

APPLICATION TO THE ZONING BOARD OF APPEALS
TOWN OF MARLBOROUGH, NEW YORK

APPLICANT Lighthouse Holdings of NY, LLC PHONE # 845 857 5938
ADDRESS 259 Broadway Newburgh NY ZIP 12550
LOCATION OF PROPERTY 131 Willow Rd Marlboro NY
ZONING DISTRICT _____ SECTION 108.3 BLOCK 1 LOT 21.114
APPLICANT IS: OWNER ✓ TENANT _____ OTHER _____
ATTORNEY (IF REQUIRED) Kenneth M Stenger
ADDRESS 1136 Rte 9 Wappingers NY PHONE # 845 298 2000

CHECKLIST OF REQUIREMENTS

1. COPY OF THIS COMPLETED APPLICATION WITH REQUIRED FEE MADE PAYABLE TO THE TOWN OF MARLBOROUGH.
2. SIX (6) COPIES OF PLOT PLAN SHOWING SETBACKS OF PROPOSED VARIANCE AND ALL OTHER STRUCTURES LOCATED ON THE PROPERTY, ALSO EXISTING WELL AND SEPTIC.
3. ANY OTHER DETAILS AND EXHIBITS (PHOTOGRAPHS) DEEMED NECESSARY APPLICABLE TO THIS PROPOSAL.
4. COPY OF DEED AND TAX BILL OF PROPERTY REQUIRING VARIANCE.
5. LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTIES WITHIN 500 FEET OF THE PROPERTY FROM "ALL" EXTERIOR BOUNDARIES.
ALL PROPERTY OWNERS MUST BE NOTIFIED BY CERTIFIED MAIL WITH RETURN RECEIPT 10 DAYS PRIOR TO THE PUBLIC HEARING.
6. COPY OF BUILDING PERMIT SHOWING PROPOSAL AND REASON FOR DENIAL IF DENIED.

APPLICATIONS WILL NOT BE ACCEPTED UNLESS ACCOMPANIED BY ALL OF THE NECESSARY DOCUMENTATION.



PLEASE ANSWER ALL QUESTIONS #1-12

1. THE UNDERSIGNED HEREBY APPEALS TO THE ZONING BOARD OF APPEALS OF THE TOWN OF MARLBOROUGH.

X FROM AN ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING INSPECTOR ~~SEC~~
FROM A DECISION BY THE PLANNING BOARD OF THE TOWN OF MARLBOROUGH
OTHER _____

2. WHAT IS THE APPROXIMATE ACREAGE OF THE PROPERTY INVOLVED? 2.61 acres

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES? yes
NUMBER OF DWELLINGS - 0 - NON-DWELLINGS (GARAGES, SHEDS) 1 warehouse

4. DOES THE EXISTING BUILDING HAVE A CERTIFICATE OF OCCUPANCY? ^{compliance} yes

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? NO
SEASONALLY? _____ YEAR-ROUND? _____

6. HAS IMPROVEMENT, ADDITION, OR CONSTRUCTION BEEN STARTED? N/A

7. WILL PREMISES BE OWNER OCCUPIED? yes

8. WAS A PREVIOUS APPEAL OR VARIANCE APPLICATION BEEN MADE WITH RESPECT TO THIS PROPERTY? NO IF SO, WHEN _____

9. IS THE LAND OR BUILDING WITHIN 500 FEET OF:

NO BOUNDARY OF ANY CITY, TOWN OR VILLAGE?

NO BOUNDARY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARK OR OTHER RECREATION AREA?

NO RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARKWAY, THRUWAY, EXPRESSWAY, ROAD OR HIGHWAY?

NO RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STREAM OR DRAINAGE CHANNEL OWNED BY THE COUNTY OR FOR WHICH THE COUNTY HAS ESTABLISHED CHANNEL LINES?

10. TYPE OF ACTION SOUGHT:

X AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP

X A VARIANCE TO THE ZONING ORDINANCE

11. NATURE OF REQUEST: relief under zoning code section 155-21

TOWN CODE SECTION: 155-21 TITLE: Recyclable argilliteaval Buildings

12. REASON YOU ARE PETITIONING THE ZONING BOARD OF APPEALS. (IF SEEKING A VARIANCE INDICATE
HARDSHIP YOU WILL SUFFER IF THE VARIANCE IS NOT GRANTED).

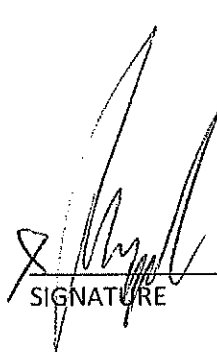
see attorney's cover letter

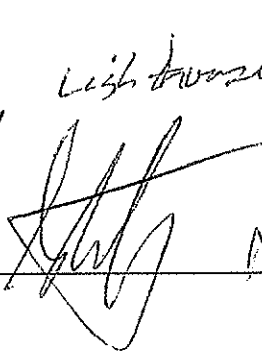
STATE OF NEW YORK
COUNTY OF Dutchess

SWORN TO ME THIS 1st DAY OF March 2023


NOTARY PUBLIC SIGNATURE

Jad B. Haddad
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02HA6419472
Qualified in Dutchess County
Commission Expires July 6, 2025


SIGNATURE


MEMBER

Leigh Anne H. Haddad

ZONING VARIANCE AREA/USE

1. AREA MAPS SHOWING THE LOCATION OF THE PROPOSAL
 - A. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF EITHER A USGS OR NYS DEPARTMENT OF TRANSPORTATION MAP – 1:2400 SCALE
 - B. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE MUNICIPAL ZONING MAP
 - C. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE LOCAL TAX MAP OF THE APPLICANT'S PROPERTY
2. COMPLETE WRITTEN DESCRIPTION OF THE PROPOSAL
3. SITE PLAN SHOWING PHYSICAL CHARACTERISTICS OF PROPERTY; EXISTING AND PROPOSED LAYOUT OF BUILDINGS, STRUCTURES, ADDITIONS, PARKING, ROAD OR HIGHWAY ACCESS, DRAINAGE AND AVAILABILITY OF UTILITIES (APPROPRIATE SCALE)
4. SUPPORTING MATERIAL USED IN REQUEST, SUCH AS TRAFFIC GENERATION, ADDITIONAL SERVICES ETC.
5. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED
6. ZONING PROVISION FROM WHICH A VARIANCE IS REQUESTED
 - A. LIST "PRACTICAL DIFFICULTIES" FOR AN AREA VARIANCE
 - B. LIST "UNNECESSARY HARDSHIPS" FOR A USE VARIANCE
7. COPY OF ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT AS REQUIRED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR).
8. AFTER ULSTER COUNTY PLANNING BOARD REVIEW, SUBMISSION OF FINAL ACTION REPORT

THE TOWN OF MARLBOROUGH MUNICIPAL CODE SETS FORTH THE SCHEDULE OF FEES FOR APPLICATIONS TO THE ZONING BOARD. THE SIGNING OF THIS APPLICATION INDICATES YOUR ACKNOWLEDGMENT OF RESPONSIBILITY FOR PAYMENT OF THESE FEES TO THE ZONING BOARD FOR REVIEW OF THIS APPLICATION, INCLUDING BUT NOT LIMITED TO FEES FOR PROFESSIONAL SERVICES (ATTORNEY'S, ENGINEER, LEGAL NOTICE AND TRANSCRIBER FEES).

APPLICANT SUBMISSIONS AND RE-SUBMISSIONS WHICH ARE NOT COMPLETE WILL NOT BE CONSIDERED BY THE ZONING BOARD OR PLACED ON ITS AGENDA UNTIL ALL OUTSTANDING FEES HAVE BEEN PAID.

APPLICATION FEES: COMMERCIAL \$300.00
 RESIDENTIAL \$300.00

ESCROW FEES: \$700.00

*ANY PORTION OF THE ESCROW FEE DEPOSIT NOT EXPENDED DURING THE REVIEW OF SUCH APPLICATION SHALL BE RETURNED TO THE APPLICANT UPON FINAL ACTION BY THE TOWN OF MARLBOROUGH.

*ANY AND ALL FEES OUTSTANDING FROM THE ESCROW FEE DEPOSIT IS THE RESPONSIBILITY OF THE APPLICANT TO MAKE IMMEDIATE PAYMENT OF THE AMOUNT DUE TO THE TOWN OF MARLBOROUGH (AN INVOICE WITH BALANCE DUE WILL BE MAILED TO THE APPLICANT).

Light House Holding, Inc. LLC
APPLICANTS NAME (PRINT)

[Signature] MEMBER
APPLICANTS SIGNATURE

3/1/23
DATE

Town of Marlborough 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, RAY Staffon, residing at
259 Broadway, Newburgh, NY, make
the following statements about interests in the real property which is the subject of this application,
petition or request for a interpretation / use variance, before the Town
of Marlborough Zoning Board of Appeals.

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: [Signature]

Date: 3/1/23

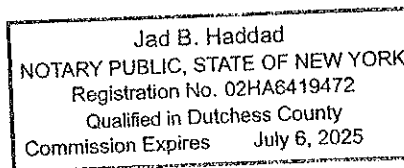
ACKNOWLEDGMENT

State of New York

County of:

On March 1, 2023, before me personally appeared

Raymond Staffon, 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.



[Signature]
Notary

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: <i>Light House Holdings of New York, LLC</i>																		
Project Location (describe, and attach a location map): <i>131 Idlewild Road MARLBORO NY</i>																		
Brief Description of Proposed Action: 																		
Name of Applicant or Sponsor: <i>Light House Holdings of NY LLC</i>		Telephone: <i>857 5938</i>																
		E-Mail: <i>chris@generaltraffic</i>																
Address: <i>259 Broadway</i> <i>equip.com</i>																		
City/PO: <i>Norburgh</i>		State: <i>NY</i>	Zip Code: <i>12550</i>															
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.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3. a. Total acreage of the site of the proposed action?		<u> </u> acres																
b. Total acreage to be physically disturbed?		<u>N/A</u> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0</u> acres																
4. Check all land uses that occur on, are adjoining or near the proposed action:																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td><input checked="" type="checkbox"/> Other(Specify):</td> <td><i>for mainly agricultural use which is presently abandoned.</i></td> </tr> <tr> <td><input type="checkbox"/> Parkland</td> <td colspan="4"></td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other(Specify):	<i>for mainly agricultural use which is presently abandoned.</i>	<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Other(Specify):	<i>for mainly agricultural use which is presently abandoned.</i>														
<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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<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 checked="" type="checkbox"/>	<input 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: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	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?	<input 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 type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Lightham</u> Date: <u>3/1/23</u>		
Signature: <u>[Signature]</u> MEMBER Title: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]	
Project:	
Date:	

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

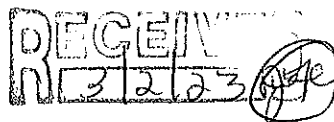
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

SBL:	Address:	Owner:	Address:
108.3-1-22	?	?	96 Idlewild Road, Marlboro, NY 12542
108.3-1-21.117	23 Burma Road	Ernest Greiner	5018 Old New Utrecht Road, Brooklyn, NY 11004
108.3-1-21.116	Burma Road	Staco Marlboro LLC	96 Idlewild Road, Marlboro, NY 12542
108.3-1-18.122	Burma Road	Ernest H. Greiner & Jeffrey A. Greiner	96 Idlewild Road, Marlboro, NY 12542
108.3-1-21.115	23 Burma Road	Ernest Greiner	134 Idlewild Road, Marlboro, NY 12542
108.3-1-4.121	134 Idlewild Road	Kevin J. Casey & Keller Casey	136 Idlewild Road, Marlboro, NY 12542
108.3-1-4111	136 Idlewild Road	Sean Joyce	9 Pioneer Road, Marlboro, NY 12542
108.3-1-23	9 Pioneer Road	Jack Rusinek & Anna Rusinek	



☎ (845) 298-2000
☎ (845) 298-2842
✉ info@sdglaw.com
🌐 sdglaw.com



MAIN OFFICE
1136 Route 9
Wappingers Falls
New York 12590

Poughkeepsie Journal Building
85 Civic Center Plaza, Suite 100
Poughkeepsie, NY 12601

By appointment only

Kingston Office
303 Clinton Avenue
Kingston, NY 12401

By appointment only

*Please direct all inquiries
to the Main Office*

March 1, 2023

Kenneth M. Stenger
Stephen E. Diamond*
Jessica J. Glass

Karen E. Hagstrom
Ian C. Lindars
A.J. Iuele
Albert P. Roberts
PARTNER EMERITUS

Mary Kate Ephraim
Jad Haddad

OF COUNSEL
Joan F. Garrett**

PARALEGALS
Elizabeth Amicucci
Jennifer Arno
Ailana Brown
Tammy Johnson
Jillian Medina
Alison Secor

CLOSING COORDINATORS
Maria L. Jones
Sandra A. Turner

*ALSO ADMITTED IN FL & MA

**ALSO ADMITTED IN CT

Via email only: marlboroughzoning@marlboroughny.us

Jenn Flynn, Secretary
Town of Marlborough
Zoning Board of Appeals
21 Milton Turnpike
P.O. Box 305
Milton, NY 12547

**Re: Lighthouse Holdings of NY, LLC with the Town of Marlborough
File No. 41145.0019**

Dear Ms. Flynn:

This law firm represents Lighthouse Holdings of NY, LLC. Lighthouse Holdings of NY, LLC is the applicant in a Zoning Board application which is covered by this letter. In addition to that application, this letter covers two (2) checks made payable to the Town of Marlborough, one in the amount of \$300.00 and one in the amount of \$700.00. The first being an application fee and the second being an escrow deposit necessary for the processing of this application.

This application is taken from the written determination of Thomas Corcoran, Jr., the Town of Marlborough Code Enforcement Officer, dated January 4, 2023. A copy of the same is annexed hereto and made a part hereof as **Exhibit A**.

The applicant acquired title to the property, which is the subject of this application, by Deed dated September 29, 2021. A copy of that Deed is annexed hereto and made a part hereof as **Exhibit B**.

At the time of the acquisition, the property was improved by a 100' x 60' agricultural pole barn as confirmed by a Certificate of Compliance issued by the Town of Marlborough Building Department. A copy of the same is annexed hereto and made a part hereof as **Exhibit C**.

At the time of the acquisition, the applicant was aware of, and relied upon, §155-21 of the Town of Marlborough Zoning Code titled "Recyclable Agricultural Buildings". That section provides that agricultural buildings, which are no longer put to use for agricultural purposes, "may be used for non-agricultural activities, such as warehousing and long-term storage, when conducted without public hazard or nuisance caused by odor, noise, smoke, or traffic generation".

The applicant's business plan was to acquire the property and use the agricultural pole barn for general warehouse purposes under the authority of the statute. In furtherance of that business plan, the applicant made an application to the Town of Marlborough Planning Board for Site Plan Approval.

During the Course of the Planning Board's consideration, Planning Board members took notice of §155-1(c) of the Town of Marlborough Zoning Code, which provides a definition as to what is to be considered a recyclable agricultural building. The definition contains a requirement that any building, falling within it, must have been in service as an agriculturally used structure for a minimum of ten (10) years prior to its ability to be recycled in use.

At the time that the applicant acquired title to the property, the applicant relied entirely upon the provision of the Town of Marlborough Code §155-2(1). It was not aware that another section of the Town of Marlborough Zoning Code contained a provision which, if given control over the language of the Town of Marlborough Code §155-2(1), would prevent its use of it for at least three (3) years, as it appears that the pole barn was constructed seven (7) years prior to the date of the acquisition.

The circumstances described above have created an unexpected disaster for the applicant. It purchased the property in good faith and in a fair belief that it would be able to use the agricultural pole barn for a non-agricultural warehouse purpose under the authority of Town of Marlborough Zoning Code §155-21. The late introduction of Town of Marlborough Code §155-1(c) into that analysis has created a possibility that the agricultural pole barn be used for nothing during the next three (3) years because there is no longer an existing agricultural use to support it.

As a consequence of the foregoing, the issue was raised with the Code Enforcement Officer. On January 3, 2023, the Code Enforcement Officer made his determination. This application is made as a consequence of that determination.

The applicant seeks relief on two fronts.

First, there is an inherent ambiguity between the provision of the Town of Marlborough Code §155-2(1) and §155-1(c). In this instance, the definition contains restrictions which are not only inconsistent with the right and privilege

afforded by §155-2(1), it contains a restriction that may not be possible to fulfill in these circumstances.

Section 155-1 requires that any building, in order to fall within its definition, have served its prior use for a minimum of ten (10) years. The prior use is referred to as an agricultural use. Here, the agricultural building has a life of seven (7) years. The agricultural use which supported it no longer exists. Because that agricultural use no longer exists, it is not possible for the building in question to be put into "its prior use" for a period of ten (10) years.

Given the circumstance described above, this application seeks an interpretation of the Code which would declare that the ten (10) year requirement, established under §155-1, has no control or effect under the circumstance of this application, as its literal application will render the future recycled use of the property impossible. Alternatively, it requests that the Board make a determination that there exists an ambiguity, under the circumstances of this application, which must be resolved in favor of the applicant, by making a determination that the language of the definition, set for at §155-1, is subordinate to the language of the operational statute at §155-2(1).

In the event that the Board is not comfortable with reaching either of these conclusions, this application asks the Board to grant a Use Variance for the minimum period of time necessary to age out the use of the building under §155-1(c). Upon a hearing of the application, the applicant will offer the following:

1. It acquired the property in good faith;
2. It did not create the circumstance which has given rise to the application for a use variance, as the same has been created by an interpretation of two (2) conflicting statutes within the Town of Marlborough Code;
3. Absent the grant of a Use Variance, the applicant will not have use of its property for at least three (3) years, and for a potentially greater period of time, if a position is subsequently taken by the Town that the ten (10) year threshold can never be met because the agricultural use was abandoned prior to the expiration of the ten (10) year property;
4. Absent a Use Variance, the applicant cannot use the agricultural warehouse for any other warehouse purpose. There is no agricultural use supporting the use of the warehouse. It can be used for nothing other than a non-agricultural purpose. Accordingly, there can be no return on my client's investment without the grant of the Use Variance.

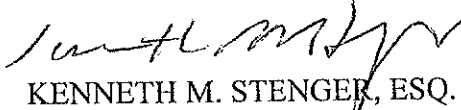
I intend to make a further and more informed submission prior to the scheduling of the Public Hearing in this matter. I look forward to appearing that evening to

discuss these issues with you. In the interim, this letter will serve its purpose as an introduction of the application and the unique circumstances which have warranted the same.

Thank you.

Very truly yours,

STENGER, DIAMOND & GLASS, LLP



KENNETH M. STENGER, ESQ.

kstenger@sdglaw.com

KMS/klg

Encs.

cc: Lighthouse Holdings of NY, LLC

EXHIBIT A

TOWN OF MARLBOROUGH

PO Box 305 Milton NY 12547

TELEPHONE NO. 795-2406 : FAX NO. 795-6171

DEPARTMENT OF BUILDINGS

THOMAS CORCORAN JR.

BUILDING INSPECTOR

CODE ENFORCER

FIRE INSPECTOR

Date: January 3, 2023

Re: Recyclable Agricultural Buildings

Name : Lighthouse Holdings, LLC - Marlboro, N.Y. 12542

S.B.L. : 108.3-1-21.114

This letter is to verify that the building department has reviewed the Planning Board application and has concluded :

___XXX___ : The application is rejected for the following reasons :

Zoning Code Section 155-1 - Terms Defined

BUILDING, RECYCLABLE AGRICULTURAL

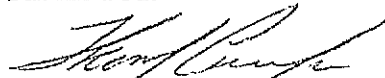
A structure, such as a barn, packinghouse or cooler, used previously for an accessory agricultural purpose, which purpose is no longer economically viable. Such building may be recycled, i.e., converted to a permitted, accessory or special permit use in the zoning district of its location subject to its meeting standards set forth elsewhere in this chapter. To be classified as "recyclable," such building shall have a minimum floor area of 2,500 square feet; have served its prior use for a minimum of 10 years; be certified for appropriateness for its proposed use by the Building Inspector; and receive site plan and environmental review approval from the Planning Board. The current applicant doesn't meet the requirement of 10 years of agricultural use (I think this has been around for about 7 years)

___XXX___ : The application must be presented to the Town of Marlborough Zoning Board because :

This is a agricultural building that the new owner has purchased and the use as a agricultural building is at about 7 years of use - falling short of the 10 years **as defined**.

ZBA must hear the case and issue or deny a variance (like they would on a side yard setback) based on hardship that the purchaser bought the property in good faith from the farmer , who has now cease to farm, and at no fault of his , the agricultural building was not in use for 10 years.

Thank You.



Thomas J. Corcoran Jr.

Building Inspector

Code Enforcement Officer

Zoning Officer

EXHIBIT B

COPY

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S
ACTS (INDIVIDUAL OR CORPORATION)**

FORM 8002 (short version), FORM 8007 (long version)

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND
PURCHASER BEFORE SIGNING

THIS INDENTURE, made the September 20 21

BETWEEN NJNL Properties, LLC, of P.O. Box 700, Marlboro, New York 12542,

party of the first part, and

Lighthouse Holdings of NY LLC of 3 Cloud Street, Newburgh, New York 12551,

party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$10.00) 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, State of New York:

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.

BEING AND INTENDED as acquired from Ernest H. Greiner, Jeffrey A. Greiner and Kenneth E. Greiner as the residuary devisees named in the Last Will and Testament of Ernest E. Greiner by deed dated 3/24/16 and recorded 4/11/16 in Ulster County Clerk's Office in Instr. #2016-4747.

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.

Section: 108.3, Block: 1, Lot: 21.114

Schedule A Description

ALL that certain plot, piece or parcel of land situate lying and being in the Town of Marlborough, County of Ulster and State of New York, known and designated as Lot No. 1 on a map entitled, "Final Map of Subdivision of Lands of The Estate of Ernest B. Greiner," filed with the Ulster County Clerk's Office on February 5, 2016 as Filed Map No. 16-10, bounded and described as follows:

BEGINNING at a rebar set on the southerly side of Idlewild Road at the northeasterly corner of the herein described parcel of land, said rebar being on the easterly side of a farm lane running southerly;

RUNNING THENCE along the easterly side of said lane, through lands to be retained by Greiner, being the division line between the herein described Lot No. 1 and Lot No. 2 as shown on above referenced Filed Map No. 16-10, South 20° 19' 04" East, 193.99 feet to a point;

THENCE South 09° 25' 02" East, 33.32 feet to a point;

THENCE South 55° 58' 24" East, 62.67 feet to a point at the northerly end of an 18" concrete culvert pipe;

THENCE crossing said farm land and running South 06° 07' 21" West, 131.61 feet to a set rebar;

THENCE North 88° 47' 17" West, 263.15 feet to a set rebar;

THENCE North 33° 55' 34" West, 296.94 feet to a rebar set on the southerly side of a gravel roadway;

THENCE along the southerly side of said roadway, North 41° 29' 16" East, 35.92 feet to a point;

THENCE North 48° 13' 10" East, 62.01 feet to a point;

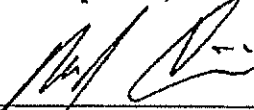
THENCE North 64° 53' 39" East, 86.24 feet to a point on the southerly side of aforementioned Idlewild Road;

THENCE along the southerly bounds of said Idlewild Road, South 82° 28' 58" East, 14.27 feet to a point;

THENCE North 83° 00' 00" East, 138.47 feet and North 64° 03' 48" East, 20.46 feet to the place of BEGINNING, as surveyed by Brooks and Brooks, P.C.

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

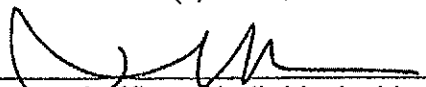
NJNL Properties, LLC

+ 
By: Nicholas Cracolici

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

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

On the 29th day of September in the year 2021, before me, the undersigned, personally appeared **Nicholas Cracolici**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


(signature and office of individual taking acknowledgment)

MICHELLE ANDERSON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02AN4972943
Qualified in Orange County
Commission Expires October 9, 2022



Department of Taxation and Finance

TP-584 (9/19)

Recording office time stamp

**Combined Real Estate Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A – Information relating to conveyance

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Multi-member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantor)	Social Security number (SSN)
	NJNL Properties LLC	[REDACTED]
	Mailing address	SSN
	P.O. Box 700	
	City State ZIP code	Employer Identification Number (EIN)
Marlboro New York 12542		
	Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN
	Nicholas Cracchiolo	[REDACTED]
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Multi-member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantee)	SSN
	Lighthouse Holdings of NY LLC	
	Mailing address	SSN
	3 Cloud Street	
	City State ZIP code	EIN
Marlboro New York 12551	47-4807673	
	Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
108.3-1-21-114	513600	131 Idlewild Road	Marlboro	Ulster

Type of property conveyed (mark an X in applicable box)

- | | |
|---|---|
| 1 <input type="checkbox"/> One- to three-family house | 6 <input type="checkbox"/> Apartment building |
| 2 <input type="checkbox"/> Residential cooperative | 7 <input type="checkbox"/> Office building |
| 3 <input type="checkbox"/> Residential condominium | 8 <input type="checkbox"/> Four-family dwelling |
| 4 <input type="checkbox"/> Vacant land | 9 <input type="checkbox"/> Other _____ |
| 5 <input checked="" type="checkbox"/> Commercial/industrial | |

Date of conveyance

09	29	2021
month	day	year

Percentage of real property
conveyed which is residential
real property _____ %
(see instructions)**Condition of conveyance
(mark an X in all that apply)**

- | | | |
|---|--|--|
| a. <input checked="" type="checkbox"/> Conveyance of fee interest | f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F) | i. <input type="checkbox"/> Option assignment or surrender |
| b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %) | g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G) | m. <input type="checkbox"/> Leasehold assignment or surrender |
| c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %) | h. <input type="checkbox"/> Conveyance of cooperative apartment(s) | n. <input type="checkbox"/> Leasehold grant |
| d. <input type="checkbox"/> Conveyance to cooperative housing corporation | i. <input type="checkbox"/> Syndication | o. <input type="checkbox"/> Conveyance of an easement |
| e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | j. <input type="checkbox"/> Conveyance of air rights or development rights | p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3) |
| | k. <input type="checkbox"/> Contract assignment | q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state |
| | | r. <input type="checkbox"/> Conveyance pursuant to divorce or separation |
| | | s. <input type="checkbox"/> Other (describe) _____ |

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$		

Schedule B – Real estate transfer tax return (Tax Law Article 31)**Part 1 – Computation of tax due**

1	Enter amount of consideration for the conveyance (If you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) <input type="checkbox"/> Exemption claimed	1.	390,000	00
2	Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)	2.	0	00
3	Taxable consideration (subtract line 2 from line 1)	3.	390,000	00
4	Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3	4.	1,560	00
5	Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)	5.	0	00
6	Total tax due* (subtract line 5 from line 4)	6.	1,560	00

Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

1	Enter amount of consideration for conveyance (from Part 1, line 1)	1.		
2	Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)	2.		
3	Total additional transfer tax due* (multiply line 2 by 1% (.01))	3.		

Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a ☐
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d ☐
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F f ☐
- g. Conveyance consists of deed of partition..... g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k ☐

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

This is to certify that: (mark an X in the appropriate box)

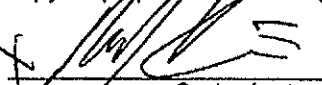
1. ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d ☐ The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Note: for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

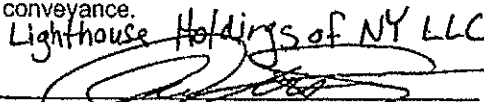
- e ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

Signature (both the grantors and grantees must sign)

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.



 Grantor signature
 Nicholas Cracolici



 Grantee signature
 By: Chris Staffon



 Title
 Member

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

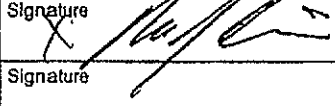
If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 – New York State residents

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature 	Print full name Nicholas Crudele	Date 9-29-2021
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

Part 2 – Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

Exemption for nonresident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ to _____ (see instructions).
Date Date
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

FOR COUNTY USE ONLY

C1. SWIS Code

C2. Date Deed Recorded

C3. Book

C4. Page

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location
131 Idlewild Road
Marlboro 12542
of NY LLC Lighthouse

3. Tax Billing Address
Indicate where future Tax Bills are to be sent if other than buyer address (at bottom of form).

4. Indicate the number of Assessment Roll parcels transferred on the deed # of Parcels OR Part of a Parcel (Only if Part of a Parcel) Check as they apply.
Deed Property Size X 2.61
4A. Planning Board with Subdivision Authority Exists
4B. Subdivision Approval was Required for Transfer
4C. Parcel Approved for Subdivision with Map Provided

6. Seller Name LLC NJNL

7. Select the description which most accurately describes the use of the property at the time of sale:
F. Commercial

Check the boxes below as they apply:
8. Ownership Type is Condominium
9. New Construction on a Vacant Land
10A. Property Located within an Agricultural District
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District

SALE INFORMATION

11. Sale Contract Date August 30, 2021
12. Date of Sale/Transfer September 29, 2021
13. Full Sale Price \$390,000.00
Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations. Please round to the nearest whole dollar amount.
14. Indicate the value of personal property included in the sale

15. Check one or more of these conditions as applicable to transfer:
A. Sale Between Relatives or Former Relatives
B. Sale between Related Companies or Partners in Business
C. One of the Buyers is also a Seller
D. Buyer or Seller is Government Agency or Lending Institution
E. Deed Type not Warranty or Bargain and Sale (Specify Below)
F. Sale of Fractional or Less than Fee Interest (Specify Below)
G. Significant Change in Property Between Taxable Status and Sale Date
H. Sale of Business is Included in Sale Price
I. Other Unusual Factors Affecting Sale Price (Specify Below)
J. None
Comment(s) on Condition

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 21
17. Total Assessed Value 75,000
18. Property Class 3 1 2
19. School District Name Marlboro
20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
108.3-1-21 114

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

SELLER SIGNATURE DATE

BUYER SIGNATURE

BUYER SIGNATURE DATE

By: Chris Staffon member

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC and/or association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

Staffon Chris
845 857-5938
3 Cloud Street
Newburgh NY 12551

BUYER'S ATTORNEY

Rider Michelle

EXHIBIT C

TOWN OF MARLBOROUGH
BUILDING DEPARTMENT
21 Milton Turnpike
P.O. Box 305
Milton, NY 12547



Thomas Corcoran, Jr.
Building Inspector

(845) 795-5100 Ext. 7
Fax: (845) 795-6171

CERTIFICATE OF COMPLIANCE

COPY

Application/Permit No: 17-47

SBL#: 108.3-1-21.114

Name of Owner: NJNL Properties LLC

Location:

23 Idlewild Rd NJNL Properties LLC, Marlboro, 12542

Certificate of Compliance No: 17-47

Completion Date: 02/26/2019

THIS CERTIFIES that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this office with the Application for Building Permit dated March 31, 2017, pursuant to which Building Permit was issued and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows :

100' x 60' Agricultural Pole Barn

ZONED:

This Certificate is Issued to NJNL Properties LLC for the aforesaid structure.

Building Inspector

The Certificate of Compliance will be issued only after affidavits or other competent evidence is submitted to the the Superintendent of buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy, pursuant to the Code of the Town of Marlborough, Sec 114-34

TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, P.O. BOX 305
MILTON, NEW YORK 12547
PHONE: 845-795-6167 EXT. 118 / FAX: 845-795-2031

ZONING BOARD APPLICATION

THOMAS CORCORAN JR.
BUILDING INSPECTOR
CODE ENFORCEMENT

DATE January 03, 2023
NAME Lighthouse Holdings of NY, LLC
ADDRESS 259 Broadway
Newburgh, NY 12550
TELEPHONE 845-857-5938

REQUEST (DESCRIBE IN DETAIL) Applicant seeks relief from the findings of Thomas J. Corcoran,
Building Inspector, made on January 3, 2023. A copy is attached as Exhibit A.

FOR OFFICE USE ONLY

DENIED _____ DATE _____

APPROVED _____ DATE _____

ZONING BOARD OF APPEALS _____

SIGNATURE

