

Town of Marlborough Planning Board
Preliminary Conceptual Application

Application # **23/030**

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

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/DocumentCenter/View/2891/Route-9W-Corridor-Building-and-Site-Design-Guidelines>

Failure to accurately complete this application in its entirety may result in delays and additional review costs.

Date of Initial Submission and Latest Revision	12/8/2023
Name of Project	Lyons Subdivision
Address of Project	144 Old Indian Road
Tax Section, Block, and Lot Number	102.4-1-7.2
Zoning District	R-AG-1 (Rural Agricultural District)
Number of Acres see: https://ulstercountyny.gov/maps/parcel-viewer/	6 Acres
Square Footage of Each Building	± 2,500 Sq. Ft. per dwelling
<p>Reason For Application: Proposed subdivision of land to create four (4) residential lots.</p>	
<p>Description of Proposal 155-31 E (3) (a): Applicant/Owner is seeking to subdivide an existing vacant parcel of land totaling ±6 acres in size. The parcel has frontage on the northern side of Old Indian Road ±4,000 feet west of the intersection with NYS Route 9W. The parcel will be subdivided into four (4) lots averaging ±1.3 acres in size and will be developed with single-family homes. The future owners of these lots will be others members of the Lyons Family. Proposed Lot #1 will have a driveway connection to Old Indian Road and Proposed Lots #2 - #4 will have access to Old Indian Road via a proposed Private Road. The lots will be serviced by on-site sanitary septic systems and water service connections to the existing Town Water Main in Old Indian Road.</p> <p>Due to the limited frontage on Old Indian Road for Lots #2 - #4, variances from the Town's dimensional standards for a Private Road will be required (i.e. minimum required R.O.W. width and roadway width). These are required due to the Applicant not having the ability to adjust lot lines with the adjacent portion of parcel 102.4-1-7.1 due to the restrictions in place with the existing Conservation Easement granted to the Open Space Conservancy Inc. on that parcel.</p> <p>At this time the Applicant seeks waivers from the Board for Conceptual Plan Checklist Items #7 and #13 below. The objective of the Conceptual consultation with the Board is to receive feedback regarding the potential variances needed for the project. This initial feedback will be considered by the Applicant in making a decision to advance the project.</p>	

CONTACT INFORMATION where applicable	
Name of Property Owner	James S. Lyons
Address of Property Owner	113 Lyons Lane, Milton, NY 12547
Telephone Number of Property Owner:	(845) 380-3143
Email of Property Owner	jlyons2106@aol.com
Name of Applicant	James S. Lyons
Address of Applicant	113 Lyons Lane, Milton, NY 12547
Telephone Number of Applicant	(845) 380-3143
Email Address of Applicant	jlyons2106@aol.com
Name of Surveyor	Colliers Engineering & Design
Address of Surveyor	555 Hudson Valley Avenue, Suite 101, New Windsor, NY 12553
Telephone Number of Surveyor	(845) 564-4495
Email Address of Surveyor	
Name of Engineer	Same as Surveyor
Address of Engineer	-
Telephone Number of Engineer	-
Email Address of Engineer	-
Name of Attorney	None at this time
Address of Attorney	-
Telephone Number of Attorney	-
Email Address of Attorney	-
Name & Profession of Other Involved Personnel	Colliers Engineering & Design (Attn: Justin Dates, RLA)
Address of Other Involved Personnel	555 Hudson Valley Avenue, Suite 101, New Windsor, NY 12553
Telephone Number of Other Involved Personnel	(845) 564-4495
Email of Other Involved Personnel	justin.dates@collierseng.com

Town of Marlborough Planning Board

Conceptual Plan Checklist

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

Failure to accurately complete this Checklist in its entirety may result in delays and additional review costs. Applicants may go directly to the professionally completed Site Plan check list.

Y / N	Required Items To Be Submitted
1 Y	Conceptual Plan Application Checklist Complete pages 3 to 4.
2 Y	Letter of Agent Statement Page 10, Ethics code pages 5-7 if applicable.
3 Y	Disclaimer see page 9.
4 TBD	Initial Escrow Fee Paid (Separate check from Application Fee) see page 8, also 155-31 J.
5 Y	Any waivers or deferred submission of concept plan information. (155-31 F). See Waiver Request above.
6 Y	An area map and a high resolution aerial photograph keyed to the real property maps, showing the parcel under consideration and all properties, subdivisions, roads, and easements within 500 feet of the boundaries thereof. (NOTE: An example of an acceptable aerial photograph includes a photograph from Google Earth™ mapping service.) 155-31 D (1) (or Ulster County Parcel viewer Aerial https://ulstercountyny.gov/maps/parcel-viewer/).
7 N	A compilation of known environmental data in relation to the project site and in relation to property within 500 feet of the project site is included. The compilation shall consist of a narrative summarizing the known environmental data, and copies of any and all previous reports, studies, findings and documents, prepared by any person, consultant or agency. If the supporting reports, studies, findings and documents are in excess of 50 pages, it is preferred that this submission be made in digital form. See 155-31 D (3).
	SITE MAP
8 Y	Site map depicts approximate location of lot lines and lot measurements. 155-31 D (2) (a) (b).
9 Y	Map of the site depicts existing and proposed streets, other access ways and site ingress and egress. 155-31 D (2) (c) (f).
10 Y	Map of the site depicts approximate location of proposed location of future roadway connections between the subject parcel and adjacent parcels. 155-31 D (2) (d) and 155-31 G (8) (b).
11 Y	Map of the site depicts location and dimensions of existing and proposed structures and paved areas 155-31 D (2) (e).
12 Y	Map depicting the approximate location of site topography. 155 D 2 (g).

13 N	Map of the site depicts significant natural and historic features, including floodplains, outcrops, soils, watercourses and water bodies, significant habitat areas, or known endangered species occurrences and wooded areas. In addition, agricultural districts, farm operations, sites nominated or on the state or national registers for historic places, sensitive archaeological areas, and coastal zone boundaries. 155-31 D (2) (h).
14 Y	Photographs of the site and buildings thereon are included. Encouraged by Planning Board. 155-31 D(2)(i).
15 Y	A digital copy of the conceptual site plan is submitted in PDF format. 155-31 D (4).

DISCLAIMER: The Town of Marlborough does not provide legal, engineering, or other consulting advice to applicants or potential applicants. Such applicants must retain their own attorneys, engineers, and/or other consultants to obtain such advice. Any conceptual review provided by Town employees or representatives related to limited information in Conceptual Site Plan Packet is provided subject to review, comments, and decisions by the Planning Board as a whole and all the Planning Board's consultants after submission of a full site plan packet, supporting documents, revisions, and public review.

The proposed Concept plan has been prepared in accordance with this checklist.

By: Justin E. Dates, RLA

Date: 12/7/23

Ethics Code

TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

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

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

- A. An immediate family member. Immediate family member is defined as: grandparents, parents, spouse, significant other, children, grandchildren, brother, sister, dependent, or any household member of a Town officer, Town Board member or employee.
- B. Any person other than a bank, trust company or other lending institution with whom he/she has a substantial debtor-creditor or other financial relationship.
- C. Any person by whom he/she is employed or of which he/she is an officer, director or member having a controlling interest in any business or enterprise in which the Town employee or officer holds stock or has any other profit-bearing or beneficial relationship.
- D. An officer or employee shall also be deemed to have an interest in a matter if he/she or any person described in A through C above is a party to an agreement, expressed or implied, with any applicant before any Board of the Town, whereby he/she may receive any payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of any such application, petition or request by any Town body.

This notice must be completed and included with the application, petition or request to the appropriate Town of Marlborough Board, Agency or Department.

I, Nicholas Lyons on behalf of James Lyons residing at 113 Lyons Lane Milton MA, make the following statements about interests in the real property which is the subject of this 12547

application, petition or request for a Residential Subdivision

before the Planning Board of The Town of Marlborough.

PART I: Except as otherwise set forth in Part II below:

A. Individuals with an interest in the property.

1. No individual, having an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person having an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

B. Corporations or other entities with an interest in the property.

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity, which has an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

C. Stockholder or controlling interest

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

D. Party to an agreement with the applicant

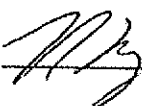
1. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application; petition or request for the subject property is an officer or employee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

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

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

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

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


Signed:  on behalf of James Lyons Date: 12-8-23

ACKNOWLEDGMENT

State of New York,
County of:

On 12/8/23, before me personally appeared Nicholas Lyons, 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 

JOANNE MUNKELT
Notary Public, State of New York
No. 01MU8295421
Qualified in Orange County
Commission Expires Jan. 6, 2026

Town of Marlborough Planning Board
Preliminary Conceptual Escrow Fees

Please make checks payable to: Town of Marlborough

Conceptual Site Plan - \$300.00 minimum

Escrow fee to be determined.

Escrow Deposit are to be replenished to 75% of original escrow when level drops to 25% remaining in account.

Contact the Building Department for safety inspection, permit, and other applicable fees.

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.

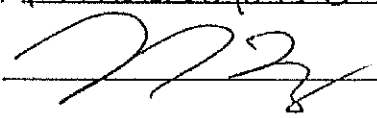
AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.

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): Nicholas Lyons on behalf of James Lyons

Applicant's Signature: 

Date: 12-8-23

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

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

I (We), James Lyons am (are) the owner(s) of
a parcel of land located
on 144 Old Indian Road in the Town

of Marlborough, Tax Map Designation: Section 104.2 Block 1 Lot 7.2.

I (We) hereby authorize Colliers Engineering & Design 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:

on behalf of James Lyons

Date:

12-8-23

Signature:

Date:

State Of New York

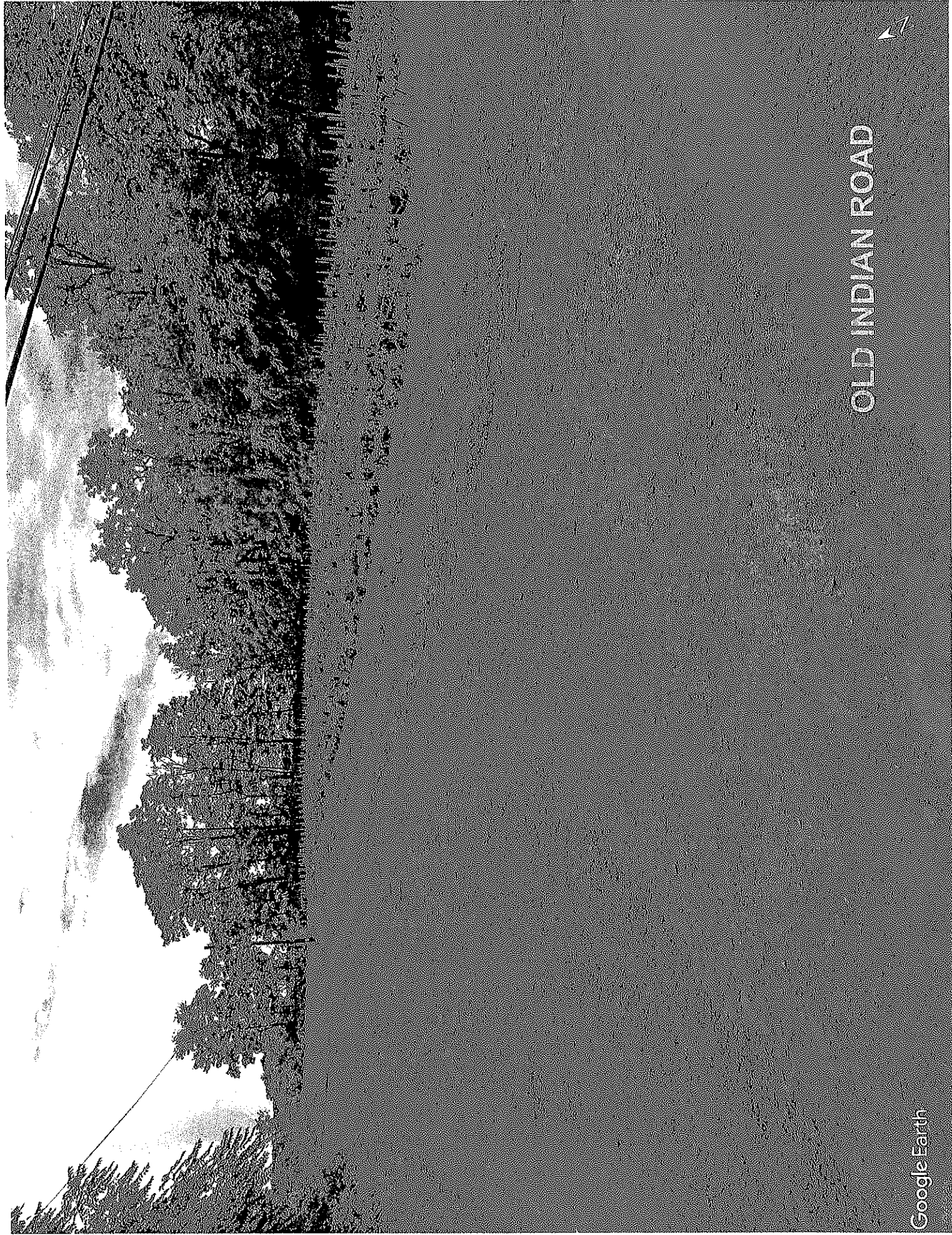
County of Orange

On the 8 day of December in the year 2023 before me, the undersigned, a Notary Public in and for said

State, personally appeared Nicholas Lyons,
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.

Joanne Munkelt
Notary Public

JOANNE MUNKELT
Notary Public, State of New York
No. 01MU6295421
Qualified in Orange County
Commission Expires Jan. 6, 2026



OLD INDIAN ROAD





OLD INDIAN ROAD

