



CATANIA, MAHON & RIDER, PLLC

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(845) 569-4377

Writer's E-Mail
jfurst@cmrlaw.com

March 24, 2023

VIA E-MAIL (cbrand@marlboroughny.us)
& REGULAR MAIL

Town of Marlborough Building Department
Town Hall
21 Milton Turnpike, Suite 200
Milton, New York 12547

Attn: Chris Brand, Planning Board Chairman

RE: Eco Resort Hotel in Town of Marlborough
300-304 Willow Tree Road (SBL 102.2-5-12) (the "Property")
Our File No.: 15654-67178

Dear Chairman Brand:

We represent WTR 11, LLC (the "WTR") in its effort to obtain local land use approvals for its proposed eco resort hotel at the Property (the "Eco Resort Hotel"). We are submitting this conceptual site plan application on behalf of WTR. WTR currently owns the Property, which is approximately 50 acres and located within the Town's Rural Agricultural District (R-Ag-1).

The Eco Resort Hotel will consist of twenty (20) cabins for sleeping purposes, with each cabin being less than four (400) hundred square feet. The Eco Resort Hotel will also include a swimming pond, beach volleyball court, and a small recording studio. It will also include other, passive recreational amenities for the guests to enjoy, like numerous walking paths, gardens,

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growing fields and natural landscapes. Finally, there will be a main building that will serve as a lobby for the guests and contain outdoor and indoor dining areas with kitchen facilities.

Overall, the Eco Resort Hotel will be an attractive addition to the Town that fits in with the existing surroundings. The Proposal will be thoughtfully designed and will blend in with the natural environment, unlike traditional hotels. Proposed design elements include a meandering layout, significant open space, multiple ponds and screening vegetation. The Proposal will focus on privacy for guests, which in turn, means privacy for neighbors.

Please find enclosed, the following:

1. A draft concept plan, prepared by Engineering & Surveying Properties, dated February 16, 2023.
2. A completed Preliminary Conceptual Site Plan Application, with all required attachments.
3. A DEC Resource Mapper Report of the Property (which shows no environmental resources present on the Property).
4. Photos of the existing buildings on the Property.
5. A copy of the Building Inspector's Referral.
6. A check for \$300 made payable to the "Town of Marlborough", for the conceptual site plan escrow.

If the Town requires anything else, please advise me at your earliest convenience. Kindly place on the Proposal the Planning Board's next meeting agenda, which I believe is April 3, 2023. Your anticipated cooperation is greatly appreciated. We look forward to reviewing the concept plan with the Planning Board. Thank you.

Very truly yours,



JOHN W. FURST

JWF/jwf/2261001

Cc: Jen Flynn, Planning Board Secretary (via e-mail only at
marlboroughplanning@marlboroughny.us)
Engineering and Surveying Properties, PC
WTR 11, LLC

**Town of Marlborough Planning Board
Preliminary Conceptual Site Plan Application**

Application #

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

Please refer to Town of Marlborough Route 9W Corridor Building and Site Design Guidelines for New Commercial Construction and Rehabilitation of Existing Buildings.

<https://www.townofmarlboroughny.org/DocumentCenter/View/2891/Route-9W-Corridor-Building-and-Site-Design-Guidelines>

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

Date of Initial Submission and Latest Revision	
Name of Project	Willow Tree Resort Hotel
Address of Project	300-304 Willow Tree Road, Milton
Tax Section, Block, and Lot Number	102.2 - 5 - 12
Zoning District	R- AG - 1
Number of Acres see: https://ulstercountyny.gov/maps/parcel-viewer/	50.10 Ac.
Square Footage of Each Building	390 Sq. Ft.
Reason For Application: Resort Hotel with 20 individual cabins for outdoor entertainment.	
Description of Proposal 155-31 E (3) (a): See attached narrative.	

CONTACT INFORMATION where applicable	
Name of Property Owner	WTR 11, LLC (c/o Yves Jadot)
Address of Property Owner	34 Clarks Lane, Milton
Telephone Number of Property Owner:	
Email of Property Owner	
Name of Applicant	Same as Owner
Address of Applicant	
Telephone Number of Applicant	
Email Address of Applicant	
Name of Surveyor	Oicle Land Surveying, PC (Frank F. Oicle, LS)
Address of Surveyor	946 Rte 376, Wappingers Falls, NY
Telephone Number of Surveyor	(845) 293-0831
Email Address of Surveyor	
Name of Engineer	Engineering & Surveying Properties, PC (c/o Ross Winglovitz, PE)
Address of Engineer	71 Clinton Street, Montgomery, NY
Telephone Number of Engineer	(845) 457-7727
Email Address of Engineer	Ross@ep-pc.com
Name of Attorney	Catania, Mahon, & Rider, PLLC (c/o John Furst, Esq.)
Address of Attorney	641 Broadway, Newburgh, NY
Telephone Number of Attorney	(845) 565-1100 ext. 377
Email Address of Attorney	jfurst@cmrlaw.com
Name & Profession of Other Involved Personnel	
Address of Other Involved Personnel	
Telephone Number of Other Involved Personnel	
Email of Other Involved Personnel	

Town of Marlborough Planning Board

Conceptual Plan Checklist

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

Failure to accurately complete this Checklist in its entirety may result in delays and additional review costs. Applicants may go directly to the professionally completed Site Plan check list.

Y / N	Required Items To Be Submitted
1 Y	Conceptual Plan Application Checklist Complete pages 3 to 4.
2 Y	Letter of Agent Statement Page 10, Ethics code pages 5-7 if applicable.
3 Y	Disclaimer see page 9.
4 Y	Initial Escrow Fee Paid (Separate check from Application Fee) see page 8, also 155-31 J.
5 N	Any waivers or deferred submission of concept plan information. (155-31 F).
6 Y <small>See attached DEC Resource Mapper Report</small>	An area map and a high resolution aerial photograph keyed to the real property maps, showing the parcel under consideration and all properties, subdivisions, roads, and easements within 500 feet of the boundaries thereof. (NOTE: An example of an acceptable aerial photograph includes a photograph from Google Earth™ mapping service.) 155-31 D (1) (or Ulster County Parcel viewer Aerial https://ulstercountyny.gov/maps/parcel-viewer/).
7 Y	A compilation of known environmental data in relation to the project site and in relation to property within 500 feet of the project site is included. The compilation shall consist of a narrative summarizing the known environmental data, and copies of any and all previous reports, studies, findings and documents, prepared by any person, consultant or agency. If the supporting reports, studies, findings and documents are in excess of 50 pages, it is preferred that this submission be made in digital form. See 155-31 D (3).
SITE MAP	
8 Y	Site map depicts approximate location of lot lines and lot measurements. 155-31 D (2) (a) (b).
9 Y	Map of the site depicts existing and proposed streets, other access ways and site ingress and egress. 155-31 D (2) (c) (f).
10 Y	Map of the site depicts approximate location of proposed location of future roadway connections between the subject parcel and adjacent parcels. 155-31 D (2) (d) and 155-31 G (8) (b).
11 Y	Map of the site depicts location and dimensions of existing and proposed structures and paved areas 155-31 D (2) (e).
12 Y	Map depicting the approximate location of site topography. 155 D 2 (g).

13 Y	Map of the site depicts significant natural and historic features, including floodplains, outcrops, soils, watercourses and water bodies, significant habitat areas, or known endangered species occurrences and wooded areas. In addition, agricultural districts, farm operations, sites nominated or on the state or national registers for historic places, sensitive archaeological areas, and coastal zone boundaries. 155-31 D (2) (h).
14 N	Photographs of the site and buildings thereon are included. Encouraged by Planning Board. 155-31 D(2)(i).
15 Y	A digital copy of the conceptual site plan is submitted in PDF format. 155-31 D (4).

DISCLAIMER: The Town of Marlborough does not provide legal, engineering, or other consulting advice to applicants or potential applicants. Such applicants must retain their own attorneys, engineers, and/or other consultants to obtain such advice. Any conceptual review provided by Town employees or representatives related to limited information in Conceptual Site Plan Packet is provided subject to review, comments, and decisions by the Planning Board as a whole and all the Planning Board's consultants after submission of a full site plan packet, supporting documents, revisions, and public review.

The proposed Concept plan has been prepared in accordance with this checklist.

By: _____

Date: _____

Ethics Code

TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

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

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

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

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

I, Yves Jadot, as a member of WTR II, LLC, residing at 34 Clarks Lane, Milton (mailing address), make the following statements about interests in the real property which is the subject of this

application, petition or request for a site plan approval and a special use permit,

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 an immediate family member of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

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

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

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

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

Signed:  Date: 03/17/2023

ACKNOWLEDGMENT

State of New York,
County of:

On March 17, 2023, before me personally appeared Yves Jidot, 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



JULIE A. DURKIN
Notary Public, State of New York
No. 01DU6314887
Qualified in Dutchess County
Commission Expires 11/17/2020

**Town of Marlborough Planning Board
Conceptual Site Plan Escrow Fees**

Please make checks payable to: Town of Marlborough

Conceptual Site Plan - \$300.00 minimum

Escrow fee to be determined.

Escrow Deposit are to be replenished to 75% of original escrow when level drops to 25% remaining in account.

Contact the Building Department for safety inspection, permit, and other applicable fees.

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.

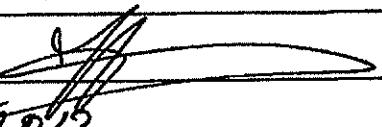
The Town of Marlborough Town Board sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgment of responsibility for payment of these fees to the Planning Board for review of this application including, but not limited to, fees 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.

Yves Jadot, as a member of WTR II, LLC

Applicant's Name (Print): Yves Jadot

Applicant's Signature: 

Date: 03/17/2023

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

Town of Marlborough Planning Board
Letter of Agent

I (We), WTR 11, LLC am (are) the owner(s) of
a parcel of land located
on the north side of Willow Tree Road in the Town
of Marlborough, Tax Map Designation: Section 102.2 Block 5 Lot 12.

I (We) hereby authorize Celanian, Mahon & Rider, PLLC to act as my (our) agent
to represent my (our) interest in applying to the Town of Marlborough Planning Board for
a Lot Subdivision Site Plan Minor Site Plan Lot Line Revision Application. (check one)
and special use permit

Signature: 
, member of WTR II, LLC Date: 03/17/2023

Signature: _____ Date: _____

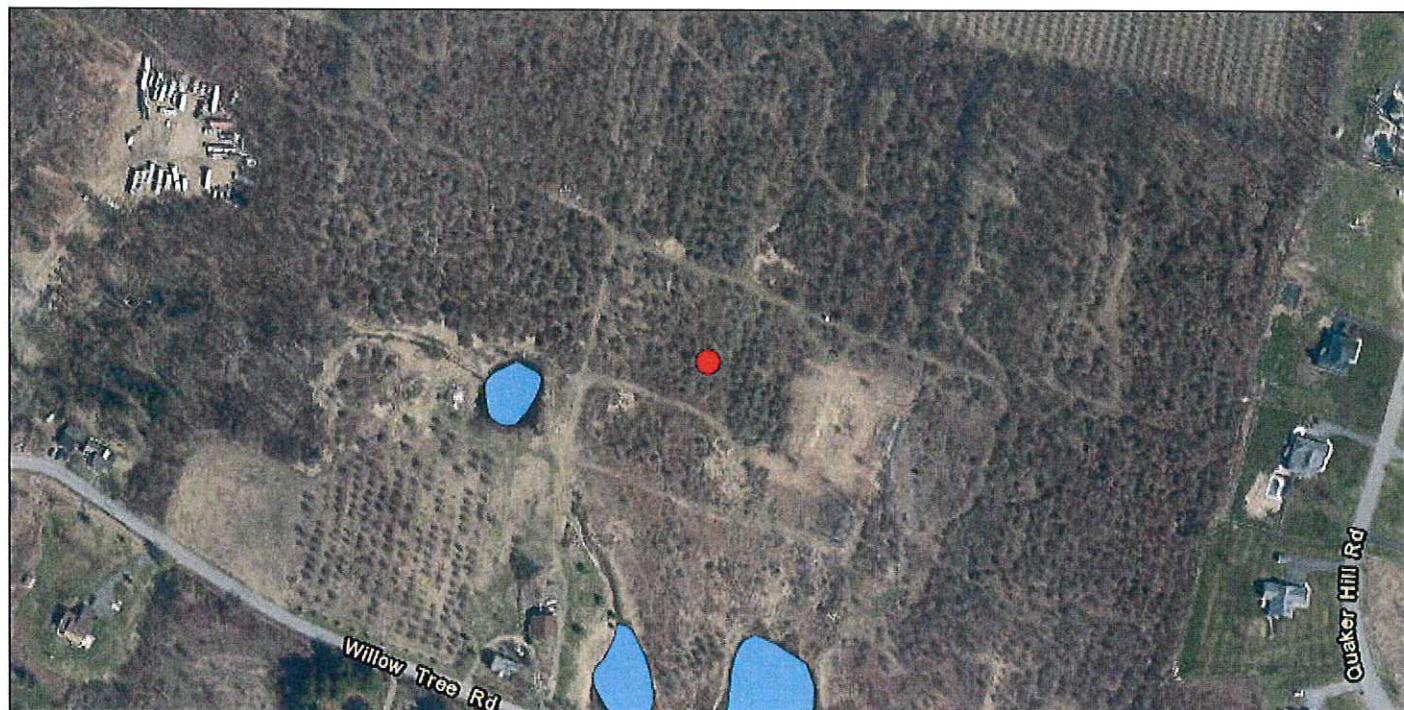
State Of New York
County of Orange
On the 17th day of March in the year 2023 before me, the undersigned, a Notary Public in and for said

State, personally appeared Yves Jadot
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

JULIE A. DURKIN
Notary Public, State of New York
No. 01DU6314887
Qualified in Dutchess County
Commission Expires 11/17/2026

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 584141.0960499938

Northing: 4612282.789238786

Longitude/Latitude

Longitude: -73.98942252788146

Latitude: 41.657864799054906

The approximate address of the point you clicked on is:

12547, Milton, New York

County: Ulster

Town: Marlborough

USGS Quad: POUGHKEEPSIE

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.





Julie Durkin

From: John Furst
Sent: Friday, March 24, 2023 10:48 AM
To: Julie Durkin; Jonathan DeJoy
Subject: FW: Proposed Eco Resort Hotel at Willow Tree Road

From: Tom Corcoran <tcorcoran@marlboroughny.us>
Sent: Wednesday, March 8, 2023 8:23 AM
To: John Furst <jfurst@cmrlaw.com>
Cc: pcashman@marlboroughny.us
Subject: Re: Proposed Eco Resort Hotel at Willow Tree Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John,

Thank you for reaching out and providing me with the attached information.

As I see the presented proposal and based on the Town of Marlborough Zoning code (Section 155) a Resort Hotel is permitted within the RAG-1 zone (the proposed property location) and is subject to special use. Yes, this will require site plan approval from the Town of Marlborough Planning Board under 155-12 (C)(4)(o) and must also comply with the requirements set forth in town code section 155-18(B)(1) - as stated.

With that said , this response is not a approval of the attached said project but a interpretation of the Town of Marlborough town code , as town zoning officer , to move forward with a application to the town's planning board.

Any other further questions or concerns, please do not hesitate to contact me.

Tom Corcoran

On Tue, Mar 7, 2023 at 12:14 PM John Furst <jfurst@cmrlaw.com> wrote:

Mr. Corcoran,

We met in September to discuss my client's proposed project. Based upon you feedback, my client has revised the proposal. I now believe his revised proposal can be classified as a "Resort Hotel" under the Town's Zoning Code. Attached is a short letter and draft concept plan with more details.

If you agree, I was hoping to obtain some written confirmation from your office.

I would be happy to meet with you at your earliest convenience. Thank you.

JOHN W. FURST, Esq.

PARTNER

 CATANIA, MAHON & RIDER, PLLC
ATTORNEYS AT LAW

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CMRLAW.COM

Please note our new physical address

CONFIDENTIALITY NOTICE: This electronic mail transmission is intended only for the use of the individual or entity to which it is addressed and may contain confidential information belonging to the sender which is protected by the Attorney-Client Privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by e-mail and delete the original message.

Pursuant to IRS regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal revenue code or promoting, marketing or recommending to another person any tax related matter.

--
Thomas J. Corcoran Jr.

Town of Marlborough

Code Enforcement Officer

Building Inspector

Fire Inspector