

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

Application # **231010**

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	May 9, 2023 Conceptual Site Plan App Package - August 10, 2023 Site Plan App Package
Name of Project	Redevelopment of Agricultural Building
Address of Project	271 Milton Tpke, Marlboro
Tax Section, Block, and Lot Number	95.4-3-12.200
Zoning District	RAG-1
Number of Acres	0.52
Square Footage of Each Building	+/- 5,250 foot print (two stories 10,500 total)

**Reason For Application:**

Proposed redevelopment and change of use of an existing accessory agricultural building to a non-agricultural warehousing and/or long-term storage use.

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

The redevelopment project proposal is primarily related to the change of use of an existing vacant building. The building was formerly utilized as an accessory agricultural building/barn. The 0.52 acre parcel that the building is located on has since been separated from adjacent agricultural properties, has approximately 160-feet of frontage on and access from Milton Turnpike. The proposal is to convert the space to provide non-agricultural warehousing/storage and will include renovations to the existing structure/site as needed to provide safe access and conditions. There is no water/wastewater facilities on site or needed for the proposed use. This application / proposal does NOT include installation of plumbing or provisions for residential/living space.

CONTACT INFORMATION	
Name of Property Owner	Mohegan Farms LLC (Steven Fruchter)
Address of Property Owner	1901 Cherry Hill Dr, Poughkeepsie, NY 12603
Telephone Number of Property Owner:	917-232-6661
Email of Property Owner	stevenfruchter1989@gmail.com
Name of Applicant	John Quinn Jr.
Address of Applicant	50 Route 299, Suite 100 Highland, NY 12528
Telephone Number of Applicant	845-764-1201
Email Address of Applicant	johnjr@quinnrealtygrp.com
Name of Surveyor	Adolf H. Jonietz, PLS
Address of Surveyor	PO Box 489, 70 Cliff Ave, Clintondale, NY
Telephone Number of Surveyor	845-649-5498
Email Address of Surveyor	
Name of Engineer	Peak Engineering, PLLC
Address of Engineer	PO Box 540, Stone Ridge, NY 12484
Telephone Number of Engineer	845-687-4500
Email Address of Engineer	ncarney@peakengineer.com
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. \$550.00
6 -	Initial Escrow Fee Paid (Separate check from Application Fee) see page 11, also 155-31 J. at later date
7 Y	Disclaimer Forms Provided See Page 12.
8 Y	Letter of Agent Statement Page 13.
9	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 Y	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 162 square feet each. See 155-27 A (1) (a).
24	N/A	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	N/A	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	N/A	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	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	N/A	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	TBD	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/A	The location, type, and screening details for solid waste disposal facilities and containers is indicated. 155-31 E (4) (r).
32	TBD	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/A	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). SEE WAIVER REQUEST
35	N/A	Inventory and quantity of hazardous materials anticipated for on-site storage and/or use, if applicable, are provided. 155-31 E (4) (v).
36	Y	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		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	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	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	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



\_\_\_\_\_  
Stamp

8/10/23  
\_\_\_\_\_

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

N/A

## 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, \_\_\_\_\_, residing at \_\_\_\_\_, make the following statements about interests in the real property which is the subject of this

application, petition or request for a \_\_\_\_\_,

before the \_\_\_\_\_ 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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**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: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of New York,  
County of:

On \_\_\_\_\_, before me personally appeared \_\_\_\_\_, 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

**Town of Marlborough Planning Board  
Letter of Agent**

I (We), Steven Frachter, Executor of the Abraham Frachter estate am (are) the owner(s) of  
a parcel of land located  
on 271 Milton Turpike in the Town  
of Marlborough, Tax Map Designation: Section 95.4 Block 3 Lot 12.200.

I (We) hereby authorize Peak Engineering, PLLC and/or John Quinn Jr. to act as my (our) agent  
to represent my (our) interest in applying to the Town of Marlborough Planning Board for  
a ☐ Lot Subdivision ☒ Site Plan ☐ Minor Site Plan ☐ Lot Line Revision Application. (check one)

Signature: [Signature] Date: 4/13/2023

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State Of New York  
County of Kings

On the 17th day of 1 in the year 2023 before me, the undersigned, a Notary Public in and for said

State, personally appeared Steven Frachter  
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.

[Signature]  
Notary Public

ZEKI R. SABBAGH  
Notary Public, State of New York  
No. 02SA6353649  
Qualified in Kings County  
Commission Expires 01/30/2025

August 10, 2023

Planning Board  
Town of Marlborough  
21 Milton Turnpike  
Milton, NY 12547

Re: Redevelopment of Agricultural Building, Mohegan Farms LLC  
271 Milton Turnpike, Town of Marlborough, Ulster County, NY, SBL 95.4-3-12.200

Dear Chairman and Board Members,

For your review enclosed please find a Site Plan Application package for the above referenced site and proposal related to the redevelopment of an existing, vacant, agricultural building for non-agricultural warehousing/storage (along with flash drive). The packet includes:

- Site Plan Application with
  - Check list
  - Letter of Agent Statement
  - Disclaimer Form
  - Check for Site Plan fee in the amount of \$550.00
  - Area Location Map
  - Deed
  - Photographs of site and building
- Short Environmental Assessment Form Part 1
- Certification by the Building Inspector
- Site Plan
- Site Survey
- Right-of-way and common driveway maintenance agreement

The following is a brief project narrative as per Section 155-31 E.(3)

a) Description of the project site and proposal:

The site is approximately 0.52 acre in size with  $\pm$ 160-feet of frontage on and access from Milton Turnpike and contains a  $\pm$ 5,250 sq.ft. building/barn. The existing building had formerly been utilized as an accessory agricultural storage/cold storage building. This parcel has since been subdivided/separated from the adjacent agricultural properties and is primarily vacant at this time. There is not a well/water supply and/or sanitary facilities on site.

The proposal includes redevelopment of the site and building with a change of use to non-agricultural warehousing/storage facility (related to Zoning Code 155-21 Recyclable agricultural buildings). The building will be renovated as needed to provide safe access and conditions to house the proposed use. This proposal will not include the installation of plumbing and/or any residential/living spaces. The site is a pre-existing nonconforming lot and contains less than the current required lot area and more than the current required maximum building coverage area.

b) Description of Interconnections with adjoining sites:

The site is accessed by an existing shared driveway with property to the east. A right of way and common driveway maintenance agreement has been recently drafted and shall be filed with the Ulster

County Clerk's Office. The location of the shared (common) driveway is shown on the Site Plan. There is no intention for additional interconnection with other adjoining properties due to the size of the site and the existing common access.

c) Compliance with Zoning:

As listed above, attached please find a letter from the Thomas Corcoran Jr., Building Inspector verifying this application can be presented to the Planning Board, the site is in the RAG-1 Zoning District, the building has been in existence over 10 years, the building predates zoning, and the building does meet the requirements for the Recycled Agricultural Building under the Town of Marlborough Code.

As noted above, the building existed lawfully prior to zoning code; however, does not conform with the current yard setbacks (front or side) or lot size requirements for the district in. The lot coverage does conform with requirements set forth in Section 155-21 as it relates to Recyclable agricultural buildings, and there is no proposal to enlarge and/or expand the building.


d) Waivers:

On behalf of the applicant, we hereby request waiver from the following site plan requirement: Section 155-31 E (4) U. – Noise Generation. As the use of the facility is proposed to be storage, noise generation is anticipated to be infrequent. Noise will be generated temporarily during construction/renovation of the facility and limited during normal operation to times when patrons access the facility only.

We hope you find this information satisfactory for scheduling for review at the next Planning Board meeting. If you should have any questions, or require any additional information, please contact our office.

Thank you for your attention to this matter.

Sincerely,

  
Nadine D. Carney  
Peak Engineering, PLLC

## *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.

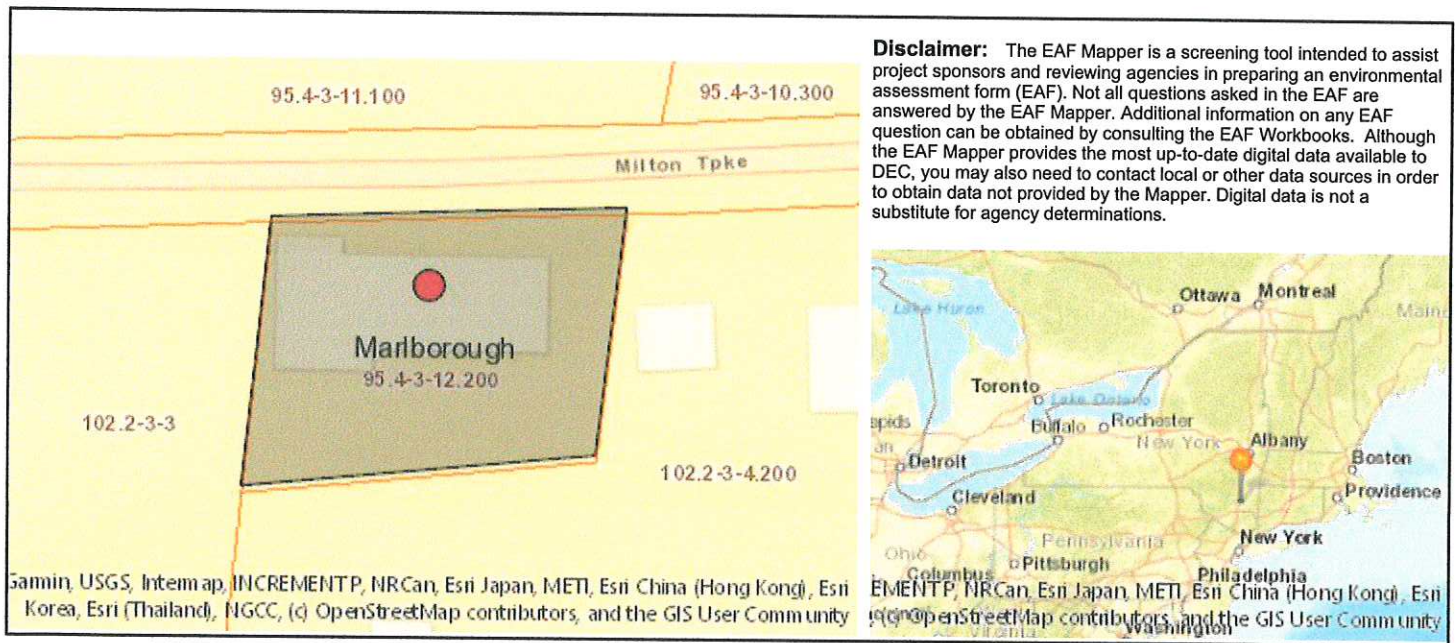
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Redevelopment of agricultural building			
Project Location (describe, and attach a location map): 271 Milton Turnpike, Marlboro, NY			
Brief Description of Proposed Action:  The redevelopment project proposal is primarily related to the change of use of an existing vacant building. The building was formerly utilized as an accessory agricultural building/barn. The 0.52 acre parcel that the building is located on has since been separated from adjacent agricultural properties, has approximately 160-feet of frontage on and access from Milton Turnpike. The proposal is to convert the space to provide non-agricultural warehousing/storage and will include renovations to the existing structure/site as needed to provide safe access and conditions. The proposal will not provide any residential/living/habitable space.			
Name of Applicant or Sponsor:  John Quinn, Jr.		Telephone: 845-764-1201  E-Mail: johnjr@quinnrealttygrp.com	
Address: 550 Route 299, Suite 100			
City/PO: Highland		State: NY	Zip Code: 12528
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Marlborough Planning Board			YES  <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.52 acres b. Total acreage to be physically disturbed? _____ 0.1 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.52 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: renovations/ building improvements shall be in accordance with current building and energy code requirements and include electrical, lighting, etc. _____	NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ no water required for use _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ no wastewater generated by use _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? 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?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO  <input type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input type="checkbox"/>	

# EAF Mapper Summary Report

Wednesday, April 12, 2023 9:51 AM



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





ULSTER COUNTY – STATE OF NEW YORK  
NINA POSTUPACK, COUNTY CLERK  
244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



BOOK/PAGE: 6495 / 245  
INSTRUMENT #: 2019-13070

Receipt#: 20191733561  
Clerk: SM  
Rec Date: 10/04/2019 09:40:00 AM  
Doc Grp: D  
Descrip: DEED  
Num Pgs: 5  
Rec'd Frm: STENGER ROBERTS DAVIS&DIAMOND  
LLP

Party1: FRUCHTER ABRAHAM  
Party2: MOHEGAN FARMS LLC  
Town: MARLBOROUGH

Recording:

Cover Page	5.00
Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 315.00

Transfer Tax  
Transfer Tax - State 0.00

Sub Total: 0.00

Total: 315.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*

Transfer Tax #: 1113

Transfer Tax

Consideration: 0.00

Total: 0.00

Record and Return To:

KENNETH M STENGER ESQ  
STENGER ROBERTS DAVIS&DIAMOND LLP  
1136 ROUTE 9  
WAPPINGERS FALLS NY 12590

WARNING\*\*\*

\*\*\* Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S  
ENDORSEMENT, REQUIRED BY SECTION 316-a (5)  
& 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK.

*Nina Postupack*  
Nina Postupack  
Ulster County Clerk

10

DEED 6495/245 (# 2019-13070)

4  
44  
36

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 17<sup>th</sup> day of September in the year 2019,

**BETWEEN**

**ABRAHAM FRUCHTER**, residing at 1901 Cherry Hill Drive, Poughkeepsie, New York 12603,

party of the first part, and

**MOHEGAN FARMS LLC**, with an address at 1901 Cherry Hill Drive, Poughkeepsie, New York 12603,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of TEN and 00/100 (\$10.00) ----- DOLLARS and other valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with building and improvements thereon erected, situate, lying and being in the Town of Marlboro, County of Ulster and State of New York and being more particularly bounded and described on the attached Schedule "A".

**PROPERTY ADDRESS:** 273 Milton Turnpike, Milton, NY 12547  
**SBL:** 95.4-3-12.200

**BEING AND INTENDED** to be the same premises conveyed to the party of the first part by deed from Louis Grasso and Joanne Grasso dated September 26, 2017 and recorded in the Ulster County Clerk's Office on October 13, 2017 at Document No. 2017-00015012.

**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:


  
Abraham Fruchter

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

On September 17, 2019 before me, the undersigned a Notary Public in and for said State, personally appeared ABRAHAM FRUCHTER 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.

  
Notary Public

KENNETH M. STENGER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 4848676  
QUALIFIED IN DUTCHESS COUNTY  
COMM. EXPIRES JULY 31, 2021

**Record and Return:**

Kenneth M. Stenger, Esq.  
✓ Stenger, Roberts, Davis & Diamond, LLP  
1136 Route 9  
Wappingers Falls, NY 12590

Conceptual Site Plan Application  
Redevelopment at 271 Milton Turnpike, Town of Marlborough, SBL 95.4-3-12.200



LOOKING SOUTH-EASTERLY FROM MILTON TURNPIKE AT FRONT OF BUILDING



LOOKING NORTH-WESTERLY FROM REAR YARD AT REAR OF BUILDING

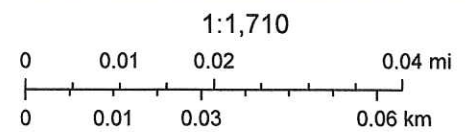


# Ulster County Parcel Viewer



April 12, 2023

 Override 1  
Tax\_Parcels



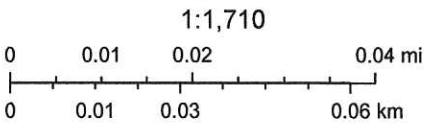


# Ulster County Parcel Viewer



April 12, 2023

 Override 1  
Tax\_Parcels




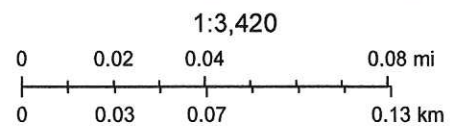


# Ulster County Parcel Viewer



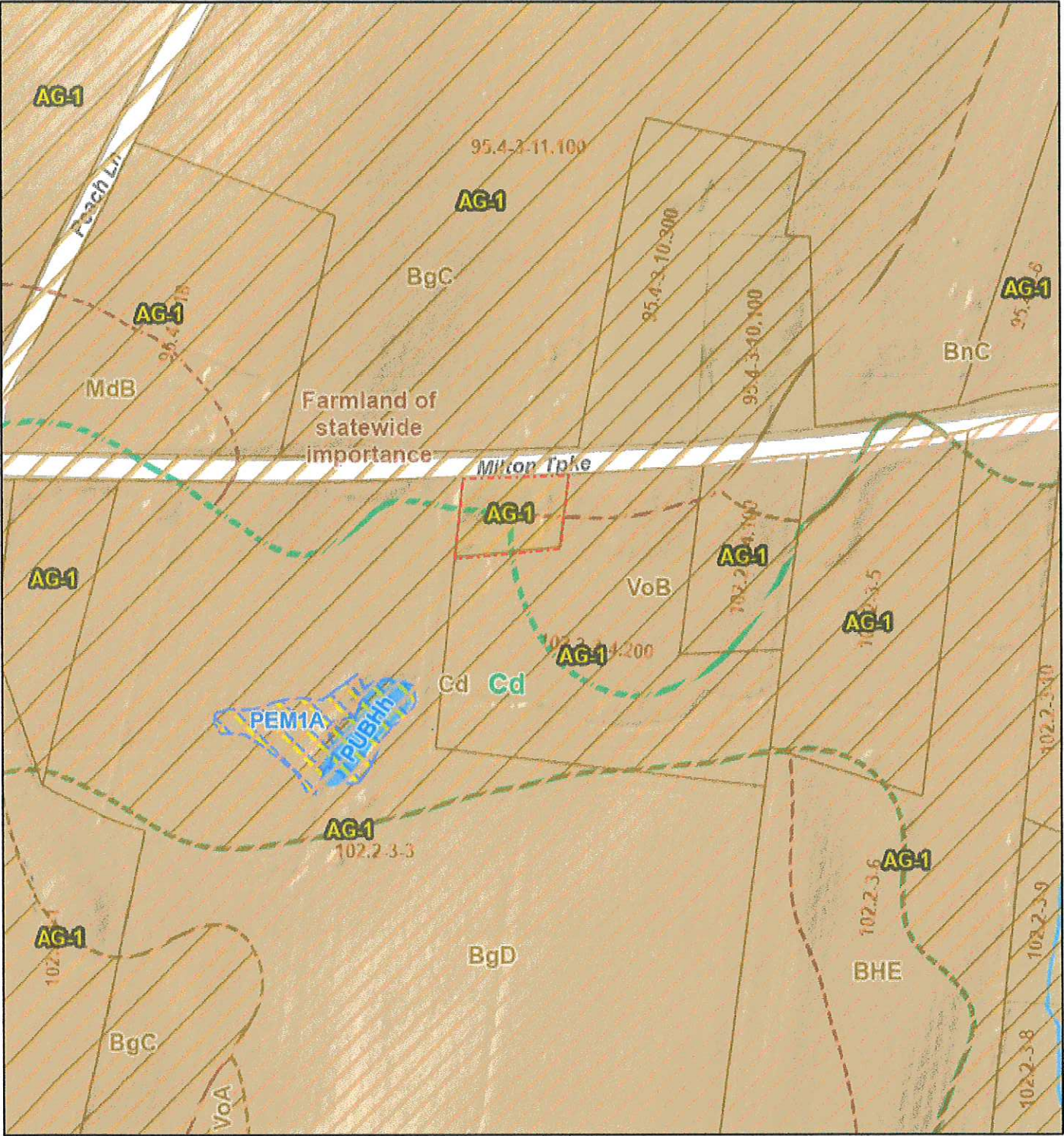
April 12, 2023

 Override 1  
Tax\_Parcels



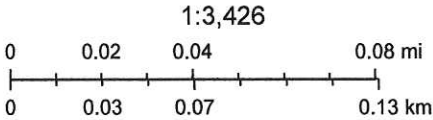


# Ulster County Parcel Viewer



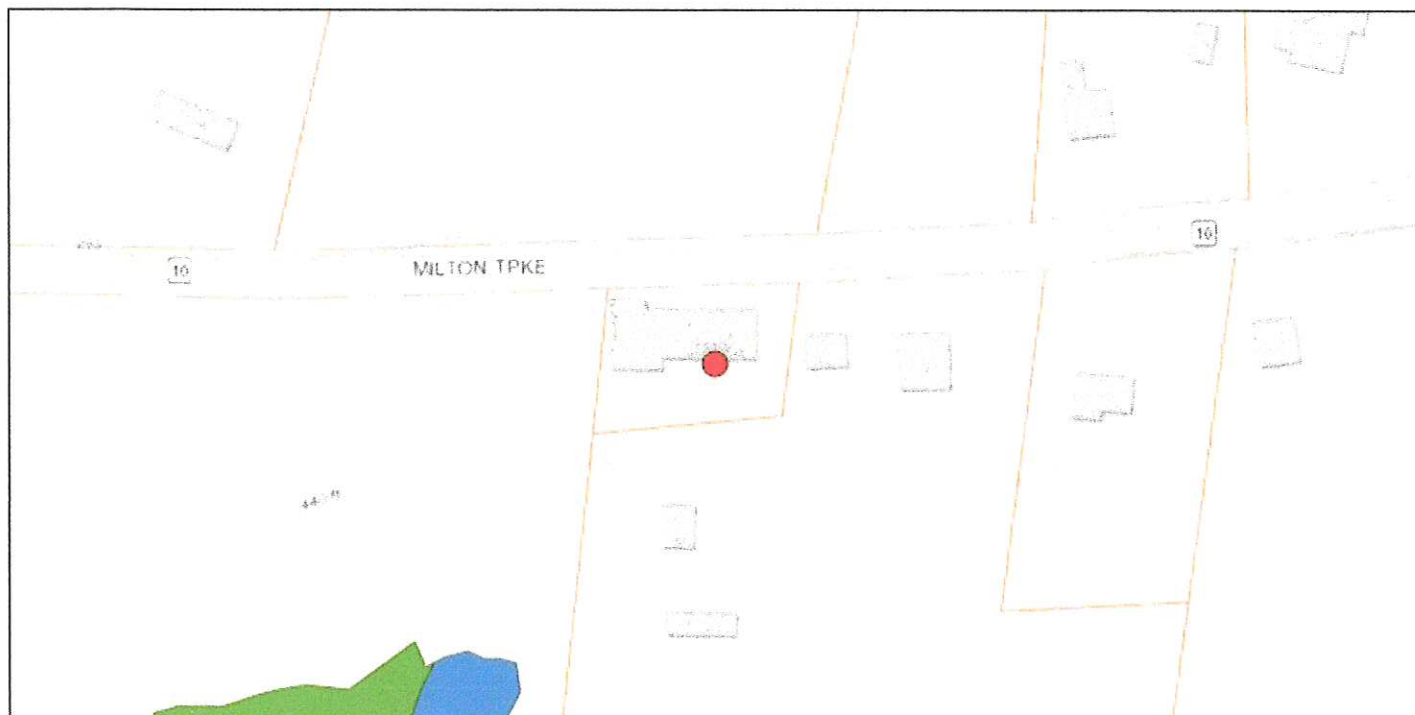
April 12, 2023

- Override 1
- Wetlands\_NWI\_USFWS2005
- Prime\_And\_Important\_Soils
- UC\_Soils\_Hydric
- UC\_Soils
- Agricultural Districts
- 1





## Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 584426.5889654504

Northing: 4613251.14948385

Longitude/Latitude

Longitude: -73.98585728487332

Latitude: 41.666555448895025

The approximate address of the point you clicked on is:

271 Milton Tpke, Milton, New York, 12547

County: Ulster

Town: Marlborough

USGS Quad: POUGHKEEPSIE

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

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

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

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

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

**TOWN OF MARLBOROUGH**  
**PO Box 305 Milton NY 12547**  
**“ Heart Of the Hudson Valley Fruit Section”**  
**MILTON, ULSTER COUNTY, NEW YORK 12547**  
**DEPARTMENT OF BUILDINGS**

**TEL NO. 795-2406**  
**FAX NO. 795-2031**

**THOMAS CORCORAN JR.**  
BUILDING INSPECTOR  
CODE ENFORCER  
FIRE INSPECTOR

**Date: July 10, 2023**

**Re: Mohegan Farms LLC - Recycled AG Building**  
**271 Milton Turnpike**  
**Milton , NY 12547**

**S.B.L. : 95.4-3-12.200**

**This letter is to verify that the building department has reviewed the application for Recycled AG Building and has concluded :**

    XX     : **The application can be presented to the Town of Marlborough Planning Board for its review.**

**According to town assessment records, this agricultural building is in the RAG-1 District and has been in existence over 10 years.**

**This building is old enough to pre date zoning and does not have a building permit on file, also under the agricultural & markets law - no building permit would be required.**

**With that said the building department determination is that this current building does meet the requirements for the Recycled Agricultural Building under the Town of Marlborough Code.**

**The extent of the use will be determined by the Town of Marlborough Planning Board. To be clear , if approved, any alteration or construction to this building will require a building permit.**

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

**Thank You.**



**Thomas J. Corcoran Jr.**

**Building Inspector**  
**Code Enforcement Officer**  
**Zoning Officer**

## **RIGHT-OF-WAY AND COMMON DRIVEWAY MAINTENANCE AGREEMENT**

This **AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2023 between Steven M. Fruchter, as Executor of the Estate of Abraham Fruchter, Sole Member of Mohegan Farms LLC (the "Fruchter Estate" or "Party "), having an address of 752 Argyle Road, Brooklyn, New York 11230, and Edward H. Horton and Margaret C. Horton (the "Hortons" or "Party"), having an address of 267 Milton Turnpike, Marlborough, New York 12542, (collectively the "Parties").

### **WITNESSETH:**

**WHEREAS**, the Fruchter Estate is the owner in fee simple of certain real property known as 271 Milton Turnpike, Marlborough, New York 12542, designated as section 95.4, Block 3, Lot 12.200, on the Tax Map of the County of Ulster, State of New York (hereinafter the "Fruchter Property"); and

**WHEREAS**, the Hortons are the owners in fee simple of certain real property known as 267 Milton Turnpike, Marlborough, New York 12542, designated as Section 102.2, Block 3, Lot 4.200, on the Tax Map of the County of Ulster, State of New York (hereinafter the "Horton Property"); and

**WHEREAS**, as the common driveway to gain access to and from each Party's property passes through a portion of the other Party's property, as shown on the attached Exhibit "A"; and

**WHEREAS**, the Parties wish to establish a reciprocal right-of-way over a portion of their respective parcels to enable the other to have access to their property; and

**WHEREAS**, the parties also wish to enter into an agreement regarding the maintenance of the common driveway.

**NOW THEREFORE**, in consideration of the mutual promises and conveyances herein, and Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby mutually acknowledged, the parties, for themselves and their heirs, legal representatives, successors and assigns covenant and agree as follows:

1. Each Party grants to the other a non-exclusive right of way, for vehicular and pedestrian access over a certain portion of their property, as described more completely in Exhibit "B" attached hereto and made part hereof.
2. The Parties agree to maintain the common driveway and to perform all necessary and prudent ordinary repairs and maintenance to the common driveway, including but not limited to snow plowing, clearing of vegetation and repair work necessary to keep the common driveway in good order and repair and in safe, passable condition for motor vehicles, including emergency vehicles. The cost of such maintenance shall be shared equally between the Parties.
3. Any additional repairs or maintenance deemed necessary but not included within the maintenance and repairs described in Section 2 above shall not be undertaken except with the express written consent of each of the Parties, or successors in interest, and

an assumption by each in writing of their share of the financial liability for the additional repairs or maintenance.

4. No Party shall obstruct any portion of the common driveway and /or interfere with its use, nor prevent ingress or egress of persons or motor vehicles over same.
5. Each Party agrees to defend and indemnify the other from and against any and all claims, losses and damages, including reasonable attorney's fees incurred by reason of any claim for personal injuries or property damage arising from the use of the common driveway by a Party to this Agreement or a third party.
6. This Agreement shall inure to the benefit of and be binding upon the respective heirs, executors, administrators and assigns of each party hereto.
7. This is the entire agreement between the Parties. Any disputes regarding this Agreement must be brought in the State of New York, Ulster County.
8. The Parties mutually agree and covenant that this Agreement shall run with the land and shall be binding on and inure to the benefit of and be binding upon the successors in interest of the Parties.
9. Parties shall record this Agreement in the Ulster County Clerk's Office and share equally in the cost of such recording.

**IN WITNESS WHEREOF**, we have hereunto set our hands and seals on the date first above mentioned.

---

**STEVEN M. FRUCHTER**, Executor of the Estate  
of Abraham Fruchter, Sole Member of Mohegan  
Farms LLC

---

**EDWARD H. HORTON**

---

**MARGARET C. HORTON**

STATE OF NEW YORK )

) SS:

COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2023 before me, the undersigned, personally appeared **STEVEN M. FRUCHTER**, 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.

Notary Public

STATE OF NEW YORK )

) SS:

COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2023 before me, the undersigned, personally appeared **EDWARD H. HORTON**, 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.

Notary Public

STATE OF NEW YORK )

) SS:

COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2023 before me, the undersigned, personally appeared **MARGARET C. HORTON**, 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.

**Notary Public**