



MEMORANDUM

TO: Town of Marlborough Planning Board

FROM: Patricia P. Brooks, L.S.

RE: Mazzola Holdings, LLC Our file #12-220104-00

DATE: May 04, 2023

The following information is submitted to the Town of Marlborough Planning Board for review and consideration in connection with the application of Mazzola Holdings, LLC for a Site Plan and are in response to the comments received from MHE Engineering dated April 14, 2023.

1. The Town of Marlborough Planning Board should declare its intent for Lead Agency. NYSDOT and Ulster County DPW are involved agencies as project fronts on either of their roadways.
This was completed at the April 17, 2023 meeting.
2. Information pertaining to all site easements should be submitted to the Planning Board Attorney for review.
The site easements are included in this submission.
3. Parking for 9 fuel delivery vehicles is proposed on the site.
The location of the vehicle parking was reviewed at the Planning Board site visit on May 01, 2023 and found to be acceptable. There is approximately 15 to 20 feet beyond the parking lot of level grade and large boulders are located within the vegetation buffer between the parking lot and the steep grade.
4. Numerous Bulk Table deficiencies exist on the site. Code Enforcement office should weigh in on the existing Bulk deficiencies and the proposed use.
The Code Enforcement office has been contacted.
5. The location of the sub sanitary sewer disposal system should be depicted on the plans.
The site is now serviced by municipal sanitary sewer service.
6. Details of the opaque fence storage areas should be added to the plans.
The detail sheet has been added to this submission.
7. Parking lot striping details should be added to the plans.
The parking lot striping detail has been added to Sheet 2 of the plan.
8. Offsite box trailers are identified to be removed, however, that parcel is not party to this application.
The box trailers have been removed from the plan.

9. The Planning Board may wish to request landscaping on the project site as significant grading of the site has occurred in the past.

The site is substantially bedrock or blacktop. Landscaping is proposed in front of the building with removal of blacktop areas to be replaced with gardens. Large seasonal planters are also proposed as indicated on the revised plans.

10. All uses on the site should be identified and listed as uses which are permitted in the HD Zone. Automobile Service Repair and Filling Stations is identified as a special use in the HD Zone, however, the outdoor storage is not listed in the HD Zoning District. The Mixed-Use Zoning Section 155-12.1 identifies that mixed-uses are permitted, however, all uses must be permitted in the underlying Zoning District.

Section 155-12 E. (2) (a) lists "Wholesale and accessory use storage establishments" as a principal permitted use, and as such, is not solely permitted as an accessory use to an existing on-site business.

Additional comments received from Planning Board members at the April 17, 2023 meeting are addressed as follows:

1. What controls will be put in place to avoid fuel trucks from backing or driving over the bank on the westerly side of the property.

During the site visit held on May 01, 2023, it was observed that a substantial vegetative buffer, as well as large boulders, are in place to mitigate the concern.

2. It should be ensured that no new structures shall be placed within required setbacks.

Comment noted

3. Add accessible parking spaces and dimension aisle westerly of main building.

These revisions have been incorporated into the revised plan set.

4. The Fire Department should review the plan.

Planning Board member Troncillito has reviewed the plans with the Milton Fire Chief.

5. Will long term storage of RV's be permitted.

The applicant has stated no long term storage is proposed; only RV's being repaired will be parked on site.

Illustrations of the proposed signage have been superimposed over photographs and are included in this submission. Details of the dark sky compliant LED lighting upgrade completed in 2016 as part of a previous site plan were supplied in a previous submission.

Thank you for your continued consideration of this application.

THIS INDENTURE, made the 12 day of December, Two Thousand Seventeen

BETWEEN **Robin Ann Young**, residing at 1873 Route 9W, Milton, NY 12547, and
Jeffrey Aldrich, residing at 132 Milton Turnpike Milton, NY 12547

as Co-Executors of the Last Will and Testament of Robert S. Young, a/k/a Robert Young, late of Milton, in the Town of Marlborough, Ulster County, New York, deceased,

party of the first part, and

Robin Ann Young, residing at 1873 Route 9W, Milton, NY 12547

party of the second part:

WITNESSETH, That the party of the first part, by virtue of the power and authority to them given in and by the said Last Will and Testament, and in satisfaction of devise under Paragraph EIGHTH of the Last Will and Testament of Robert S. Young, a/k/a Robert Young,

do hereby grant and release unto the party of the second part, his/her heirs, distributees and assigns forever,

SEE ATTACHED SCHEDULE A

TOGETHER with the appurtenances, and also all the estate which the said Testator had at the time of his decease, in said premises, and also the estate therein, which the party of the first part has or had power to convey or dispose of, whether individually, or by virtue of said Will or otherwise.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, his/her heirs, distributees and assigns forever.

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

That, in compliance with Sec. 13 of the Lien Law, the grantor will receive consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

IN WITNESS WHEREOF, the party of the first part has hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF

Robin Ann Young
Robin Ann Young, as Co-Executor of the
Last Will and Testament of Robert S. Young,
a/k/a Robert Young

Jeffrey Aldrich
Jeffrey Aldrich, as Co-Executor of the
Last Will and Testament of Robert S. Young,
a/k/a Robert Young

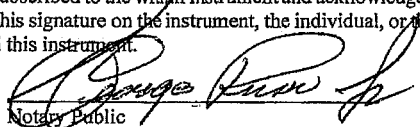
STATE OF NEW YORK)
SS.:
COUNTY OF ULSTER)

On the 19 day of December in the year 2017 before me, the undersigned, a Notary Public in and for said State, personally appeared Robin Ann Young, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

George Rusk, Jr.
Notary Public GEORGE RUSK, JR.
Notary Public, State of New York
Qualified in Ulster County
Commission Expires June 30, 2019

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

On the 12 day of December in the year 2017 before me, the undersigned, a Notary Public in and for said State, personally appeared Jeffrey Aldrich, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.


Notary Public

GEORGE RUSK, JR.
Notary Public, State of New York
Qualified in Ulster County
Commission Expires June 30, 2017

R & R to: George Rusk Jr Esq, Rusk Wadlin Heppner & Martuscello, PO Box 727, Marlboro NY 12542

SCHEDULE A

1873 Rt 9W, Milton, NY
SBL103.1-1-27

ALL THAT CERTAIN PLOT, PIECE AND PARCEL OF LAND situate, lying and being on the westerly side of Route 9W at Milton, in the Town of Marlborough, Ulster County New York bounded and described as follows:

BEGINNING at a point, said point being the northeast corner of the lands of Young's 9W Plymouth known as Young's Motors, Inc., as described in a deed from Edward Young Jr., to Young's 9W Plymouth Inc., dated the 26th day of January 1968 and recorded in the Ulster County Clerk's office on the 14th day of February 1968 in Liber 1208 of Deeds at page 564, and running

THENCE North 87 degrees 48 minutes 40 seconds West, 125 feet to a found metal rod;

THENCE North 2 degrees 11 minutes 20 seconds East, 169.2 feet to a set re-bar;

THENCE South 83 degrees 58 minutes 5 seconds East, 145.32 feet to a set railroad spike;

THENCE South 2 degrees 11 minutes 20 seconds West, 35.54 feet;

THENCE North 87 degrees 48 minutes 40 seconds West, 20 feet;

THENCE South 2 degrees 11 minutes 20 seconds West, 125 feet to the point or place of beginning.

TOGETHER WITH a right of way 20 feet in width through the lands of Jeffrey Aldrich bounded and described as follows:

ALL THAT PARCEL OF LAND SITUATE in the Town of Marlborough, County of Ulster, and State of New York, being designated as proposed 20' wide Right of Way #1 on a map entitled "Final Map of Lot Line Revision between Lands of Jeffrey Aldrich and Lands of Young's 9W Plymouth, Inc.", to be filed with the office of the Ulster County Clerk, said right of way being more particularly bounded and described as follows:

BEGINNING at a point on the northerly bounds of lands conveyed to Robert Young as described in Deed Liber 4476 at page 334, said point being North 83°58'05" West 20.04 feet from a railroad spike set at the northeast corner of said lands of Young, and running thence along said northerly bounds North 83°58'06" West 20.05 feet to a point, thence through lands conveyed to Jeffrey Aldrich as recorded in Deed Liber 6039 at page 261, along the westerly bounds of the herein described Right of Way, North 02°11'20" East 187.75 feet to a point and North 64°41'43" East 27.18 feet to a point on the westerly bounds of Route 9W, thence along the westerly bounds of said Route 9W South 03°39'51" East 21.52 feet to a point, thence through lands of Aldrich South 64°41'44" West 7.11 feet to a point, thence South 02°11'20" West 65.37 feet to a point, and thence South 87°48'40" East 13.34 feet to a point on the westerly bounds of Route 9W, thence along the westerly bounds of said Route 9W South 03°39'51" East 20.10 feet to a point, thence through lands of Aldrich North 87°48'40" West 15.39 feet and South 02°11'20" West 91.59 feet to the place of beginning.

Containing 0.10 Acres

The above described parcel being a right of way for ingress and egress only leading from Route 9W to lands of Robert Young as described in Deed Liber 4476 at page 334 and is to be used in common with lands of Young's Motors Inc. formerly Young's 9-W Plymouth, Inc.

SCHEDULE A -con't

1873 Rt 9W, Milton, NY
SBL103.1-1-27

SUBJECT TO a revised easement bounded and described as follows:

ALL THAT PARCEL OF LAND SITUATE in the Town of Marlborough, County of Ulster, and State of New York, being designated as a proposed Revised Easement on a map entitled "Final Map of Lot Line Revision between Lands of Jeffrey Aldrich and Lands of Young's 9W Plymouth, Inc.", to be filed with the office of the Ulster County Clerk, said right of way being more particularly bounded and described as follows:

BEGINNING at a railroad spike set on the westerly bounds of Route 9W on the division line between lands conveyed to Robert Young as described in Deed Liber 4476 at page 334, and lands conveyed to Jeffrey Aldrich as recorded in Deed Liber 6039 at page 261, said point being the northeast corner of said lands of Young, and running thence along said Route 9W, South 02°11'20" West 20.05 feet to a point, thence through lands of Young on a line twenty feet distant from and parallel to the northerly bounds of said lands of Young, being the southerly bounds of the existing right of way as recited in Deed Liber 1208 at page 564, North 83°58'05" West 85.19 feet to a point, thence through lands of Young, along the revised westerly bounds of the herein described right of way, North 02°10'38" East 20.05 feet to a point on the aforementioned division line between lands of Young and lands of Aldrich, thence along said division line, along the northerly bounds of said right of way South 83°58'05" East 85.19 feet to the place of beginning.

Containing 0.05 Acres

The above described parcel being a right of way for ingress and egress only over lands of Robert Young as described in Deed Liber 4476 at page 334.

ALSO SUBJECT TO a right of way bounded and described as follows:

ALL THAT PARCEL OF LAND SITUATE in the Town of Marlborough, County of Ulster, and State of New York, being designated as proposed 20' wide Right of Way #2 on a map entitled "Final Map of Lot Line Revision between Lands of Jeffrey Aldrich and Lands of Young's 9W Plymouth, Inc.", to be filed with the office of the Ulster County Clerk, said right of way being more particularly bounded and described as follows:

BEGINNING at a railroad spike set on the westerly bounds of Route 9W on the division line between lands conveyed to Robert Young as described in Deed Liber 4476 at page 334, and lands conveyed to Jeffrey Aldrich as recorded in Deed Liber 6039 at page 261, said point being South 02°11'20" West 34.55 feet from a railroad spike set at the northeast corner of said lands of Young, and running thence along said division line between lands of Young and lands of Aldrich North 87°48'40" West 20.00 feet to a set railroad spike, thence South 02°11'20" West 125.00 feet to a set railroad spike, and thence North 87°48'40" West 14.00 feet to a point in the blacktop parking area, thence through lands of Young, generally along the base of a boulder retaining wall, North 04°08'40" East 67.78 feet to a point and North 04°06'09" West 74.89 feet to a point on the southerly bounds of a twenty foot wide right of way as described in Deed Liber 1208 at page 564, thence along the southerly bounds of said right of way South 83°58'05" East 39.98 feet to a point on the westerly bounds of aforementioned Route 9W, thence along said roadway South 02°11'20" West 14.50 feet to the place of beginning.

Containing 0.05 Acres

The above described parcel being a right of way for ingress and egress only over lands of Robert Young as described in Deed Liber 4476 at page 334.

ALSO SUBJECT TO the Right of First Refusal Agreement held by Young's Motors Inc. and referred to in Paragraph EIGHTH of the Last Will and Testament of Robert S. Young admitted to probate in the Ulster County Surrogate's Court in File #2015-537, copy of which is attached hereto and marked SCHEDULE B.

Mazzola Holdings, LLC
1871 Route 9W - Town of Marlborough



Proposed barrel planter in front of building along Route 9W
(or comparable)

Mazzola Holdings, LLC
1871 Route 9W - Town of Marlborough

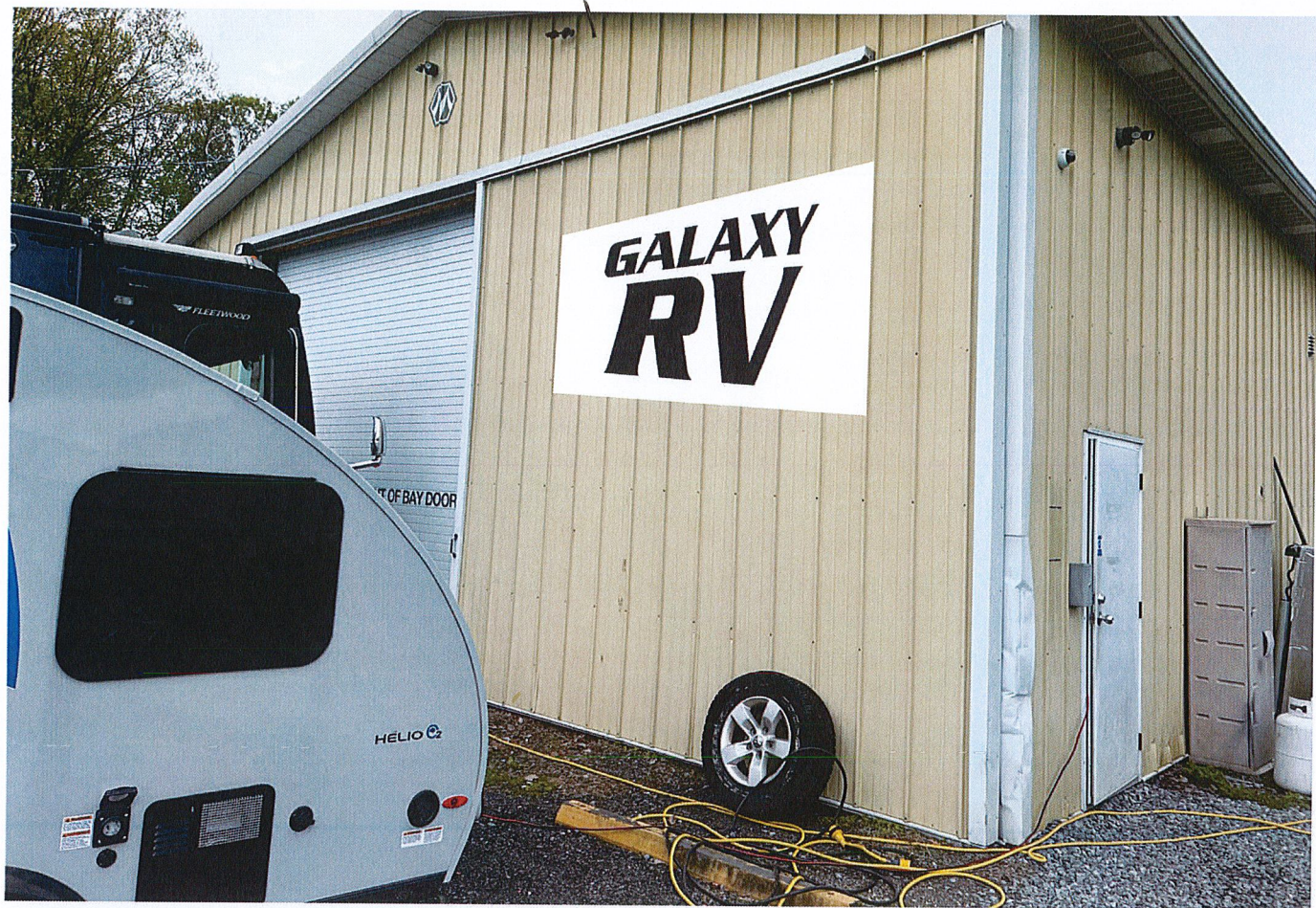


Proposed 8' opaque fence to be placed around storage areas.
(or comparable Chain link with slats)

Mazzola Holdings, LLC
1871 Route 9W - Town of Marlborough



Proposed wood rail fence to be placed along Milton Turnpike
(or comparable)



MAZZOLA HOLDING
1871 ROUTE 9W



MAZZOLA HOLDING
1871 ROUTE 9W

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Current temporary
banner to be
removed

Jeep

