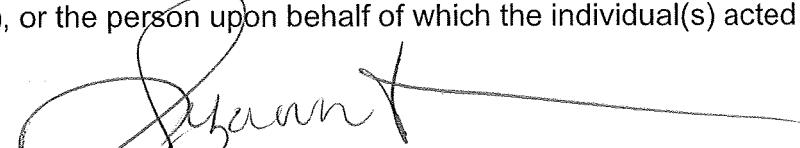
Signed: Laura R. Cuddy Terence Cuddy  
Date: 12-1-2022

**ACKNOWLEDGMENT**

State of New York

County of:

On 12/01/2022, before me personally appeared Laura Cuddy ; Terence Cuddy 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, 2023

Notary

## Planning Board Fees

***(All Applications Subject To Escrow Fees)***

### **Application Fees:**

Residential Subdivision – Single Family or Town House	\$750.00, plus \$150.00 per Lot or Unit	<del>\$1050.00</del>
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$100.00 Per 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	\$750.00, plus \$150.00 per Lot or Unit	<del>\$1050.00</del>
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$100.00 per 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): Terence Cuddy / Laura Cuddy  
\_\_\_\_\_  
Applicant's Signature: Terence Cuddy Laura Cuddy  
\_\_\_\_\_  
Date: 12-01-2022

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

## Letter of Agent

I (We), Terence & Laura Cuddy am (are) the owner(s) of a parcel of land located on Bailey's Gap Road in the Town of Marlborough, Tax Map Designation: Section 95.4 Block 1 Lot 14.

I (We) hereby authorize Control Point Associates, Inc. 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)

Terence A. Cuddy  
Signature  
Laura L. Cuddy  
Signature

12/01/2022  
Date  
12/01/2022  
Date

State Of New York  
County Of Ulster } SS:

On the 1<sup>st</sup> day of December in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared

Terence A. Cuddy, Laura L. Cuddy, 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.

SUZANNE DEMSKIE  
Notary Public, State of New York  
Reg. No. 01DE6240448  
Qualified in Ulster County  
Commission Expires May 02, 2023

Notary Public

# ***Short Environmental Assessment Form***

## ***Part 1 - Project Information***

### **Instructions for Completing**

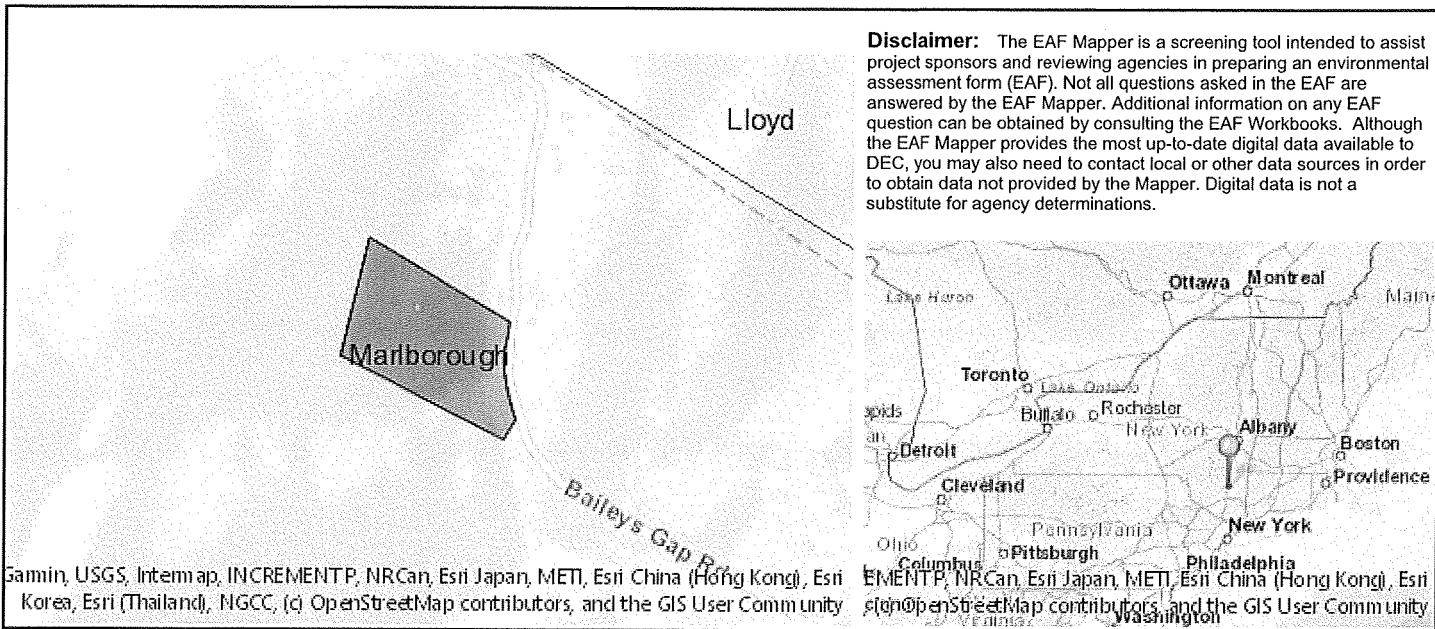
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

<b>Part 1 – Project and Sponsor Information</b>		
<p>Name of Action or Project: Subdivision of lands of Terence &amp; Laura Cuddy</p>		
<p>Project Location (describe, and attach a location map): 50 Baileys Gap Road Town of Marlborough Ulster County NY SBL: 95.4-1-14</p>		
<p>Brief Description of Proposed Action: Proposed two lot subdivision of 13.32 acres. Proposed Lot 1 will be 11.14 acre parcel with an existing house, well and septic. Proposed Lot 2 will be a 2.18 acre parcel with a proposed house well and septic.</p>		
<p>Name of Applicant or Sponsor: Control Point Associates, Inc</p>		<p>Telephone: 845-691-7339</p>
<p>E-Mail: pbrooks@cpasurvey.com</p>		
<p>Address: 11 Main Street</p>		
<p>City/PO: Highland</p>		<p>State: NY</p>
<p>Zip Code: 12528</p>		
<p>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</p>		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
<p>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.</p>		<input checked="" type="checkbox"/> <input type="checkbox"/>
<p>2. Does the proposed action require a permit, approval or funding from any other government Agency?</p>		<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
<p>If Yes, list agency(s) name and permit or approval: Ulster County Health Dept. - septic permit Town of Marlborough DPW - driveway access</p>		<input type="checkbox"/> <input checked="" type="checkbox"/>
<p>3. a. Total acreage of the site of the proposed action? <u>13.32</u> acres b. Total acreage to be physically disturbed? <u>0.6</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>13.32</u> acres</p>		
<p>4. Check all land uses that occur on, are adjoining or near the proposed action:</p>		
<p>5. <input type="checkbox"/> Urban <input checked="" 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</p>		

	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? If Yes, identify: _____	NO	YES	
	<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? If the proposed action will exceed requirements, describe design features and technologies: All new construction must meet current NYS, County and Town building codes.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Proposed Lot 1 has an existing well. Proposed Lot 2 will drill a new well.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed Lot 1 has an existing septic system. Proposed Lot 2 will construct a new septic system.	NO	YES	
	<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	
	<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 to 13a: There are no wetlands on this parcel as per current NYS DEC 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 checked="" 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?			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
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 <input checked="" type="checkbox"/> YES <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 <input checked="" type="checkbox"/> YES <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 <input checked="" type="checkbox"/> YES <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>			
Applicant/sponsor/name: <u>Control Point Associates, Inc.</u>		Date: <u>November 19, 2022</u>	
Signature: <u>Dustin D. Brooks</u>		Title: <u>Surveyor/Agent</u>	



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

November 29, 2022

### **LETTER OF INTENT**

Owner/Applicant Terence & Laura Cuddy are seeking approval for a Two Lot Subdivision of their 13.32 acre parcel situated on the westerly side of Baileys Gap Road, having the tax map designation of SBL: 95.4-1-14. The property is located in the R-Ag-1 zoning district.

Proposed Lot 1 will be an 11.14 acre parcel containing an existing house, well, septic system and accessory sheds.

Proposed Lot 2 will be a 2.18-acre parcel with a proposed house, well and septic system. This lot will need a permit to construct a new septic system issued by the Ulster County Department of Health as well as approval from the towns Highway Superintendent for driveway access off of Baileys Gap Road.

**Control Point Associates, Inc. P.C. is pleased to announce the acquisition  
of Brooks & Brooks Land Surveyors, P.C.**



**BROOKS & BROOKS**  
LAND SURVEYORS, P.C.  
SURVEYING • PLANNING • GIS

## AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

A. Name of applicant: Terrence & Laura Cuddy  
Mailing address: 50 Baileys Gap Road Highland, NY 12528

B. Description of the proposed project: Two Lot Subdivision

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C. Project site address: 50 Baileys Gap Road Town: Marlborough

D. Project site tax map number: 95.4-1-14

E: The project is located on property:

- X - within an Agricultural District containing a farm operation, or
- X - with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: 13.32 acres

G. Is any portion of the project site currently being farmed?

Yes. If yes, how many acres 5+- or square feet \_\_\_\_\_?  
 No.

H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.

Terrence & Laura Cuddy – 50 Baileys Gap Road Highland, NY 12528 – Fruit Crops

Frederick M & Sharon A Wilklow – 341 Pancake Hollow Road Highland, NY 12528 – Fruit Crops

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

## FARM NOTE

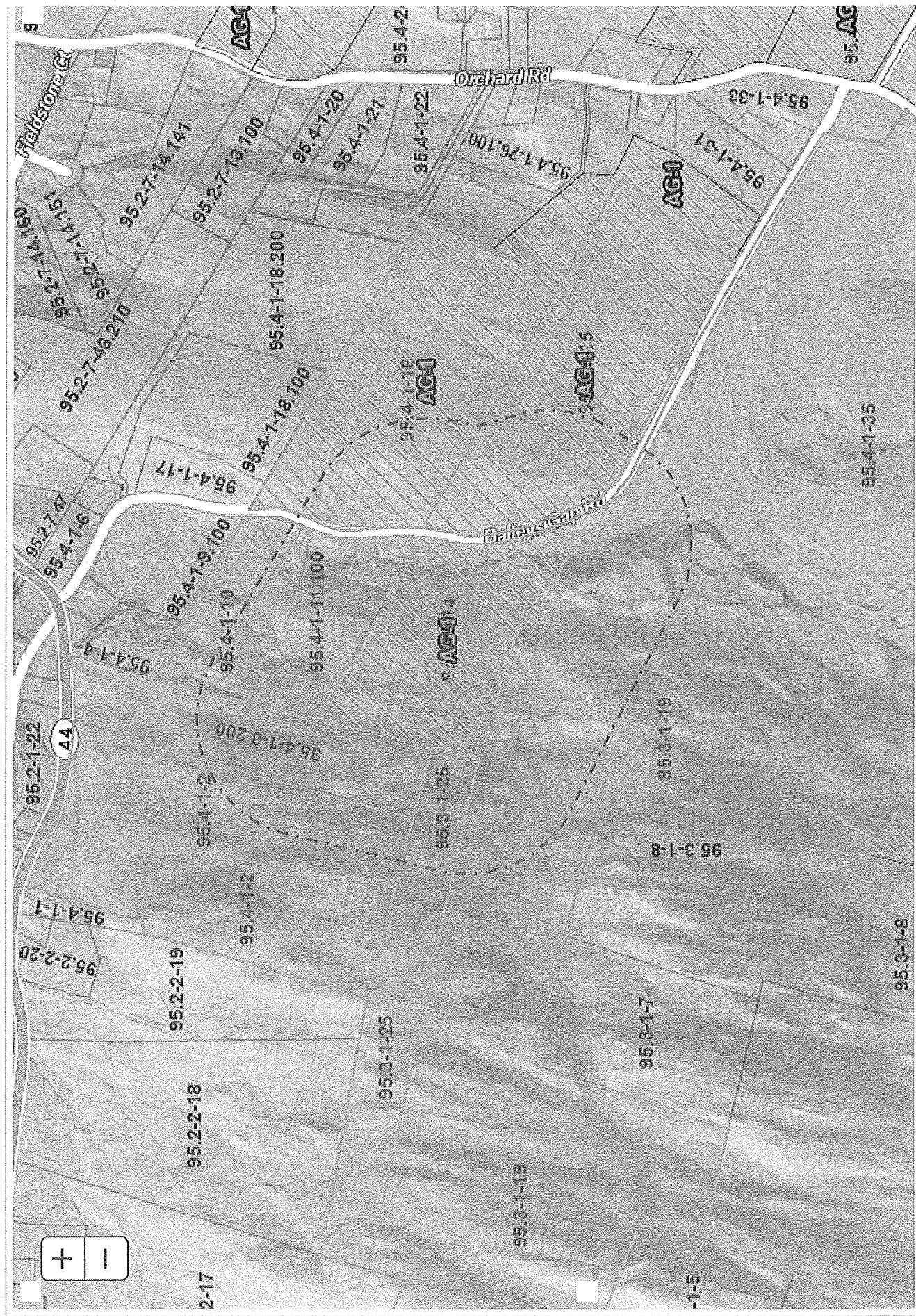
**FARM NOTE**  
Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.

Steven R. Pauli, CST II

November 29, 2022

Name and Title of Person Completing Form

Date



## Owners within 500' of subject

SBL: 95.4-1-14

Parcel	Owner	Secondary_Owner	Mailing_Address	Mailing_City	Mailing_Property_Class
95.4-1-14	Terrence Cuddy	Laura Cuddy	50 Baileys Gap Rd	Highland NY	12528 Fruit crop
95.4-1-2	Karen Baker	Kim Baker-Niemcyk	520 Route 44-55	Highland NY	12528 Rural res
95.4-1-3.200	Francisco Verona	Theresa Verona	510 Route 44-55	Highland NY	12528 1 Family Res
95.4-1-10	Joseph Schwall Jr		162 Bellevue Rd	Highland NY	12528 Mfg housing
95.4-1-35	Town of Marlborough		P.O. Box 305	Milton NY	12547 Landfill
95.3-1-25	Eric Lofaro	Shawn Lofaro	182 Tuckers Corners Rd	Highland NY	12528 Rural vac>10
95.4-1-11.100	Frederick Palmatier	Bonnie Palmatier	98 Bailey's Gap Rd	Highland NY	12528 1 Family Res
95.4-1-13.100	Ernest R Brown		94 Bailey's Gap Rd	Highland NY	12528 1 Family Res
95.4-1-15	Frederick M Wilklow	Sharon A Wilklow	341 Pancake Hollow Rd	Highland NY	12528 Fruit crop
95.4-1-16	Lawrence P Fuhrmann		93 Bailey's Gap Road	Highland NY	12528 Res Multiple
95.3-1-19	Eric Lofaro		182 Tuckers Corners Rd	Highland NY	12528 Vacant rural

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ULSTER COUNTY CLERK'S OFFICE  
COUNTY CLERK'S RECORDING PAGE

474

Return To:

C WESLEY GRADY  
PO BOX 1117  
HOPEWELL JUNCTION NY 12533

Index Deed Book

Book 02901 Page 0316

No. Pages 0004

Instrument DEED

Date : 3/18/1999

Time : 9:33:42

Control # 199903180008

BAILEY'S GAP FARM CORP

RPT 17 1999 004200

CUDDY  
TERRENCE & OR

Employee ID MDAV

DEED REC	\$ 17.00
	\$ .00
	\$ .00
GOV REC FE	\$ 5.00
TRANS TAX	\$ 260.00
	\$ .00
	\$ .00
	\$ .00
	\$ .00
Total:	\$ 282.00

STATE OF NEW YORK  
ULSTER COUNTY CLERK'S OFFICE

WARNING-THIS SHEET CONSTITUTES THE CLERK'S  
ENDORSEMENT REQUIRED BY SECTION 316-a(5) &  
SECTION 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK. DO NOT DETACH.

TRANSFER AMT

TRANSFER AMT \$	65,000.00
TRANSFER TAX \$	260.00

ALBERT SPADA  
COUNTY CLERK

Standard N.Y.B.L.C. Form NO. 2-204 - Bargain and Sale Deed, with Covenants against Grantee's Acts-Individual or Corporation (single sheet)  
**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

**THIS INDENTURE**, made the 15<sup>th</sup> day of March, nineteen hundred and ninety-nine

**BETWEEN** Bailey's Gap Farm Corp.  
42 Bailey's Gap Road  
Highland, New York 12528

party of the first part, and

Terrence Cuddy and Laura Cuddy, husband and wife  
3 Cusa Drive  
Highland, New York 12528

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part 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 Marlboro, County of Ulster and State of New York, being more particularly bounded and described on Schedule A attached hereto

This conveyance is made in the ordinary course of business of the grantor

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, the heirs or successors and assigns of the party of the second part 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, except as aforesaid.

AND the party of the first part, in compliance with Section 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.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

**IN PRESENCE OF:**

Henry J. Ronca, pres.  
Bailey's Gap Farm Corp.  
By: Henry Ronca, President

Aviator Absent

STATE OF NEW YORK, COUNTY OF

SS:

On the 15 day of March, 1999, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

SS:

On the 15 day of March, 1999, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF Ulster

SS:

On the 15 day of March, 1999, before me personally came Henry Ronca to me known, who, being by me duly sworn, did depose and say that he resides at No. 43, Box 107, Gap Rd. Hugh Land, NY 12528 that he is the President of Bailey's Gap Farm Corp.the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order. of the Board of DirectorsJoseph P. Garella  
Notary PublicJOSEPH P. GARELLA  
Notary Public, State of New York  
No. 4774185  
Qualified in Westchester County  
Term Expires September 30, 1992**Bargain and Sale Deed**  
With COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. A-2092

TO

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

C. Wesley Crady  
P.O. Box 1117  
Hempstead, Long Island, NY 11523  
Zip No. 11523

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

CHECKED ocENTERED md

MARK/OFF

SCHEDULE A

All that parcel of land, situate in the Town of Marlboro, County of Ulster and State of New York, bounded and described as follows:

Beginning at a point at or near the center of Bailey Gap Road, said point marking the Northerly line of the herein described parcel and the Southerly line of lands now or formerly Brown, running thence Southerly along the center line of said Bailey Gap Road South 14-53-25 West 247.58 feet South 09-43-55 West 77.00 feet South 02-41-30 East 110.75 feet and South 10-29-30 East 114.65 feet to a point marking the Southerly line of the herein described parcel and the Northerly line of lands now or formerly Town of Marlboro, running thence along the same in part and along the Northerly line of lands now or formerly T. Barr Corp. and along a stonewall in part South 45-36-10 West 154.00 feet North 49-26-40 West 465.00 feet North 50-54-55 West 415.14 feet and North 52-44-36 West 144.23 feet to a stonewall corner marking the Westerly line of the herein described parcel and the Easterly line of the aforementioned T. Barr Corp., running thence along the same in part and along a stonewall and along the Easterly line of lands now or formerly Smith (Liber 2126, page 265) North 26-47-15 East 95.02 feet North 21-59-31 East 328.38 feet and North 26-26-50 East 200.54 feet to a point marking the Northerly line of the herein described parcel and the Southerly line of the aforementioned Brown, running thence along the same and along a stonewall in part South 50-28-50 East 902.00 feet to the point or place of beginning.

Containing 13.47 acres of land, more or less.

Subject to restrictions, restrictive covenants, easements and/or agreements of record, if any.