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September 22, 2023

Mr. Chris Brand, Chair and Board Members
Town of Marlborough Planning Board
21 Milton Turnpike
Milton, NY 12547

Re: **NIMA Contracting, Inc – 2-lot Subdivision**
River Vista Drive
Town of Marlborough, New York
Subdivision Application
SBL: 103.3-3-28.123

Dear Chair Brand and Planning Board Members:

We are pleased to submit a Subdivision Application for River Vista Drive, SBL: 103.3-3-28.123. The parcel is 7.049 acres in size and is in the R-AG-1 – Rural Agricultural District. The property is currently vacant with access provided by Private Road, River Vista Drive.

The applicant, NIMA Contracting Inc., proposes to subdivide the existing 7.049 acre lot into (2) lots, each proposed to contain a single family home. The lots are currently vacant.

Lot 11b is proposed to be 2.429 acres in size and will contain a 4-bedroom home with onsite wastewater disposal system and water supply. Approval from UCDOH for this lot has already been obtained. The lot meets all zoning requirements. Lot 11c is proposed to be 4.620 acres in size and will contain a 3-bedroom home with onsite wastewater disposal system and water supply. Approval from UCDOH for this lot has already been obtained. The lot meets all zoning requirements.

As noted above, each lot will have access to the Private Road, River Vista Drive. The Private Drive Easement and Maintenance Declaration filed with the Ulster County Clerk's Office is provided for the Board's review.

Please find the attached documents for your review:

- Subdivision Plan
- Application
- Checklist
- Deed

- EAF
- Application Fee
- Escrow Fee
- Ethics Code Document
- Letter of Agent
- Disclaimer
- River Vista Drive Easement

Thank you for your consideration of this matter and we look forward to meeting with the Board. Please feel free to contact me at your convenience with any questions.

Sincerely,
Willingham Engineering, PLLC



Matthew Towne, PE
NYS Professional Engineer No. 088562

Town of Marlborough Planning Board Application

Application For: *(Check One)*

Subdivision _____ **Lot Line (3 plus lots)** _____

Application Number: _____

Date of Submission: _____

Name of Project: _____

Location of Project: _____

Tax Section Block and Lot: _____

Zoning District: _____

Number of Acres: _____ Sq. Footage of Building: _____

Description of Project (include number of lots/units & bedrooms): _____

EMAIL: _____

Name of Property Owner: _____

Address of Property Owner: _____

Telephone Number of Property Owner: _____

Name of Applicant: _____

Address of Applicant: _____

Telephone Number of Applicant: _____

Name of Surveyor:

Address of Surveyor:

Telephone Number of Surveyor:

Name of Engineer:

Address of Engineer:

Telephone Number of Engineer

Name of Attorney:

Address of Attorney:

Telephone Number of Attorney:

Reason For Application:

Description of Proposal:

Applicant's Name

CHECKLIST FOR MAJOR/MINOR SUBDIVISION, SITE PLAN and/or LOT LINE REVISION

- I. The following items shall be submitted for a COMPLETED Planning Board Application Form.
 1. _____ Completed Application
 2. _____ Environmental Assessment Form (<https://www.dec.ny.gov/permits/6191.html>)
 3. _____ Letter of Agent Statement
 4. _____ Application Fee (*Separate check from escrow fee*)
 5. _____ Escrow Fee (*Separate check from application fee*)
 6. _____ Copy of deed
 7. _____ Completed checklist (*Automatic rejection of application without checklist*)
 8. _____ NA Agricultural Data Statement (*if applicable*)
 9. _____ Provide twelve (12) copies of all maps, plans, reports and a PDF computer file on CD of all documentation submitted. Plan sets must be correlated packages.
- II. The following checklist items shall be incorporated on the Subdivision Plat, Site Plan, or Lot Line Revision prior to consideration of being placed on the Planning Board Agenda. Non-Submittal of the checklist will result in application rejection.
 1. _____ Name and address of applicant
 2. _____ Name and address of owner (*if different*)
 3. _____ Subdivision name and location
 4. _____ Tax Map Data (*Section-Block-Lot*)
 5. _____ Location map at a scale of 1" = 2,000
 6. _____ Zoning table showing what is required in the particular zone and what applicant is proposing.
 7. _____ Show zoning boundary if any portion of proposed subdivision or site is within or adjacent to a different zone
 8. _____ Date of plat preparation and/or plat revisions
 9. _____ Scale the plat is drawn to (Max 1" = 100')
 10. _____ North Arrow

11. _____ Surveyor's Certification

12. _____ Surveyor's seal and signature TO BE PROVIDED AFTER APPROVAL

13. _____ Name, SBL and acreage of adjoining owners

14. _____ NA NYSDEC Wetland and 100 foot buffer zone with an appropriate Certification block regarding DEC requirements.

15. _____ NA Flood plain boundaries

16. _____ NA Federal Wetland Boundary

17. _____ Metes and bounds of all lots

18. _____ Name and width of adjacent streets, include dedication parcels. The road boundary is to be a minimum of 25 feet from the centerline of the paved street.

19. _____ Show existing or proposed easements (*note restrictions*)

20. _____ Right of way width and Rights of Access and utility placement.

21. _____ NA Road profile and typical section including existing proposed grades, vertical curve data, utilities, drainage and other improvements.

22. _____ Lot area acreage. For lots under 2 acres, list in square feet & acres.

23. _____ Number of lots including residual lot.

24. _____ Show any existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 feet of parcel boundaries.

25. _____ NA A note stating a road maintenance agreement is to be filed in the County Clerk's Office for private roads.

26. _____ Applicable note pertaining to owners review and concurrence.

27. _____ Show any public improvements, i.e. drainage systems, water lines, sewer lines, etc.

28. _____ Show all existing houses, accessory structures, wells and septic systems on and within 200 feet of the parcel to be subdivided.

29. _____ 2 Foot Contours

30. _____ Indicate any reference to a previous subdivision, i.e., filed map number, data and previous lot number.

31. NA If a private road, Town Board approval of name required, and notes on the plan that no Town services will be provided and a street sign (per Town specs) is to be furnished and installed.

32. The amount of grading expected or known to be required to bring the site to readiness.

33. Estimated or known cubic yards of material to be excavated.

34. Estimated or known cubic yards of fill required.

35. The amount of grading expected or known to be required to bring the site to readiness.

36. NA Type and amount of site preparation which falls within the 100 foot buffer strip of wetlands and within the Critical Environmental Area. Please explain in square feet or cubic yards.

37. NA Amount of site preparation within a 100-year flood plain or any water course on the site. Please explain in square feet or cubic yards.

38. Planning Board approval block 4" x 2"

39. NA Special district boundaries, agricultural, school, fire, water, sewer, etc.

40. Sight distance of all intersections and driveways.

41. Ridgeline and steep slope notation.

42. NA Agricultural setbacks.

43. After final approval is given by the Planning Board, the Building dept. needs to be contacted for further guidance.

The plat for the proposed subdivision, site plan, or lot line revision has been prepared in accordance with this checklist.

By: *Andrew Willig*
Licensed Professional

Stamp

Date

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

THIS INDENTURE, made this 25th day of March, in the year Two Thousand Twenty-Two

BETWEEN

HAROLD W. BUCHNER and CAROLE S. BUCHNER, as tenants in common, residing at 8 Dallas Drive, Poughkeepsie, NY 12603, Party of the first part, and

NIMA CONTRACTING, INC, with offices at 3121 Route 9W, New Windsor, NY 12553, Party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) Dollars, actual 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 those certain plots, pieces or parcels of land, situate, lying and being in the Town of Marlborough, County of Ulster and State of New York, and being more particularly bounded and described on Schedule "A" attached.

BEING and intended to be the same premises conveyed by Harold W. Buchner and Carole S. Buchner to Harold W. Buchner and Carole S. Buchner as tenants in common by Deed dated March 14, 2013 and recorded March 27, 2013 in the Ulster County Clerk's Office in Instrument No. 2013-2055.

TOGETHER with all right, title and interest, if any of the party of the first part in and to any streets and road 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 to 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 purposes 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 purposes.

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:

HAROLD W. BUCHNER

CAROLE S. BÜCHNER

STATE OF NEW YORK)
)ss:
COUNTY OF DUTCHES)

On this 1st day of February, 2022, before me, the undersigned, a notary public in and or the said state, personally appeared HAROLD W. BUCHNER and CAROLE S. BUCHNER personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their capacity and that by their signature on the instrument, the individual of the person upon behalf of which the individual acted, executed the instrument.

STORY PUBLIC

CARLA SALVATORE
Notary Public, State of New York
No. 01SA6371782
Qualified in Dutchess County
Commission Expires March 05, 2022

Record & Return to:

**Todd A. Kelson, Esq.
542 Union Avenue
New Windsor, NY 12553**

River Vista Drive
103.3-3-28.900
103 3-3-28 121

Schedule A Description

PARCEL 1: SBL: 103.3-3-28.900

All that certain piece or parcel of land situate in the Town of Marlboro, County of Ulster, State of New York, being Lot #9 on a subdivision Map for American Land Preservation, filed in the Ulster County Clerk's Office on May 18, 1998 as Map number 11073. being described as follows:

Beginning at 1/2" iron rod set, 2" above grade in the Northerly line of Kris Korner, said point also being Easterly most corner lands now or formerly Kitson, Liber 2665, Page 108, said point also being the Southerly most corner of the herein described parcel;

Thence along said lands now or formerly Kitson, Liber 2665, Page 108, the following Three (3) courses and distances:

1. North 09 15' 39" West 216.40' to a found capped iron rod;
2. South 68 06' 41" West 63.00' generally along a stonewall;
3. South 69.54' 11" West 117.77' generally along a stonewall to a point 0.7 from a found 5/8" iron rod;

Thence continuing along said lands now or formerly Kitson, Liber 2665, Page 109, and along lands now or formerly Blair & Gerbes, Liber 6148, Page 230, South 81 53' 31" West 171.92' passing through a found iron rod on line at 171.4';

Thence continuing along said lands now or formerly Blair & Gerbes, Liber 6148, Page 230, South 82 19' 56" West 16.88' to a 1/2" iron rod set;

Thence along lands now or formerly McDonough & Pressmar, Liber 3125, Page 132, lands now or formerly Nycz, Liber 6286, Page 267, and lands now or formerly Wood Family Trust, Liber 6371, Page 228, North 02 30' 28" West 361.26' to a 1/2" iron set, 2" Above grade;

Thence along lands now or formerly Wood Family Trust, Liber 6379, Page 280, North 86 38' 27" East 328.03' to a 1/2" iron rod set, flush with ground;

Thence along lands now or formerly Buchner, Liber 5536, Page 13, a portion of lot #11, as shown on the above mentioned map, the Following Two (2) courses and distances:

1. Along a non-tangent curve to the left with a radius of 350.00' and an arc length of 295.87' to a 1/2" iron rod set;

Schedule A Description - continued

. South 36 42' 07" East 173.75' to a 1/2" iron rod set in the Northerly line of Kris Korner;

Thence along the Northerly line of said Kris Korner, the following Four (4) courses and distances:

1. Along a non-tangent curve to the left with a radius of 175.00' and an arc length of 19.46';
2. South 39 48' 11" West 37.50';
3. Along a curve to the right with a radius of 170.00' and arc length of 64.38' to the point or place of beginning 2.901 Acres of land more or less, as surveyed by Margaret M. Hillriegel, L.S.

PARCEL 2: SBL: 103.3-3-28.121

ALL that certain piece or parcel of land situate in the Town of Marlboro, County of Ulster, State of New York, being a portion Lot #11 on a subdivision Map for American Land Preservation, Filed in the Ulster County Clerk's Office on May 18, 1998 as Map Number 11073, being described as follows:

Beginning at 1/2" iron rod set in the Northerly line of Kris Korner, said point also being Easterly most corner of Lot #9 as shown on the above noted map, said point also being the Southerly most corner of the herein described parcel;

Thence along said Lot #9 as shown on the above mentioned map the following Two (2) courses and distances:

1. North 36 42' 07" West 173.75' to a found 1/2" iron rod set 6" above grade;
2. along a tangent curve to the right with a radius of 350.00' and an arc length of 295.87";

Thence along lands now or formerly Wood Family Trust, Liber 6379, Page 280, the following Two (2) courses and distances:

1. Continuing along the same curve with a radius of 350.00' and an arc length of 125.17';

Schedule A Description - continued

Three (3) courses and distances:

1. North 59 09' 27" West 346.95' to a found 5/8" iron rod, flush with the ground;
2. Along a curve to the left with a radius of 300.00 and an arc length of 273.57' to a found iron rod;
3. South 36 42' 07" East 174.70' passing through a found capped iron rod on line at 159.7' to a point in Kris Korner;

Thence along and through said Kris Korner, along a non-tangent curve to the left with a radius of 175.00' and an arc length of 50.18' to the point or place of beginning and containing 8.096 Acres of land more or less, as surveyed by Margaret M. Hillriegel, L.S.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

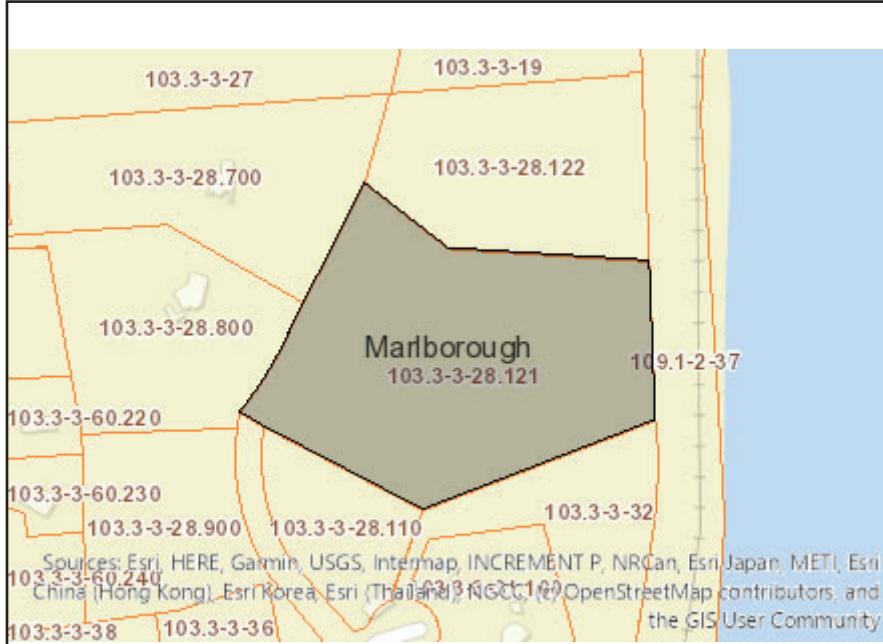
Part 1 – Project and Sponsor Information			
Name of Action or Project: NIMA Contracting Inc. Subdivision			
Project Location (describe, and attach a location map): River Vista Drive			
Brief Description of Proposed Action: Proposed 2-lot subdivision. Each lot to be developed with single-family home, subsurface wastewater disposal system, water supply well, driveway and other associated site features.			
Name of Applicant or Sponsor: Willingham Engineering		Telephone: 845-255-0210 E-Mail: mtowne@willinghamengineering.com	
Address: 183 Main Street			
City/PO: New Paltz		State: NY	Zip Code: 12561
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.			
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: UCDOH for wastewater disposal system approval			
3. a. Total acreage of the site of the proposed action? <u>7.049</u> acres b. Total acreage to be physically disturbed? <u>1.5</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>14.82</u> acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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"/>
	<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? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<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: _____ on-site private water supply wells _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ on-site private subsurface wastewater disposal system _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? 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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
	<input 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 type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Atlantic Sturgeon, Shortnose...			
16. Is the project site located in the 100-year flood plan?			<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,			<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
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:			
existing drainage channel / easement			
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:			<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
			<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
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:			<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
			<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
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:			<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
			<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor/name: <u>Willingham Engineering</u>		Date: <u>09/22/23</u>	
Signature: <u><i>Andrew Willey</i></u>		Title: <u>Principal</u>	

EAF Mapper Summary Report

Thursday, September 14, 2023 10:57 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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]	Yes
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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: <ul style="list-style-type: none"> a. public / private water supplies? b. public / private wastewater treatment utilities? 		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Short Environmental Assessment Form
Part 3 Determination of Significance

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

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: grand parents, parents, spouse, significant other, children, grand children, 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, Nichole Gallo, residing at 17 SUNRISE DR. MARLBOROUGH, MA 01754, make the following statements about interests in the real property which is the subject of this application, petition or request for a SUBDIVISION MARLBOROUGH, 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

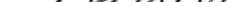
1. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application; petition or request for the subject property is an officer or employee 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 a 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) 795-2220.

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

Signed: 

Date: 9/15/27

ACKNOWLEDGMENT

State of New York
County of: Ulster

On 9/15/23, before me personally appeared Nicholas Galella, 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.

Madeline Rodden

Notary

MADELINE R. ODAK
Notary Public, State of New York
Reg. 01OD6304085
Qualified in Ulster County
Commission Expires May 19, 2026

Disclaimer

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

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

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

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

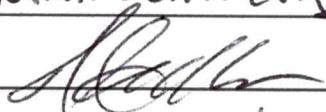
The undersigned applies for subdivision, site plan, or lot line approval as described above under the rules and procedures of the Town of Marlborough, New York as duly authorized by the Town Board of Marlborough, New York.

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

Applicant's Name(Print):

North Construction Inc (Nicholas Gallo)

Applicant's Signature:



Date:

9/22/23

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

Letter of Agent

I (We), Nick Galella (NIMA Contracting Inc.) am (are) the owner(s) of a parcel of land located on River Vista Drive in the Town of Marlborough, Tax Map Designation: Section 103.3 Block 3 Lot 28.123.

I (We) hereby authorize Matthew Towne, PE (Willingham Engineering) to act as my (our) agent to represent my (our) interest in applying to the Town of Marlborough Planning Board for a 2 Lot Subdivision, Site Plan, or Lot Line Revision Application. (circle one)

Signature

Date

Signature

Date

State Of New York}

County Of Ulster }

SS:

On the 15 day of September in the year 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared

Nicholas Galella, 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.

Madeleine R. ODAK

Notary Public

MADELINE R. ODAK
Notary Public, State of New York
Reg. 01OD6304085
Qualified in Ulster County
Commission Expires May 19, 2026

Commission Expires May 19, 2026
Notary Public, State of New York
Reg. 01OD6304085
Qualified in Ulster County
MADELINE R. ODAK



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: 7156 / 239
INSTRUMENT #: 2022-18726

Receipt #: 2022086163
Clerk: CB
Rec Date: 11/16/2022 09:54:24 AM
Doc Grp: D
Descrip: EASEMENT
Num Pgs: 4
Rec'd Firm: NIMA CONTRACTING INC

Party1: NIMA CONTRACTING INC
Party2: PRIVATE ROAD AMENDED
EASEMENT & MAINTENACE DECLARATION
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

Sub Total: 65.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 65.00

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

***** Transfer Tax *****
Transfer Tax #: 1977
Transfer Tax
Consideration: 0.00

Total: 0.00

Record and Return To:

TODD A KELSON PC
542 UNION AVENUE
NEW WINDSOR NY 12553

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

PRIVATE ROAD AMENDED EASEMENT AND MAINTENANCE DECLARATION

DECLARATION, dated this 16 day of November, 2022, by Nima Contracting, Inc., a domestic corporation having offices at 3121 Rt 9W, New Windsor, NY 12553, (the "Declarant").

WHEREAS, Declarant is the owner of certain real property located in the Town of Marlborough, Ulster County, New York, which premises are described as Lot 9 and a portion of Lot 11 on a map entitled "Map for American Land Preservation" filed in the office of the Ulster County Clerk on May 18, 1988 as Map No. 11073, as well as an additional parcel being the balance of lot 11 on the aforesaid map, which premises are identified on the tax map of the Town of Marlborough as Section 103.3 Block 3 Lots 28.900, 28.121 and 28.122 (the "premises"); and

WHEREAS Declarant, has modified the existing private driveway as depicted on Map No. 11073, by map entitled "Survey Plat and Lot Line Revision for Nima Contracting, Inc." dated May 23, 2022 and filed in the office of the Ulster County Clerk as Map No. ²⁰²² ~~222~~ (the "Private Road Map") in order to upgrade same to Private Road specifications (the "Private Road") as required by the Town of Marlborough, and

WHEREAS, Declarant by this instrument wishes to establish a private road which is to be used for purposes of ingress and egress, and for delivery of utilities to the aforesaid premises, (collectively referred to throughout this document as the "private road");

NOW, THEREFORE, for the mutual protection and advantage of all present and future lot owners, the Declarant does make and declare the following agreement pertaining to the lots herein, which agreement shall run with the land and shall be binding on future owners, their heirs, distributees, successors, and assigns forever.

1. The Declarant will record this Agreement in the Ulster County Clerk's Office and each owner will refer to the same in all deeds conveying title to the lots as shown on the hereinbefore referred to filed map and by said reference all of said lot owners will assume the obligation of said Agreement by acceptance of title to the respective lots.

2. The owners, their heirs, distributees, successors, and assigns, shall have the joint, equal and mutual right to use the private road as designated and shown on the aforesaid Private Road Map for the purpose of residential ingress and egress and for the installation and maintenance of utilities serving their respective lot, as provided herein, for their mutual convenience and benefit. No vehicles shall be parked on any portion of the private road.

3. The word "maintenance" as used in this Agreement shall be defined as all costs and expenses in connection with said private road, including the cost of snow removal, sweeping, surfacing and resurfacing, regravelling, filling in of holes, and all those items necessary so as to make it convenient and safe for the owners of the aforesaid lots to use said private road and to maintain said private road to a minimum passable specification.

4. The owners shall agree, on an annual basis, upon the method of determining the

standards to be utilized in hiring contractors who shall perform maintenance on said private road, including but not limited to the removal of snow or application of sand when snow or ice conditions prevail. The owner of each lot shall pay one third (1/3) of the expense of repairing and maintaining said private road. In the event any lot is further subdivided, or additional parties agree to be bound by this agreement, each owner shall pay a share of any expense incurred expressed as a fraction of the total expense, where the numerator of such fraction shall be the number of lots owned by each owner, and the denominator shall be the total number of lots subject to this Agreement. The Manager shall break any tie vote.

5. Unless otherwise unanimously agreed, each owner agrees that said private road shall always be maintained so as to be passable by ordinary passenger vehicles, and this shall include prompt repair of any "potholes" in excess of three inches in depth or other defects which cause said private road to fail to meet a minimum specification of passability, and that in the event the accumulation of snow exceeds three inches in depth, as the average depth, to engage a contractor to remove the snow from the private road. In the event any areas are disturbed or damaged as a result of any lot owner's exercise of rights pursuant to the easement created hereunder or otherwise, such disturbed or damaged areas shall be restored at the lot owner's sole cost and expense.

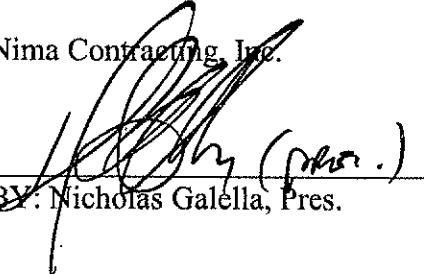
6. In the event one of the lot owners fails to pay their proportionate share of the expenses within seven (7) days after demand therefore is made by a contractor, or by another owner who has advanced any sums pursuant to this agreement, the lot owner who has not paid his or her proportionate share shall subject his or her lot to a Mechanic's Lien in favor of the contractor, or the other lot owner if he or she have advanced any sums under this Agreement. The lot owner who has paid may also commence an action against the defaulting lot owner in a court of appropriate jurisdiction to recover the unpaid monies, together with interest thereon at 16% per annum. In any action commenced against the defaulting lot owner, there shall be a presumption that the maintenance work for which monies are owing was validly authorized by the lot owners and was competently performed by the contractor. The defaulting lot owner shall be liable for all costs and expenses in recovering such sums, including, but not limited to, reasonable attorney's fees which are incurred by the property owners in recovering said defaulting lot owner's unpaid share. In addition, and not in lieu of attorneys fees, any lot owner having to appear in court in connection with the recovery of the unpaid monies of a defaulting lot owner shall be compensated by the defaulting lot owner in the amount of Five Hundred (\$500.00) Dollars for each court appearance as liquidated damages.

7. "Utility" or "Utilities" as used herein, shall be defined as the installation and maintenance of overhead or underground electric, telephone, cable television, internet, water, natural gas, or any other utility wires, poles, guys, pipes or conduits, in, over or under the private road, together with the right to convey same to a public utility as necessary.

8. As long as Declarant shall own any lot subject to this Agreement, a party designated by Declarant shall serve as Road Manager. At such time as Declarant no longer owns any lot or no longer wishes to designate a Manager, the then owners shall elect a Manager. The Manager so elected shall serve for a term of one (1) year or such other term(s) as the Owners by majority vote shall determine.

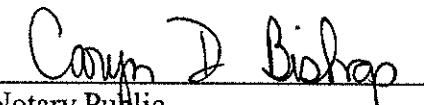
In witness whereof, the Declarant has set its hand the date indicated above.

Nima Contracting, Inc.


BY: Nicholas Galella, Pres.

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

On the 15th day of November, 2022, before me, the undersigned, a Notary Public in and for the State of New York, personally Nicholas Galella, 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 said individual executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument



Notary Public

Record & Return:
Todd A. Kelson, P.C.
542 Union Avenue
New Windsor, NY 12553

CARYN D. BISHOP
NOTARY PUBLIC, STATE OF NEW YORK
COMMISSIONED IN ULSTER COUNTY
3/17/2026