

**Town of Marlborough Planning Board**  
**Site Plan Application Rev. 6-22-2021**

Application # 231013

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

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/Search?searchPhrase=Route%209W%20Corridor%20Building%20and%20Site%20Design%20Guidelines>]

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                                | Site Plan prepared for Todd Diorio |
| Address of Project                             | 25 Western Ave. Marlborough        |
| Tax Section, Block, and Lot Number             | 108.12-3-4                         |
| Zoning District                                | Commercial                         |
| Number of Acres                                | 0.22 ac = 9660 sqft assessed       |
| Square Footage of Each Building                |                                    |

Reason For Application:

Revised site plan for change of use - expansion of restaurant portion of building from 448 square feet in size to 1232 square feet in size

Description of Proposal 155-31 E (3) (a):

Change use of a portion (approx. 784 sqft) of the existing building.

|                                               |                                                      |
|-----------------------------------------------|------------------------------------------------------|
| CONTACT INFORMATION                           |                                                      |
| Name of Property Owner                        | Zambito and Son Enterprises, LLC                     |
| Address of Property Owner                     | PO Box 297 Marlborough                               |
| Telephone Number of Property Owner:           | 845-236-3349                                         |
| Email of Property Owner                       | zambitoandson@aol.com                                |
| Name of Applicant                             | Todd Diorio                                          |
| Address of Applicant                          | PO Box 284 Marlborough NY                            |
| Telephone Number of Applicant                 | 914-474-6222                                         |
| Email Address of Applicant                    | Tdiorio55@aol.com                                    |
| Name of Surveyor                              | Patricia Brooks, LS - Control Point Associates, Inc. |
| Address of Surveyor                           | 11 Main Street Highland NY 12528                     |
| Telephone Number of Surveyor                  | 845-691-7339                                         |
| Email Address of Surveyor                     | pbrooks@cpasurvey.com                                |
| Name of Engineer                              |                                                      |
| Address of Engineer                           |                                                      |
| Telephone Number of Engineer                  |                                                      |
| Email Address of Engineer                     |                                                      |
| Name of Attorney                              |                                                      |
| Address of Attorney                           |                                                      |
| Telephone Number of Attorney                  |                                                      |
| Email Address of Attorney                     |                                                      |
| 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

### Checklist For Site Plan Application

#### Revision 3-14-2022

The following items shall be submitted for a Planning Board Site Plan Application to be considered complete. Site plans and Checklist shall be prepared by a licensed professional engineer, architect, land surveyor or landscape architect. Additional Town Codes apply to all site plans.

Please check each required item. Y for yes provided, N for not provided, or RW for Request Waiver. **Provide a written explanation for any requested waivers from the checklist.** After final approval is given by the Planning Board, the Building Department should be contacted for further guidance.

| Y/N/RW | Required Items To Be Submitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Y    | Complete application with below information and 12 copies of plans. Site plans SHALL be prepared by licensed professional (155-31 E) and shall refer to specific data sources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2 Y    | Completed Site Plan Application form (Pages 1 and 2) 155-31 E (1).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3 Y    | Site Plan Application Checklist Complete (Automatic application rejection without checklist) pages 3 to 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4 Y    | Ethics code Town of Marlborough Disclosure of Interest (where applicable) Pages 8-10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5 Y    | Application Fee Paid (Separate check from Escrow Fee) see page 11.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6 Y    | Initial Escrow Fee Paid (Separate check from Application Fee) see page 11, also 155-31 J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 7 Y    | Disclaimer Forms Provided See Page 12.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 8 Y    | Letter of Agent Statement Page 13.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 9 N    | A location map, at a scale of 2,000 feet to the inch or larger, showing the applicant's entire property and all easements and streets and existing structures within 500 feet of the applicant's property as well as the Tax Map and section on of USGS (United States Geological Survey) mapping. 155-31 E (2).                                                                                                                                                                                                                                                                                                                                                             |
| 10 Y   | Project Narrative. Complete Brief document 155-31 E (3)<br>(a) A description of proposed project (bottom of page 1 of Site Plan Application)<br>(b) A description of whether the site design includes the possibility for interconnections with adjoining sites and, if no such interconnection is provided, a thorough narrative as to why an interconnection is not feasible.<br>(c) An analysis of how the project complies with the requirements contained within this Chapter 15 5, Zoning, is included.<br>(d) Any waivers or variances needed have been identified.<br>155-31 F Waivers shall be discussed in the briefing document to be submitted by the applicant. |
| 11 Y   | Title of the drawing, including the name and address of the owner of record, applicant, and licensed professional(s) responsible for the preparation of such drawing, including seal and signature. 155-31 E(4)(a).                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 Y  | Map of the site includes North arrow, scale, and date. 155-31 E (4) (b).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 13 Y  | Map of the site depicts boundaries of the property with surveyed dimensions. 155-31 E (4) (c).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 14 N  | Names of all owners of record adjacent to the applicant's property are indicated. 155-31 E (4) (d).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 15 Y  | Existing school district (if applicable), zoning district, and overlay district boundaries (if applicable), within 500 feet of the site's perimeter is indicated. 155-31 E (4)(e).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 16 N  | Map of the site depicts acreage of each distinct existing and proposed land use on the applicant's property, and the proposed density of each if residential uses are proposed. 155-31 E (4) (f).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 17 RW | Grading and drainage plan showing existing and proposed contours with intervals of two feet extending 50 feet beyond the tract. If any portion of the parcel is within a one-hundred-year floodplain as determined by the Federal Emergency Management Agency (FEMA), the area will be shown and base flood elevations given. 155-31 E (4) (g).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 18 RW | Map of the site depicts location and boundaries of all existing natural land features on the property, including rock outcrops, isolated trees 12 inches or more in diameter at breast height (dbh) and all trees over 24 inches in dbh (whether isolated or in a forested area), existing vegetative and forest cover, orchards, hedgerows and other ornamental landscaping, stone walls, soil types and boundaries, active farmlands, visually prominent agricultural landscape features, such as fields, pastures, and meadows on knolls and hilltops, woodlands along roadways, property lines, and streams, steep slopes in excess of 15%, and water sources. Water sources include ponds, lakes, wetlands and watercourses, primary aquifers and primary aquifer recharge areas, floodplains, and drainage retention/detention areas. The plan shall show locally significant trees which include rare or unusual species, trees associated with historic events or persons, or trees that significantly contribute to a unique scenic viewshed. 155 E (4) (h). |
| 19 Y  | Location of all existing buildings, structures, signs, and agricultural lands, on adjacent property within 100 feet of the subject lot lines is shown. 155-31 E (4) (i).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 20 Y  | Map of the site depicts location, proposed use, height, and setback measurements of all existing and proposed buildings, structures and signs on the applicant's property, including floor plans, and plans for exterior elevations, at a scale of 1/4 inch equals one foot, showing the structure's mass and architectural features, and indicating the type and color of materials to be used. A table indicating square footage of building areas to be used for a particular use, such as retail operation, office use, warehousing, or other commercial activity; maximum number of employees; maximum seating capacity, where applicable; and number of parking spaces existing and required for the intended use. 155-31 E (4) (j).                                                                                                                                                                                                                                                                                                                            |
| 21 N  | Traffic flow patterns within the site, entrances and exits, the location of potential interconnections between the project site and adjoining sites, truck/commercial vehicle loading and service areas, curb cuts on the site and within 100 feet of the site, and all streets which are either proposed, mapped or built are indicated. 155-31 E (4) (k). The Town requires right-of-way of 25 feet from the center line of Town roads along the property frontage. See also 155-31 G (8).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 22 Y  | Any cross-access easements, walkways, and bicycle path opportunities associated with the project are indicated. 155-31 E (4) (l).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|    |     |                                                                                                                                                                                                                                                                                                                                                                                              |
|----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 | Y   | The location, design (including size of spaces, and accessible parking information) and construction materials of all off-street parking areas (open and enclosed, if any), including the number of parking spaces required and to be provided is indicated. 155-31 E (4) (m) and 155-31 G (9) (c)<br>Off-street parking spaces are a minimum of 162 square feet each. See 155-27 A (1) (a). |
| 24 | Y   | The location, design and construction materials of all present and proposed walkways, bicycle paths and bicycle parking, benches, ramps, outdoor storage or display areas, retaining and/or landscaping walls and fences is indicated. 155-31 E (4) (n).                                                                                                                                     |
| 25 | Y   | A general and conceptual landscape plan showing proposed changes to existing natural land features. Trees to be saved shall be noted on site plans, and appropriate measures shall be outlined to protect the tree stock from damage during construction. 155-31 E (4) (o). Native species are encouraged. 155-31 G (17) (b).                                                                |
| 26 | Y   | Map of the site depicts the location, design and construction materials of all existing and proposed water supply system. 155-31 E (4) (p) [1].                                                                                                                                                                                                                                              |
| 27 | N/A | Map of the site depicts the location, design and construction materials of all existing and proposed sewage disposal system. 155-31 E (4) (p) [2].                                                                                                                                                                                                                                           |
| 28 | N   | Map of the site depicts the location, design and construction materials of all existing and proposed telephone, cable and energy systems, including electric, oil, gas, solar, or other energy systems. 155-31 E (4) (p) [3].                                                                                                                                                                |
| 29 | N   | Map of the site depicts the location, design and construction materials of all existing and proposed storm drainage system, including but not limited to existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales. 155-31 E (4) (p) [4] Identify a distance off site to show drainage structures or a natural discharge location.       |
| 30 | Y   | The location of fire and emergency access ways and zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies are indicated. 155-31 E 4 (q) Discussed lock box provision with fire department (see Milton or Marlboro Fire District) except on single family detached residential dwellings See also 155-31 G (13).                      |
| 31 | N   | The location, type, and screening details for solid waste disposal facilities and containers is indicated. 155-31 E (4) (r).                                                                                                                                                                                                                                                                 |
| 32 | N   | The proposed location, height, orientation, type of illuminating device, bulb type and wattage, and photometric data of all outdoor lighting fixtures is indicated. 155-31 E (4) (s). See also 155-31 G (14)                                                                                                                                                                                 |
| 33 | N   | The location, height, size, materials, design, and illumination of all present and proposed signs and other advertising or instructional devices are indicated. 155-31 E (4) (t) See also 155-28.                                                                                                                                                                                            |
| 34 | N   | Estimates of noise generation at the source and property line are provided. 155-31 E (4) (u). See also 155-31 G (16).                                                                                                                                                                                                                                                                        |
| 35 | N   | Inventory and quantity of hazardous materials anticipated for on-site storage and/or use, if applicable, are provided. 155-31 E (4) (v).                                                                                                                                                                                                                                                     |
| 36 | N/A | Plans for the disposal of construction and demolition, waste, whether on-site or at a New York State approved solid waste management facility are indicated. 155-31 E (4) (w).                                                                                                                                                                                                               |
| 37 | N/A | A park or open space is being provided see 155-31 E (4) (x).                                                                                                                                                                                                                                                                                                                                 |
| 38 | N/A | For projects involving more than one phase, a site plan showing each phase of the project is included. 155-31 E (4) (y)                                                                                                                                                                                                                                                                      |

|              |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 39 Y         | Proposed days and hours of operation are indicated. 155-31 E (4) (z).                                                                                                                                                                                                                                                                                                                                             |
| 40 Y         | A copy of the deed to the property as most recently filed and/or a copy of the executed contract of sale is included 155-31 E (4) (aa) [1].                                                                                                                                                                                                                                                                       |
| 41 NONE      | A copy of each covenant, easement or deed restriction in effect or intended to cover all or part of the tract is included 155-31 E (4) (aa) [2].                                                                                                                                                                                                                                                                  |
| 42 N/A       | Enforceable map notes of stormwater drainage, utility rights-of-way, etc., are indicated 155-31 E (4) (aa) [3].                                                                                                                                                                                                                                                                                                   |
| 43 Y         | Identification, and submittal when available, of all necessary permits from federal, state, county or local agencies, approvals required from said agencies for the project's execution, and proof of special permit and/or variance approvals, if applicable, are included 155-31 E (4) (aa) [4].                                                                                                                |
| 44 not avail | Short-unlisted actions or full EAF Type one action, as required by the lead agency under the Environmental Conservation Law, is complete and included. See 155-31 E (4) (aa) [6] Environmental Assessment Form. Applicants must use NYSDEC* web based system EAF mapper Application. <a href="https://www.dec.ny.gov/permits/6191.html">https://www.dec.ny.gov/permits/6191.html</a> Make sure to unblock popups. |
| 45 Y         | Twelve (12) copies of all maps, plans, reports, and a PDF file of all documentation submitted. Plan sets must be submitted in collated packages. (155 E, 155-31 E (5)). (See section 75-6 B. (6) regarding plan stamp requirements of licensed professional).                                                                                                                                                     |
| 46 N/A       | Agricultural Data Statement (If applicable). See also 155-52 Setbacks and buffers from active agricultural lands.                                                                                                                                                                                                                                                                                                 |

The plat for the proposed Site Plan has been prepared in accordance with this checklist. A waiver request must be submitted by design professional for any items which are not provided.

By:   
Licensed Professional



May 19, 2023  
Date

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

***Procedure for Legal Notices:***

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

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

**Phone: 845-795-6167**

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

# Ethics Code

## TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

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

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

- A. An immediate family member. Immediate family member is defined as: 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, Todd Diorio, residing at PO Box 284 Marlborough NY 12542, make the following statements about interests in the real property which is the subject of this

application, petition or request for a Site Plan,

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:

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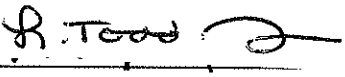
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**PART III:** This completed notice is to be submitted to the Board, Agency or Department that is authorized to review and render a decision on the application, petition or request. Further, the submittal must be made prior to any review of the application,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

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

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

Signed:  Date: 5/17/23

**ACKNOWLEDGMENT**

State of New York,  
County of:

On MAY 17, 2023, before me personally appeared L. TODD DIORIO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that [he/she/they] executed the same in [his/her/their] capacity(ies), and that by [his/her/their] signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary

## **PLANNING BOARD FEES**

### **(ALL APPLICATIONS Subject To Escrow Fees)**

Please make checks payable to: Town of Marlborough

#### **Application Fees:**

|                                                                               |                                                      |
|-------------------------------------------------------------------------------|------------------------------------------------------|
| Residential Subdivision – Single Family or Town House                         | \$750.00, plus \$150.00 per Lot or Unit              |
| Residential Site Plan – Multi Family Apartments or Condos                     | \$750.00, plus \$100.00 per Unit                     |
| Commercial Subdivision                                                        | \$600.00, plus \$200.00 per Lot or Unit              |
| Commercial Site Plan                                                          | <u>\$1,000.00</u> plus \$10.00 per 1,000 Sf of Bldg. |
| Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)         | \$350.00                                             |
| All other Site Plans Reviews                                                  | \$550.00                                             |
| Simple 2 Lot Line Revision                                                    | \$600.00                                             |
| Recreation Fees (Residential Subdivision & Site Plans-Excludes parent parcel) | \$2,000.00 per Lot or Unit                           |
| Recreation Fees Adult Multiple Dwelling Affordable Housing (50 and over)      | \$ 500.00 per Unit                                   |

#### **Escrow Deposit:** (To be replenished to 75% of the original escrow when level drops to 25% remaining in account.)

|                                                                       |                                                               |
|-----------------------------------------------------------------------|---------------------------------------------------------------|
| Residential Subdivision – Single Family or Town House                 | \$1,500.00, plus \$150.00 per Lot or Unit                     |
| Residential Site Plan – Multi Family Apartments or Condos             | \$1,500.00, plus \$100.00 per Unit                            |
| Commercial Subdivision                                                | \$1,000.00 per lot (up to 4 lots) \$200.00 Per Lot Thereafter |
| Commercial Site Plan                                                  | <u>\$2,000.00</u> Minimum                                     |
| Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast) | \$750.00 Minimum                                              |
| All other Site Plans Reviews                                          | \$1,500.00 Minimum                                            |
| Simple 2 Lot Line Revision                                            | \$1,000.00 Minimum                                            |
| Preliminary Conceptual Site Plan                                      | \$300.00                                                      |

#### **Engineer Inspection Fees (All Town Roads Installation Inspections)**

|                                           |                                       |
|-------------------------------------------|---------------------------------------|
| Improvements as approved by Town Engineer | 5% of the Estimated cost to construct |
|-------------------------------------------|---------------------------------------|

## Disclaimer

The applicant is advised that the Town of Marlborough Town Code, which contains the Town's Zoning Regulations, is subject to amendment. Submission of an application to the Planning Board does not grant the applicant any right to continued review under the code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new code requirements made while the application is pending.

An approval by the Planning Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer or water. It is the applicant's responsibility to apply for and obtain Town of Marlborough and other agency approvals not within this Board's authority to grant.

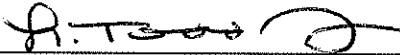
**AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.**

The Town of Marlborough Town Board sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgment of responsibility for payment of these fees to the Planning Board for review of this application including, but not limited to, fees for professional services (Planners/Consultants, Engineers, Attorneys,) public hearings and site inspections. Applicant's submissions and re-submissions that are not complete will not be considered by the Planning Board or placed upon its agenda unless all outstanding fees have been paid.

The undersigned applies for subdivision, site plan, or lot line approval as described above under the rules and procedures of the Town of Marlborough, New York as duly authorized by the Town Board of Marlborough, New York.

The undersigned also acknowledges receipt of the "Disclaimer" above.

Applicant's Name (Print): Todd Diorio

Applicant's Signature: 

Date: 5/17/23

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

**Town of Marlborough Planning Board**

**Letter of Agent**

I (We), Todd Diorio as the applicant am (are) the owner(s) of a parcel of land located on 25 western Ave in the Town of Marlborough, Tax Map Designation: Section 108.12 Block 3 Lot 4.

I (We) hereby authorize Control Point Associates, Inc. to act as my (our) agent to represent my (our) interest in applying to the Town of Marlborough Planning Board for a \_\_\_\_\_ Lot Subdivision, Site Plan, Minor Site Plan, or Lot Line Revision Application. (circle one)

L. Todd Diorio  
Signature

5/17/23  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

State Of New York  
County of ORANGE

On the 17<sup>th</sup> day of MAY in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared

L. TODD DIORIO, 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.

Sydney Goodrich  
Notary Public  
SYDNEY GOODRICH  
Notary Public, State of New York  
No. 01604961081  
Qualified in Orange County  
Commission Expires January 26, 2026

# 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, David Zambito, residing at PO Box 297 Marlborough NY 12542, make the following statements about interests in the real property which is the subject of this

application, petition or request for a Site Plan,

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:

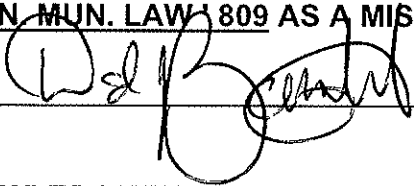
I AM A TOWN COUNCILMAN.

**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:

5/17/23

**ACKNOWLEDGMENT**

State of New York,  
County of:

On MAY 17, 2023, before me personally appeared DAVID ZAMBITO, 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

  
SYDNEY GOODRICH  
Notary Public, State of New York  
No. 01G04961081  
Qualified in Orange County  
Commission Expires January 26, 2026



## Disclaimer

The applicant is advised that the Town of Marlborough Town Code, which contains the Town's Zoning Regulations, is subject to amendment. Submission of an application to the Planning Board does not grant the applicant any right to continued review under the code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new code requirements made while the application is pending.

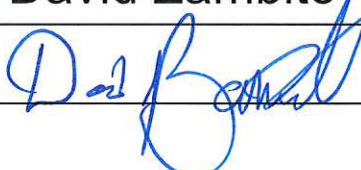
An approval by the Planning Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer or water. It is the applicant's responsibility to apply for and obtain Town of Marlborough and other agency approvals not within this Board's authority to grant.

**AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.**

The Town of Marlborough Town Board sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgment of responsibility for payment of these fees to the Planning Board for review of this application including, but not limited to, fees for professional services (Planners/Consultants, Engineers, Attorneys,) public hearings and site inspections. Applicant's submissions and re-submissions that are not complete will not be considered by the Planning Board or placed upon its agenda unless all outstanding fees have been paid.

The undersigned applies for subdivision, site plan, or lot line approval as described above under the rules and procedures of the Town of Marlborough, New York as duly authorized by the Town Board of Marlborough, New York.

The undersigned also acknowledges receipt of the "Disclaimer" above.

Applicant's Name (Print): David Zambito  
Applicant's Signature:   
Date: 5-17-23

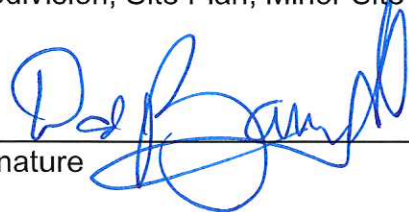
***\*\*Application will not be accepted if not signed and filled out completely\*\****

**Town of Marlborough Planning Board**

**Letter of Agent**

I (We), David Zambito am (are) the owner(s) of a parcel  
of land located on 25 Western Ave in the Town of Marlborough,  
Tax Map Designation: Section 108.12 Block 3 Lot 4.

I (We) hereby authorize Control Point Associates, Inc. to act as my (our) agent to  
represent my (our) interest in applying to the Town of Marlborough Planning Board for a \_\_\_\_\_ Lot  
Subdivision, Site Plan, Minor Site Plan, or Lot Line Revision Application. (circle one)

  
Signature \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

State Of New York  
County of ORANGE

On the 17<sup>th</sup> day of MAY in the year 2023 before me, the undersigned, a Notary  
Public in and for said State, personally appeared

DAVID ZAMBITO, 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

SYDNEY GOODRICH  
Notary Public, State of New York  
No. 01604961081  
Qualified in Orange County  
Commission Expires January 26, 2026



EAF Status 5-18-23





May 19, 2023

## **LETTER OF INTENT**

Applicant Todd Diorio is requesting a revision to an existing commercial site plan to allow the conversion of 784 square feet of floor area from landscaping business to an expansion of existing restaurant space. The change of use will require additional parking spaces, but that is the only change required. It is proposed that the additional parking will be accommodated through the variation in hours of operation between the Landscaping and Beauty Salon businesses, and the restaurant business. Further, municipal parking and street parking have both been expanded since the original approval was granted in 2009, providing approximately 20 additional parking spaces in close proximity. The architect for the project, Peter R. Hoffmann has retired and is unable to assist with the project, so we respectfully request the Board to take the above information into consideration and allow the change of use without requirement of a new site plan.

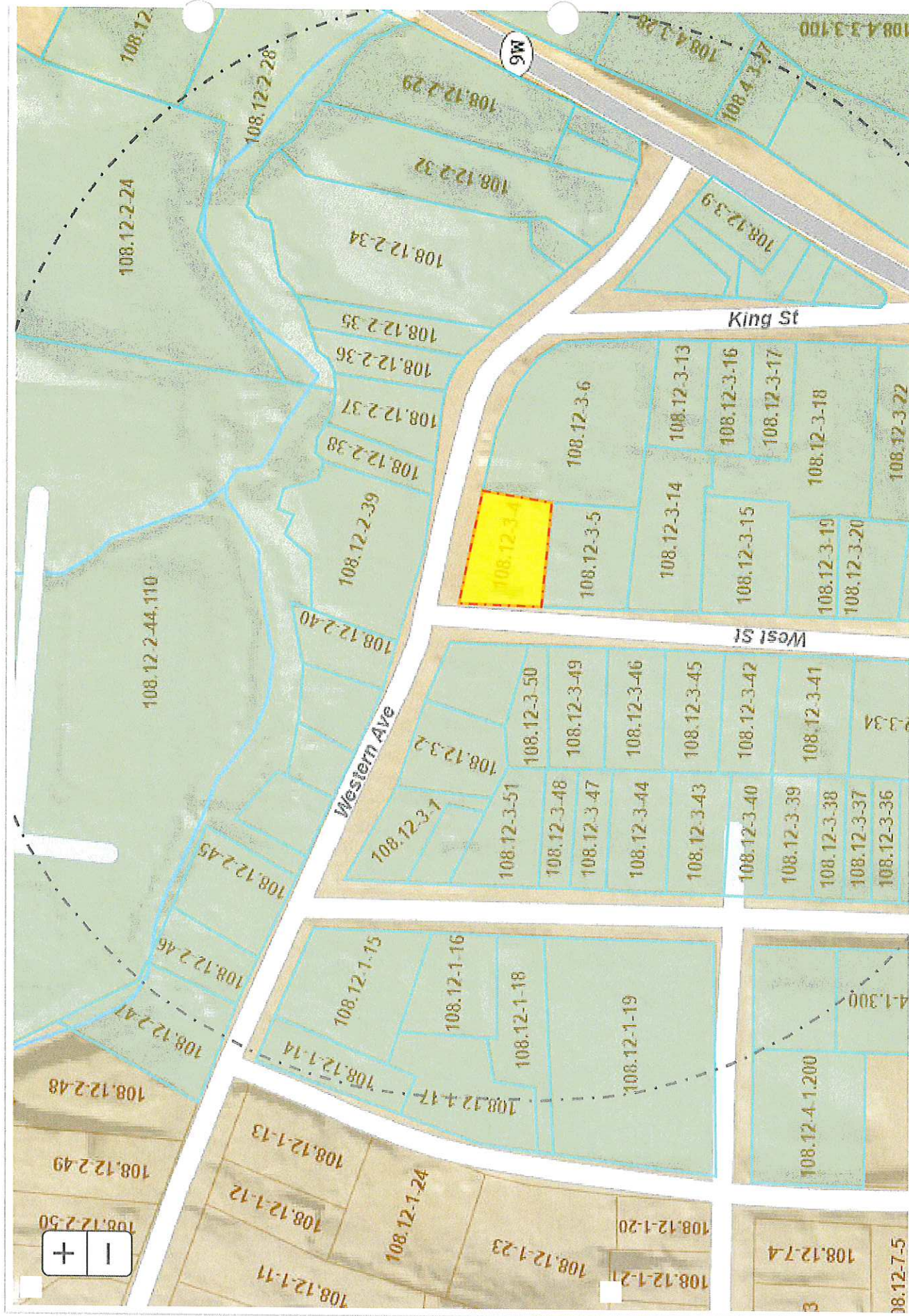
O:\Surveys\2023\12-230145-00-Diorio-WesternAve-Marlborough-NY-PPB\CORRESPONDENCE\PLANNING\2023-05-19-Letter of Intent.DIORIO-12-230145-00.docx

Todd Diorio cpa #12-230145

Adjoining owners within 500'

| Parcel         | Owner                          | Secondary_Owner       | Mailing_Address   | Mailing_City         | Zip   |
|----------------|--------------------------------|-----------------------|-------------------|----------------------|-------|
| 108.12-3-4     | David Zambito                  |                       | P.O. Box 297      | Marlboro NY          | 12542 |
| 108.12-1-18    | Marlborough Fire District      |                       | P.O. Box 777      | Marlboro NY          | 12542 |
| 108.12-3-50    | Rashida Management Inc         |                       | 18 Oakland Ct     | Matawan NJ           | 17747 |
| 108.12-3-21    | John T Perullo                 |                       | P.O. Box 846      | Marlboro NY          | 12542 |
| 108.12-3-35    | DiPaterio Management Corp      |                       | 17 Rick Ln        | Cortlandt Manor NY   | 10567 |
| 108.12-2-29    | Walter S Kronner               | Robert P Kronner      | 372 Old Post Rd   | Marlboro NY          | 12542 |
| 108.12-2-33    | Samuel B Schenker              | Janet G Schenker      | 15 Memory Trail   | Lagrangeville NY     | 12540 |
| 108.12-3-23    | Yemon Holdings LLC             |                       | P.O. Box 2111     | Newburgh NY          | 12550 |
| 108.12-3-22    | Ramz Real Estate Co LLC        |                       | 13 Huff Road      | Newburgh NY          | 12550 |
| 108.12-3-36    | Kastina Owusu-Ansah            |                       | 29 Grand St       | Marlboro NY          | 12542 |
| 108.12-2-43    | Adrienne Auchmoody             |                       | P.O. Box 820      | Marlboro NY          | 12542 |
| 108.12-1-14    | JOEMARDEN LLC                  |                       | 1625 RT 9W        | Milton NY            | 12547 |
| 108.12-2-39    | Torant Enterprises             |                       | P.O. Box 517      | Marlboro NY          | 12542 |
| 108.12-1-15    | Juan Hinostroza                |                       | 25 Robinson Ave   | Newburgh NY          | 12550 |
| 108.4-3-26.100 | John J Amodeo Jr               | Deborah Ann Adamshick | P.O. Box 37       | Marlboro NY          | 12542 |
| 108.12-3-39    | Linda Perez                    |                       | 23 Grand St       | Marlboro NY          | 12542 |
| 108.12-3-41    | Aurelia Luz DeArmas            | Diane Mary Merrill    | P.O. Box 712      | Marlboro NY          | 12542 |
| 108.12-3-11    | Orange Alliance Properties LLC |                       | 35 Burts Path     | Hopewell Junction N' | 12533 |
| 108.4-3-28     | Giovanni Triolo                |                       | P.O. Box 426      | Marlboro NY          | 12542 |
| 108.12-3-46    | Anthony Maraday                | Sophia Maraday        | P.O. Box 596      | Marlboro NY          | 12542 |
| 108.12-3-44    | Elizabeth Aponte               |                       | P.O. Box 278      | Marlboro NY          | 12542 |
| 108.12-3-7     | Key Bank of New York           |                       | P.O. Box 167928   | Irving TX            | 75015 |
| 108.12-3-14    | Danskammer House LLC           |                       | P.O. Box 553      | Marlboro NY          | 12542 |
| 108.12-2-47    | Marlboro Flats LLC             |                       | 20 Cricchio Ln    | Marlboro NY          | 12542 |
| 108.12-2-46    | Marlboro Flats LLC             |                       | 20 Cricchio Ln    | Marlboro NY          | 12542 |
| 108.12-3-25    | Matthew Mahan                  |                       | 18 Gobbler's Knob | Marlboro NY          | 12542 |
| 108.12-3-9     | Key Bank of New York           |                       | P.O. Box 167928   | Irving TX            | 75016 |
| 108.12-3-16    | Danskammer House LLC           |                       | P.O. Box 553      | Marlboro NY          | 12542 |
| 108.12-3-15    | Anna Acera                     |                       | 7 West St         | Marlboro NY          | 12542 |
| 108.12-3-18    | IRES LLC                       |                       | 9 Anchor Dr       | Newburgh NY          | 12550 |
| 108.4-3-27     | Fannie R. Amodeo LLC           |                       | 1316 Route 9W     | Marlboro NY          | 12542 |
| 108.12-3-42    | Laurel Paporta                 |                       | P.O. Box 332      | Marlboro NY          | 12542 |
| 108.12-3-40    | 19 Grand Street LLC            |                       | P.O. Box 4262     | Kingston NY          | 12402 |





Ulster County  
Nina Postupack  
County Clerk  
Kingston, NY 12401



60 2008 00010750

Instrument Number: 2008- 00010750

Recorded On: June 05, 2008

As  
D01 - Deed

Parties: ALONGE BROTHERS INC

To  
ZAMBITO&SON ENTERPRISES LLC

Billable Pages: 4

Recorded By: RUSK WADLIN

Num Of Pages: 4

Comment:

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

|                   |          |                         |         |                      |          |
|-------------------|----------|-------------------------|---------|----------------------|----------|
| D01 - Deed        | 37.00    | RP5217 - 165            | 165.00  | Tax Affidavit TP 584 | 5.00     |
| Recording Charge: | 207.00   |                         |         |                      |          |
|                   | Amount   | Consideration<br>Amount | RS#/CS# |                      |          |
| Tax-Transfer      | 1,000.00 | 250,000.00              | 4509    | Basic                | 0.00     |
| MARLBOROUGH       |          |                         |         | Additional           | 0.00     |
|                   |          |                         |         | Special Additional   | 0.00     |
|                   |          |                         |         | Transfer             | 1,000.00 |
| Tax Charge:       | 1,000.00 |                         |         |                      |          |

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Ulster County,

**File Information:**

Document Number: 2008- 00010750  
Receipt Number: 681334  
Recorded Date/Time: June 05, 2008 04:21:38P  
Book-Vol/Pg: Bk-D VI-4576 Pg-85  
Cashier / Station: rsec / Cashier Workstation 2

**Record and Return To:**

GEORGE RUSK ESQ  
RUSK WADLIN HEPPNER&MARTUSCELLO LLP  
PO BOX 727  
MARLBORO NY 12542



Nina Postupack Ulster County Clerk

4  
073600

Bargain & Sale Deed with Covenants Against Grantor's Acts  
Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

**THIS INDENTURE**, made the 30<sup>th</sup> day of May, 2008

**BETWEEN**

**ALONGE BROTHERS, INCORPORATED**, offices located at  
PO Box 387  
Marlboro, NY 12542

party of the first part, and

**ZAMBITO & SON ENTERPRISES, LLC**, residing at  
PO Box 297 - Idlewild Avenue  
Marlboro, NY 12542

party of the second part,

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

**ALL** that certain plot, piece or parcel of land, situate, lying and being more particularly described in the Schedule "A" attached hereto and made a part thereof.

**BEING** the same premises known as 25 Western Avenue, Marlboro, New York conveyed by Deed dated the 22<sup>nd</sup> day of October 1976 from JOHN L. DE SANTIS and GRACE A. DE SANTIS, husband and wife, and recorded in the Ulster County Clerk's Office on October 26, 1976 in Liber 1363 at Deeds page 873.

**TOGETHER** with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the centerlines thereof;

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

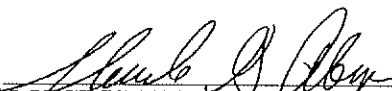
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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

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

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

**IN PRESENCE OF:**

  
**ALONGE BROTHERS, INCORPORATED**  
By: **CHARLES ALONGE**, President

CHECKED 

ENTERED 

MARK/OFF \_\_\_\_\_



STATE OF NEW YORK )  
COUNTY OF *Ulster* ) ss.:

On the *30<sup>th</sup>* day of *May*, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES ALONGE, 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 persona upon behalf of which the individual acted, executed the instrument.

MICHAEL A. KRAIZA  
Notary Public, State of New York  
No. 4890781  
Qualified in Ulster County  
Commission Expires April 6, 2011

*Michael A. Kraiza*  
NOTARY PUBLIC

Bargain and Sale Deed  
With Covenant Against Grantor's Acts

Section: 108.12  
Lot: 3  
Block: 4  
Town of: Marlboro  
County of: Ulster

ALONGE BROTHERS, INCORPORATED

TO

ZAMBITO & SON ENTERPRISES, LLC

RECORD AND RETURN TO:

GEORGE RUSK, Esq.  
Rusk, Wadlin, Heppner & Martuscello, LLP  
PO Box 727  
Marlboro, NY 12542

## **SCHEDULE "C"**

Policy No. 611836

Title No. PTS1055

### **LEGAL DESCRIPTION**

All that tract or parcel of land situated in the Town of Marlborough, County of Ulster, State of New York, and bounded and described as follows:

BEGINNING at an iron spike at the corner formed by the intersection of the southerly street line of Western Avenue with the easterly street line of West Street, and running thence along said southerly street line of Western Avenue South  $66^{\circ} 56'$  East 115.31 feet to a drill hole in the center of a concrete retaining wall; thence along the westerly line of lands of Edward J. McGowan South  $17^{\circ} 05'$  West 72.64 feet to an iron pipe; thence along the northerly line of lands of the Steinbach Estate North  $72^{\circ} 29'$  West 109.41 feet to an iron pipe on the easterly street line of West Street; thence along said easterly street line of West Street North  $13^{\circ} 29'$  East 84.00 feet to the place of beginning.

BEING the same premises conveyed by Gulf Oil Corporation to John L. DeSantis and Grace A. DeSantis, his wife, by deed dated the 23rd of August, 1974 and recorded in the Ulster County Clerk's Office on the 23rd day of October 1974 in Liber 1327 of deeds at Page 084.

BEING the same premises conveyed by John L. DeSantis and Grace A. DeSantis, his wife, to Alonge Brothers, Incorporated by deed dated the 22nd of October, 1976 and recorded in the Ulster County Clerk's Office on the 26th day of October 1976 in Liber 1363 of deeds at Page 0873.

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