

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

**Application #**

22-212

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 Zelda Matilda, Inc.
Address of Project	255 Milton Cross Road Milton
Tax Section, Block, and Lot Number	SBL:95.4-3-1.210
Zoning District	R-AG-1
Number of Acres	4.57 acres
Square Footage of Each Building	

Reason For Application:  
Recyclable agricultural building site plan approval

Description of Proposal 155-31 E (3) (a):  
re-use of existing 7000 sqft agricultural building, formerly a juice bottling plant, to be used as warehouse of apparel for wholesale distribution.

CONTACT INFORMATION	
Name of Property Owner	Juiceco LLC c/o Michael Heath
Address of Property Owner	PO Box 383 Pound Ridge, NY 10576
Telephone Number of Property Owner:	
Email of Property Owner	
Name of Applicant	Zelda Matilda, Inc. c/o Rainer Schick
Address of Applicant	16 Twin Lakes Drive Airmount, NY 10952
Telephone Number of Applicant	<b>773-744-2347</b>
Email Address of Applicant	<b>Raischick@gmail.com</b>
Name of Surveyor	Patricia Brooks, LS - Control Point Associates, Inc.
Address of Surveyor	11 Main Street Highland, NY 12528
Telephone Number of Surveyor	<b>845-691-7339</b>
Email Address of Surveyor	<b>pbrooks@cpasurvey.com</b>
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 6-22-2021**

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.

<b>Y/N/RW</b>	<b>Required Items To Be Submitted</b>
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 y	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) (a) A description of proposed project (bottom of page 1 of Site Plan Application) (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. (c) An analysis of how the project complies with the requirements contained within this Chapter 15 5, Zoning, is included. (d) Any waivers or variances needed have been identified. 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).

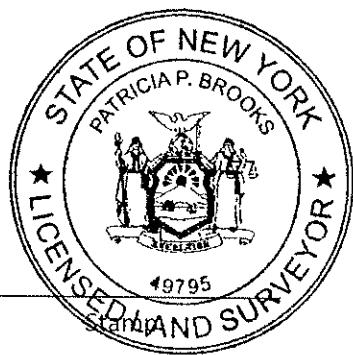
12 y	Map of the site includes North arrow, scale, and date. 155-31 E (4) (b).
13 y	Map of the site depicts boundaries of the property with surveyed dimensions. 155-31 E (4) (c).
14 y	Names of all owners of record adjacent to the applicant's property are indicated. 155-31 E (4) (d).
15 y	Existing school 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 y	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 n/a	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 y	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 y	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) Off-street parking spaces are a minimum of 200 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 y	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 y	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 y	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 y	The location, type, and screening details for solid waste disposal facilities and containers is indicated. 155-31 E (4) (r).
32 y	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 y	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/a	Estimates of noise generation at the source and property line are provided. 155-31 E (4) (u). See also 155-31 G (16).
35 none	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 y	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 y	Enforceable map notes of stormwater drainage, utility rights-of-way, etc., are indicated 155-31 E (4) (aa) [3].
43 n/a	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 y	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 y	Agricultural Data Statement (If applicable). See also 155-52 Setbacks and buffers from active agricultural lands.
47 y	Off-street parking spaces are a minimum of 200 square feet each. See 155-27 A (1) (a).

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: Patricia P. Brooks  
Licensed Professional



May 19, 2023  
Date

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

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

***Procedure for Legal Notices:***

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

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

**Phone: 845-795-6167**

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

# Ethics Code

## **TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST**

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

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

- A. An immediate family member. Immediate family member is defined as: 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, Rainier Schick, residing at 16 Twin Lakes Drive Airmount, NY 10952, 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:

**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: Z. O. Date: 9 May 2023

## ACKNOWLEDGMENT

State of New York,  
County of: Rockland

On May 9th 2023, before me personally appeared Rainier Schick, 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

**ROBERT MILLS**  
Notary Public, State of New York  
Qualified in Orange County  
Reg. No. 01MI6401532  
My Commission Expires 12/9/20 23

**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	$\frac{1000.00}{1000} \times 70.00 = 700.00$ \$1,000.00, 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
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## **Disclaimer**

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

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

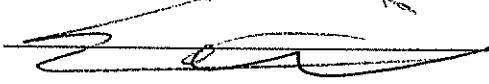
**AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.**

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

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

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

Applicant's Name (Print): Rainier Schick

Applicant's Signature: 

Date: 9 May 2023

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

**Town of Marlborough Planning Board**

**Letter of Agent**

I (We), Rainier Schick as the applicant

am (are) the owner(s) of a parcel  
of land located on 255 Milton Cross Road

Tax Map Designation: Section 95.4 Block 3 Lot 1.210.

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

9 May 2023  
Date

N/A  
Signature

N/A  
Date

State Of New York

County of Rockland.

On the 9th day of May in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared

Rainier Schick, 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

**ROBERT MILLS**  
Notary Public, State of New York  
Qualified in Orange County  
Reg. No. 01MI6401532  
My Commission Expires 12/9/2023

**TOWN OF MARLBOROUGH NOTICE OF  
DISCLOSURE OF INTEREST**

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- 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, Michael Heath, owner Juiceco, LLC, residing at Pound Ridge, NY, make the following statements about interests in the real property which is the subject of this

## Site Plan Application, Petition or Request for a

## 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.

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1. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

**D. Party to an agreement with the applicant**

1. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent, or contingent upon the favorable approval of such application, petition or request for the subject property is an immediate family member of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

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

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

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

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

Signed:

Date:

5/12/23

## ACKNOWLEDGMENT

State of New York,  
County of: *Westchester*

On May 12, 2023 before me personally appeared Michael Fletcher 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

Ernest Oder

ERIN TROSTLE  
NOTARY PUBLIC - STATE OF NEW YORK  
111-111111

No. 01TR6401812  
Qualified in Westchester County  
My Commission Expires December 16, 2023

## **Town of Marlborough Planning Board**

### **Letter of Agent**

Comm - until to day

5 | 12 (23)

I (We), Michael Heath, owner Juiceco, LLC am (are) the owner(s) of a parcel of land located on 255 Milton Cross Road in the Town of Marlborough, Tax Map Designation: Section 95.4 Block 3 Lot 1.210

I (We) hereby authorize Control Point Associates, Inc. to act as my (our) agent to represent ... '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)

Subdivision, Site Plan, Minor Site Plan or Land

Signature

5/12/23

Date

---

Signature

Date

State Of New York

County of Westchester

On the 12<sup>th</sup> day of May in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared

Michael Heath

Michael Heath, 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.

Andrea

**Notary Public**

ERIN TROSTLE  
NOTARY PUBLIC - STATE OF NEW YORK  
No. 01TR6401812  
Qualified in Westchester County  
My Commission Expires December 16, 2023

May 19, 2023

**LETTER OF INTENT**

Applicant Rainer Schick of Zelda Matilda, Inc. proposes to utilize a 7,000 square foot agricultural juice bottling plant for warehousing of apparel for wholesale distribution. The apparel is primarily manufactured overseas and will be delivered to the site by tractor trailer approximately once a month. The deliveries from the warehouse to retail centers is anticipated at once or twice a week and the deliveries will be made via box truck. There will be no retail sales from the facility, and it is anticipated there may be up to six employees on site when the apparel is being stocked or distributed. The existing loading docks on the northerly side of the building will be utilized for deliveries, and no exterior changes to the building are proposed.

O:\Surveys\2023\12-230167-00-Schick-MiltonCrossRd-Marlborough-NY-PPB\CORRESPONDENCE\PLANNING\5.16.23.Letter of Intent.docx

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



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

# ***Short Environmental Assessment Form***

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

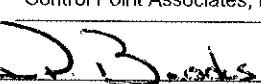
### **Instructions for Completing**

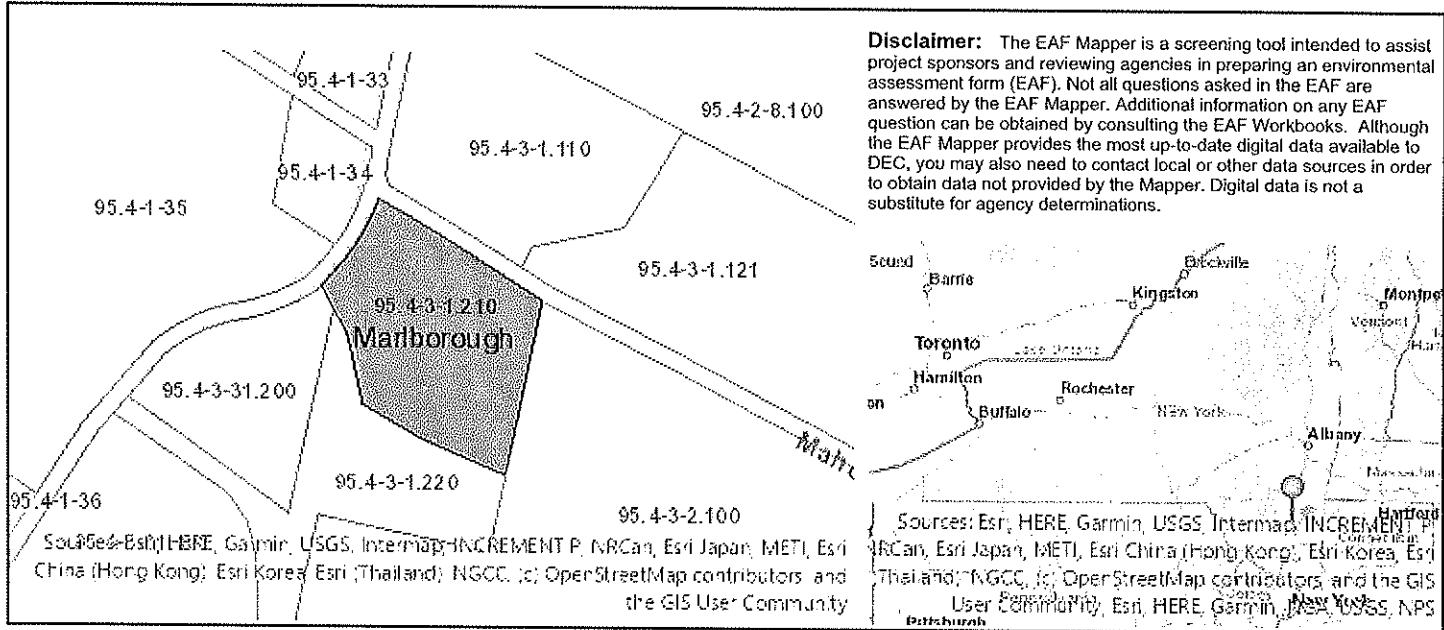
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
<p>Name of Action or Project: Site Plan prepared for Zelda Matilda, Inc.</p>			
<p>Project Location (describe, and attach a location map): 255 Milton Cross Road Town of Marlborough Ulster County SBL: 95.4-3-1.210</p>			
<p>Brief Description of Proposed Action: Repurpose building from former juice bottling plant and storage of wardrobe apparel. Resurface of a portion of driveway at loading docks. No new construction is proposed.</p>			
<p>Name of Applicant or Sponsor: Control Point Associates, Inc. - Patricia Brooks, Land Surveyor pbrooks@cpasurvey.com</p>		<p>Telephone: 845-691-7339 E-Mail:</p>	
<p>Address: 11 Main Street</p>			
<p>City/PO: Highland</p>		<p>State: NY</p>	<p>Zip Code: 12528</p>
<p>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</p>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:</p>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. a. Total acreage of the site of the proposed action?</p>		<p>4.57 acres</p>	
<p>b. Total acreage to be physically disturbed?</p>		<p>0 acres</p>	
<p>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</p>		<p>4.57 acres</p>	
<p>4. Check all land uses that occur on, are adjoining or near the proposed action:</p>			
<p>5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)  <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):  <input type="checkbox"/> Parkland</p>			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ not applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:							
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban							
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?							
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50px;">NO</td> <td style="width: 50px;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
16. Is the project site located in the 100-year flood plan?							
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50px;">NO</td> <td style="width: 50px;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,							
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50px;">NO</td> <td style="width: 50px;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?							
If Yes, briefly describe: <hr/> <hr/> <hr/>							
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:							
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50px;">NO</td> <td style="width: 50px;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:							
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50px;">NO</td> <td style="width: 50px;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:							
<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50px;">NO</td> <td style="width: 50px;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>				NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>							
Applicant/sponsor/name: Control Point Associates, inc. - Patricia Brooks, Land Surveyor		Date: May 16, 2023					
Signature: 		Title: Land Surveyor/Agent					



Part 1 / Question 7 [Critical Environmental Area]  No

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]  No

Part 1 / Question 12b [Archeological Sites]  No

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]  Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

Part 1 / Question 15 [Threatened or Endangered Animal]  No

Part 1 / Question 16 [100 Year Flood Plain]  No

Part 1 / Question 20 [Remediation Site]  No

## AGRICULTURAL DATA STATEMENT

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

A. Name of applicant: Zelda Matilda, Inc.

Mailing address: 16 Twin Lake Drive Airmount, NY 10952

B. Description of the proposed project: Site Plan

C. Project site address: 255 Milton Cross Road Town: Marlborough

D. Project site tax map number: 95.4-3-1.210

E: The project is located on property:

X - within an Agricultural District containing a farm operation, or

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

F. Number of acres affected by project: 4.57 acres

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

O Yes. If yes, how many acres \_\_\_\_\_ or square feet \_\_\_\_\_ ?

O No.

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

Overlook Farms, Inc. - 113 Lyons Lane – Milton, NY 12547 – Fruit Crop

Apple blossom Orchard, LLC – PO Box 326 Clintondale, NY 12515 –12528 – Fruit Crop

Allstate Apple Exc., Inc. – 65 Old Indian Road – Milton, NY 12547- Fruit Crop

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

### **FARM NOTE**

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

Steven R. Pauli, CST II

May 19, 2023

Name and Title of Person Completing Form

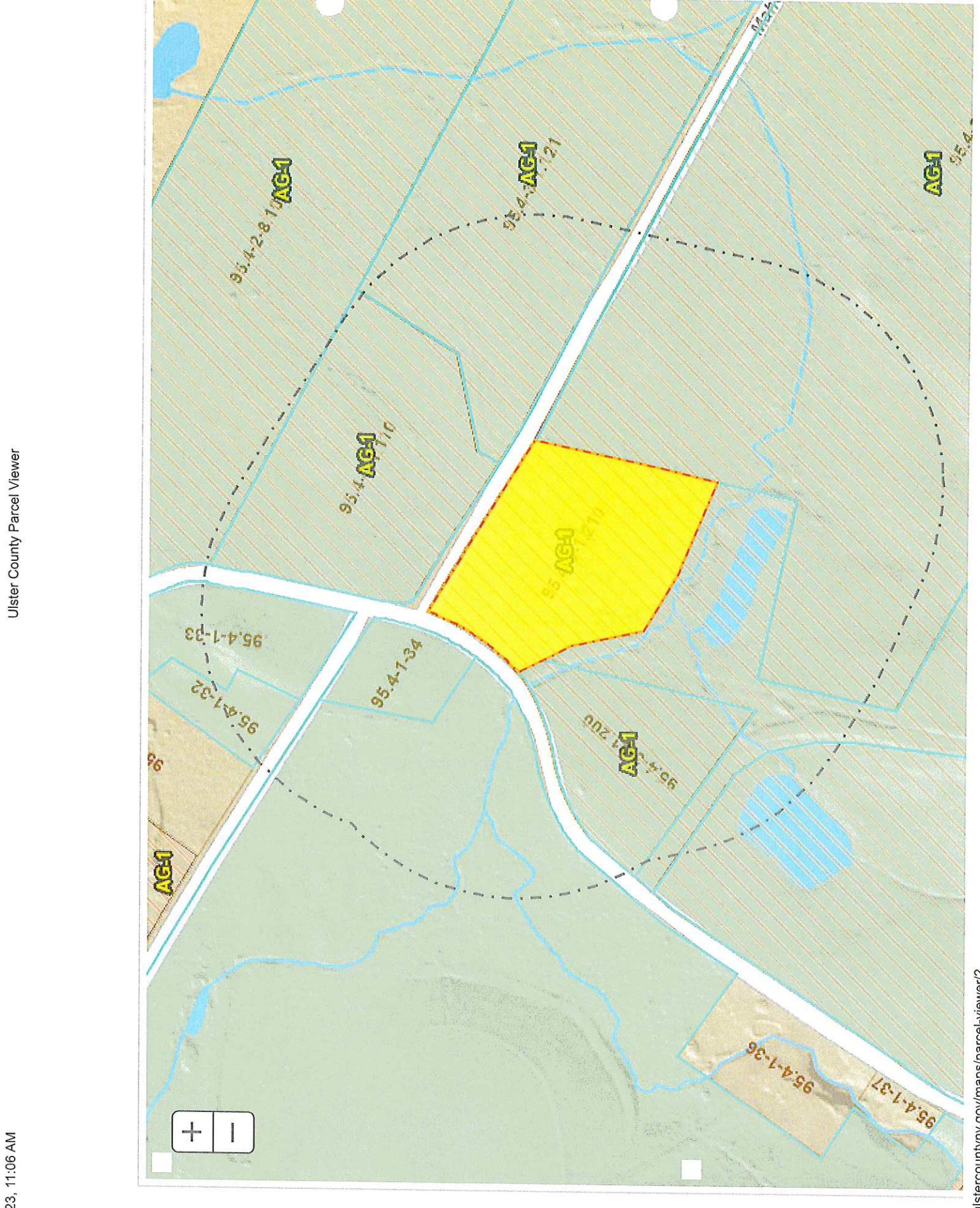
Date

cpa # 12-230167

Zelda Matila, Inc.

Adjoining owners and Ag. district owners  
within 500' of subject parcel

Parcel	Owner	Mailing_Address	Mailing_City	Zip	Property_Class
95.4-3-1.210	Juiceco LLC	P.O. Box 383	Pound Ridge NY	10576	Cold storage
95.4-1-35	Town of Marlborough	P.O. Box 305	Milton NY	12547	Landfill
95.4-1-33	Diane Altieri	272 Orchard Rd	Highland NY	12528	Res Multiple
95.4-1-32	Madeline A Buonfiglio	7 Baileys Gap Rd	Highland NY	12528	1 Family Res
95.4-1-34	Devin E & Kayla M Palmatter	258 Milton Cross Rd	Highland NY	12528	1 Family Res
95.4-3-31.10C	Overlook Farms Inc	113 Lyons Ln	Milton NY	12547	Fruit crop
95.4-3-1.220	Apple Blossom Orchards LLC	P.O. Box 326	Clintondale NY	12515	Fruit crop
95.4-3-31.20C	Overlook Farms Inc	113 Lyons Ln	Milton NY	12457	Res vac land
95.4-3-2-100	Allstate Apple Exc Inc	65 Old Indian Rd	Milton NY	12547	Fruit crop
95.4-3-1.121	Luke N & Heather M Sukunda	356 Mahoney Rd	Milton NY	12547	1 Family Res
95.4-3-1.110	Claire Frankel	36 Sutton Place South Apt 2G	New York NY	10022	1 Family Res
95.4-2-8.100	Michael B & Diann Hackett	269 Orchard Rd	Highland NY	12528	Rural res



Ulster County  
Albert Spada  
County Clerk  
Kingston, NY 12401



60 2004 00018133

Instrument Number: 2004-00018133

Recorded On: June 18, 2004 As  
D01 - Deed  
Parties: MINARD DOUGLAS  
To  
JUICECO LLC  
Recorded By: CTI Billable Pages: 6  
Comment: MARLBORO Num Of Pages: 6

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

D01 - Deed	43.00	RP5217	50.00	Tax Affidavit TP 584	5.00
Recording Charge	98.00				
		Consideration			
	Amount	Amount	RS#/CS#		
Tax-Transfer	868.00	217,000.00	7045	Basic	0.00
				Special Additional	0.00
				Additional	0.00
				Transfer	868.00
Tax Charge	868.00				

\*\* 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:

Record and Return To:

Document Number	2004-00018133	RAYMOND G KUNTZ III ESQ
Receipt Number	168578	HUNTING RIDGE MALL
Recorded Date/Time	June 18, 2004 02:21P	PO BOX 396
Book-Vol/Pg	Bk-D VI-3910 Pg-338	BEDFORD NY 10506
Cashier / Station	b bhan / Cashier Workstation 3	



*Albert Spada*

ALBERT SPADA, ULSTER COUNTY CLERK

#218548

Bargain &amp; sale deed, with covenant against grantor's acts

6  
X-36**THIS INDENTURE**, made the 28<sup>th</sup> day of August, two thousand three  
**BETWEEN**Douglas Minard, residing at Box 326, Clintondale, New York 12515, party of the first  
part, andJuiceco, LLC, having its mailing address at PO Box 383, Pound Ridge, New York 10576,  
party of the second part,**WITNESSETH**, that the party of the first part, in consideration of TEN AND 00/100  
(\$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, with the buildings and improvements  
thereon erected, situate, lying and being in the Town of Marlborough, County of Ulster,  
and State of New York, being further bounded and described in Schedule A attached  
hereto (the "Premises")Being and intended to be a portion of the premises conveyed in a certain deed dated  
November 9, 1995 by Anne DiFalco to Douglas Minard and recorded in the office of the  
Ulster County Clerk in Liber 2538 of deeds at page 196 on November 9, 1995Grantor, his successors and/or assigns, hereby reserves, for as long as necessary, the  
entire building by the brook with the pump for spraying on the Premises, to be used for  
the storing of a tractor and farm equipment that may be used by the Grantor, his  
successors and/or assigns, on the adjoining property. Such reservations shall cease upon  
the discontinuance of such land for agricultural purposesGrantor, his successors and/or assigns, will be allowed to take water from the well on the  
Premises for agricultural purposes throughout the term of a certain Lease between  
Grantor and Michael Heath, and such right to take water from the well for agricultural  
purposes, shall continue thereafter as a right to the Grantor, his successors and/or assigns,  
running with the land, such right to continue, unless the agricultural purpose of such land  
shall discontinue. Said water may be used for, but not limited to, the agricultural  
purposes of trickle irrigation, conventional irrigation, spray water, etcGrantor, his successors and/or assigns, hereby reserves the right of ingress and egress to  
cross the Premises as a means of access from Mahoney Road and Orchard Road to a  
nineteen (19) acre parcel owned by the Grantor to the rear of the Premises. This right  
shall run to the benefit of the Grantor, his successors and/or assigns, to run with the land  
and to discontinue at such time as the land benefiting from such easement is conveyed by  
Grantor, his successors and/or assigns, or the land subject to such easement is conveyed  
by Juiceco, LLC

CHECKED	OC
ENTERED	3H
MARK/OFF	

v CTI(M-7)

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

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

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

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

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

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

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

## IN PRESENCE OF

Douglas Minard

On the 13 day of Feb, 2004, before me, the undersigned, a notary public in and for said state, personally appeared Douglas Minard 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 the instrument.

Carrie M Mandin  
Notary Public

CAROLE V MANDIA  
Notary Public, State of New York  
# CT/MA6028565  
Commission Expires 08/02/20 05

BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS  
\*\*\*\*\*  
Douglas Minard

to

Junceco, LLC

SECTION 95 4  
BLOCK 3  
LOT 12  
COUNTY/TOWN  
Ulster/Marlborough

RETURN BY MAIL TO

Raymond G Kuntz, III, Esq  
Hunting Ridge Mall  
PO Box 396  
Bedford, NY 10506

SCHEDULE A

Deed Description  
Lands of Douglas Minard  
to be conveyed to  
Michael Heath

portion of Liber 2538, Page 196  
Lot 1 as shown on a map entitled "Subdivision of  
Lands of Douglas Minard and Overlook Farms, Inc."  
filed in the Ulster County Clerks Office on  
December 30, 2002 as map number 12508

ALL THAT PIECE OR PARCEL OF LAND, situate, lying, and being in  
the Town of Marlborough, County of Ulster State of New York and is  
more particularly described as follows:-

BEGINNING at a point in the approximate center of Milton Cross  
Road approximately 30' southwesterly from the intersection of the  
centerlines of Milton Cross Road and Mahoney Road;

THENCE running approximately 25' southwesterly from the  
centerline of Mahoney Road the following three courses and  
distances:- S 51°-39'-25" E 214.41' to a point;

THENCE S 51°-03'-19" E 68.79' to a point;

THENCE S 50°-09'-19" E 189.18' to a point;

THENCE S 23°-18'-30" W 425.47' along the westerly bounds of  
lands n/f Allstate Apple Exchange, Inc., Liber 1240, Page 599 to  
a point;

THENCE along the northerly bounds of lands n/f Douglas Minard,  
Liber 2538, Page 196 being Lot 2 as shown on filed map number  
12508 the following four courses and distances:- N 54°-17'-16" W  
232.47' to a point near a stream;

THENCE N 47°-03'-03" W 153.35' to a point near said stream;

THENCE N 03°-40'-35" W 134.49' crossing a dirt farm lane to a  
point near the southeasterly corner of a barn;

THENCE N 20°-30'-10" W 72.22' generally along the top of the  
bank of the stream to a point;

THENCE N 20°-30'-10" W 75.15' along the easterly bounds of lands

n/f Overlook Farms, Inc., Liber 1405, Page 861, being Lot 3 as shown on filed map number 12508 and generally along the top of the stream bank to a point;

THENCE N 20°-30'-10" W 25.00' to the approximate centerline of Milton Cross Road;

THENCE along the approximate center of Milton Cross Road the following three courses and distances:- N 58°-18'-54" E 68.32' to a point;

THENCE N 48°-00'-32" E 62.16' to a point;

THENCE N 41°-51'-51" E 100.55' to the point and place of

CONTAINING 4.705 ACRES of land. As surveyed December, 2002 by A. Diachishin & Associates, P.C., Napanoch, N.Y. 12458.

SUBJECT to an easement for right of way for ingress and egress to other lands of Douglas Minard, and the use of a well and barn as shown on filed map 12508 and as set forth in a lease agreement with the operators of the juice bottling plant on the above described Lot 1. Said right of way to extend from Mahoney Road over the paved parking lot to the east and south of the main building and then along the dirt farm lane between two barns to the southwesterly bounds of the above described lot.

minover4.des