

**MARLBOROUGH PLANNING BOARD  
TOWN OF MARLBOROUGH**

**21 Milton Turnpike - P. O. Box 305  
Milton, NY 12542  
Telephone: (845) 795-6167 Fax: (845) 795-2031**

Date: February 6, 2024

Attn: Town of Marlborough  
Zoning Board of Appeals

Please be advised the Town of Marlborough Planning Board referred the following application to the Zoning Board of Appeals at their meeting on.

**NAME: DiVesti, Michael and Jennifer  
ADDRESS: 6-8 DeViesti Rd, Marlboro  
SBL # 108.4-7-14  
Subdivision  
Planning Board File No. 23-1026**

**Please see attached**

If you need any additional information, please feel free to contact me.

Jen Flynn  
Planning Board Secretary



**TOWN OF MARLBOROUGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT:** DIVESTI- 2 LOT SUBDIVISION  
**PROJECT NO.:** 23-31  
**PROJECT LOCATION:** SECTION 108.4, BLOCK 7, LOT 14/6-8 DIVESTI DRIVE  
**REVIEW DATE:** 2 FEBRUARY 2023  
**MEETING DATE:** 5 FEBRUARY 2024  
**PROJECT REPRESENTATIVE:** A.C.E.S/JONATHAN N. MILLEN, LLS

1. The Bulk Table is not present on the plans received. Previously, plans contained a Bulk Table which we commented on. Applicants are requested to update the most recently submitted plans to show the Bulk Table and any required variances. Upon receipt of the completed Bulk Table the Planning Board would be in a position to refer the variances to the Zoning Board of Appeals.
2. The applicant's representative have requested a waiver of topography as no improvements are proposed.
3. Easements and deeds have been submitted to the Planning Board Attorney's office for review.
4. Review of the plans identifies the following bulk deficiencies:

Parcel A:

- Front yard setback: 35 feet is required where 21.6 feet is provided.
- Above ground pool: Accessory Use in front yard.

Parcel B:

- Front yard setback: 35 feet required where 30 feet is provided.
- Side yard setback: 35 feet required where 34.6 feet is provided.

Respectfully submitted,  
**MHE Engineering, D.P.C.**

A handwritten signature in black ink, appearing to read 'Patrick J. Hines'.

Patrick J. Hines  
Principal  
PJH/kbw

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

**TOWN OF MARLBOROUGH**  
21 MILTON TURNPIKE, P.O. BOX 305  
MILTON, NEW YORK 12547  
PHONE: 845-795-6167 EXT. 118 / FAX: 845-795-2031

**ZONING BOARD APPLICATION**

**THOMAS CORCORAN JR.**  
BUILDING INSPECTOR  
CODE ENFORCEMENT

DATE 02/16/2024

NAME Michael J DiViesti III

ADDRESS 6-8 DiViest Drive

Marlborough, NY 12542

TELEPHONE 845-220-8345

REQUEST (DESCRIBE IN DETAIL) Proposed subdivision to create one additional  
Parcel. The proposed parcels will not meet the zoning  
requirements.

\*\*\*\*\*

**FOR OFFICE USE ONLY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DENIED \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

ZONING BOARD OF APPEALS \_\_\_\_\_

SIGNATURE

## PROCEDURE FOR APPLICANTS TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

APPLICATION FEES:	COMMERCIAL	\$300.00
	RESIDENTIAL	\$300.00

ESCROW FEES: \$700.00

**(LEGAL NOTICE FEE, TRANSCRIBER FEES & ATTORNEY FEES TO BE TAKEN OUT OF ESCROW FEE)**

**\*PLEASE ISSUE TWO SEPARATE CHECKS FOR APPLICATION AND ESCROW FEES**

1. APPLICATION MADE TO BUILDING INSPECTOR FOR BUILDING PERMIT.
2. IF APPLICATION IS DENIED BY THE BUILDING INSPECTOR, APPLICATION MAY BE MADE TO THE ZONING BOARD.
3. ZONING BOARD OF APPEALS WILL REVIEW APPLICATION AT THEIR NEXT SCHEDULED HEARING IF ALL DOCUMENTATION HAS BEEN SUBMITTED TO THE SECRETARY BY THE DESIGNATED DEADLINE.
4. ZONING BOARD OF APPEALS WILL EITHER:
  - A. APPROVE APPLICATION SUBMITTED
  - B. REQUIRE FURTHER SUBMISSIONS
  - C. DISAPPROVE SUBMITTED APPLICATION
  - D. REQUEST A SITE PLAN FROM THE PLANNING BOARD AND/OR A REFERRAL FROM THE ULSTER COUNTY PLANNING BOARD
5. IF A SITE PLAN REVIEW IS REQUESTED BY THE ZONING BOARD OF APPEALS, SAID APPLICATION WILL BE PLACED ON THE NEXT AVAILABLE AGENDA OF THE PLANNING BOARD.
6. THE PLANNING BOARD WILL REFER THEIR FINDING OF THE SITE PLAN REVIEW TO THE ZONING BOARD. IF ENGINEERING REVIEW IS REQUIRED THE APPLICANT WILL BE LIABLE FOR THOSE CHARGES.
7. LEGAL NOTICES MUST BE SENT TO ALL PROPERTY OWNERS WITHIN 500 FEET OF THE QUESTIONED PROPERTY. THE ZONING BOARD WILL ADVISE THE APPLICANT WHEN THIS MUST BE DONE.

SIGNATURE [Signature] DATE

**APPLICATION TO THE ZONING BOARD OF APPEALS**  
**TOWN OF MARLBOROUGH, NEW YORK**

APPLICANT Michael J DiViesti III PHONE # 845-220-8345

ADDRESS 6-8 DiViesti Drive ZIP 12542

LOCATION OF PROPERTY 6-8 DiViesti Drive

ZONING DISTRICT R-1 SECTION 108.4 BLOCK 7 LOT 14

APPLICANT IS: OWNER X TENANT \_\_\_\_\_ OTHER \_\_\_\_\_

ATTORNEY (IF REQUIRED) \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE # \_\_\_\_\_

\*\*\*\*\*

**CHECKLIST OF REQUIREMENTS**

1. COPY OF THIS COMPLETED APPLICATION WITH REQUIRED FEE MADE PAYABLE TO THE TOWN OF MARLBOROUGH.
2. SIX (6) COPIES OF PLOT PLAN SHOWING SETBACKS OF PROPOSED VARIANCE AND ALL OTHER STRUCTURES LOCATED ON THE PROPERTY, ALSO EXISTING WELL AND SEPTIC.
3. ANY OTHER DETAILS AND EXHIBITS (PHOTOGRAPHS) DEEMED NECESSARY APPLICABLE TO THIS PROPOSAL.
4. COPY OF DEED AND TAX BILL OF PROPERTY REQUIRING VARIANCE.
5. LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTIES WITHIN 500 FEET OF THE PROPERTY FROM "ALL" EXTERIOR BOUNDARIES.  
ALL PROPERTY OWNERS MUST BE NOTIFIED BY CERTIFIED MAIL WITH RETURN RECEIPT 10 DAYS PRIOR TO THE PUBLIC HEARING.
6. COPY OF BUILDING PERMIT SHOWING PROPOSAL AND REASON FOR DENIAL IF DENIED.

APPLICATIONS WILL NOT BE ACCEPTED UNLESS ACCOMPANIED BY ALL OF THE NECESSARY DOCUMENTATION.

**\*PLEASE ANSWER ALL QUESTIONS #1-12\***

1. THE UNDERSIGNED HEREBY APPEALS TO THE ZONING BOARD OF APPEALS OF THE TOWN OF MARLBOROUGH.

\_\_\_\_\_ FROM AN ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING INSPECTOR

☒ FROM A DECISION BY THE PLANNING BOARD OF THE TOWN OF MARLBOROUGH

\_\_\_\_\_ OTHER \_\_\_\_\_

2. WHAT IS THE APPROXIMATE ACREAGE OF THE PROPERTY INVOLVED? 2AC

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES? YES

NUMBER OF DWELLINGS 2 NON-DWELLINGS (GARAGES, SHEDS) 1

4. DOES THE EXISTING BUILDING HAVE A CERTIFICATE OF OCCUPANCY? YES(BOTH)

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? YES

SEASONALLY? \_\_\_\_\_ YEAR-ROUND? X

6. HAS IMPROVEMENT, ADDITION, OR CONSTRUCTION BEEN STARTED? NO

7. WILL PREMISES BE OWNER OCCUPIED? YES

8. WAS A PREVIOUS APPEAL OR VARIANCE APPLICATION BEEN MADE WITH RESPECT TO THIS PROPERTY? NO IF SO, WHEN \_\_\_\_\_

9. IS THE LAND OR BUILDING WITHIN 500 FEET OF:

NO BOUNDARY OF ANY CITY, TOWN OR VILLAGE?

NO BOUNDARY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARK OR OTHER RECREATION AREA?

NO RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARKWAY, THRUWAY, EXPRESSWAY, ROAD OR HIGHWAY?

NO RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STREAM OR DRAINAGE CHANNEL OWNED BY THE COUNTY OR FOR WHICH THE COUNTY HAS ESTABLISHED CHANNEL LINES?

10. TYPE OF ACTION SOUGHT:

\_\_\_\_\_ AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP

☒ A VARIANCE TO THE ZONING ORDINANCE

11. NATURE OF REQUEST:

TOWN CODE SECTION: Ch. 155-Att. 2-Sched 1 TITLE: Zoning

12. REASON YOU ARE PETITIONING THE ZONING BOARD OF APPEALS. (IF SEEKING A VARIANCE INDICATE HARDSHIP YOU WILL SUFFER IF THE VARIANCE IS NOT GRANTED).

Due to current configuration of two dwellings on one parcel  
the owner does not want to burden their children with that  
scenario so that they may be gifted the homes as separate  
parcels. The current configuration precludes that and as a  
result creates a hardship.

STATE OF NEW YORK

COUNTY OF ORANGE

SWORN TO ME THIS 16<sup>th</sup> DAY OF February 20 24

Hedwig Helen Mlott  
NOTARY PUBLIC SIGNATURE

HEDWIG HELEN MLOTT  
Notary Public, State of New York  
No. 4991824  
Qualified in Orange County  
Commission Expires Feb. 10, 2026

[Signature]  
SIGNATURE

THE TOWN OF MARLBOROUGH MUNICIPAL CODE SETS FORTH THE SCHEDULE OF FEES FOR APPLICATIONS TO THE ZONING BOARD. THE SIGNING OF THIS APPLICATION INDICATES YOUR ACKNOWLEDGMENT OF RESPONSIBILITY FOR PAYMENT OF THESE FEES TO THE ZONING BOARD FOR REVIEW OF THIS APPLICATION, INCLUDING BUT NOT LIMITED TO FEES FOR PROFESSIONAL SERVICES (ATTORNEY'S, ENGINEER, LEGAL NOTICE AND TRANSCRIBER FEES).

APPLICANT SUBMISSIONS AND RE-SUBMISSIONS WHICH ARE NOT COMPLETE WILL NOT BE CONSIDERED BY THE ZONING BOARD OR PLACED ON ITS AGENDA UNTIL ALL OUTSTANDING FEES HAVE BEEN PAID.

APPLICATION FEES:	COMMERCIAL	\$300.00
	RESIDENTIAL	\$300.00

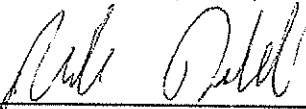
ESCROW FEES:	\$700.00
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\*ANY PORTION OF THE ESCROW FEE DEPOSIT NOT EXPENDED DURING THE REVIEW OF SUCH APPLICATION SHALL BE RETURNED TO THE APPLICANT UPON FINAL ACTION BY THE TOWN OF MARLBOROUGH.

\*ANY AND ALL FEES OUTSTANDING FROM THE ESCROW FEE DEPOSIT IS THE RESPONSIBILITY OF THE APPLICANT TO MAKE IMMEDIATE PAYMENT OF THE AMOUNT DUE TO THE TOWN OF MARLBOROUGH (AN INVOICE WITH BALANCE DUE WILL BE MAILED TO THE APPLICANT).

Michael J DiViesti III

APPLICANTS NAME (PRINT)



APPLICANTS SIGNATURE

02/16/2024

DATE



I, Michael J DiViesti III, residing at  
6-8 DiViesti Drive, make  
the following statements about interests in the real property which is the subject of this application,  
petition or request for a Area Variance, before the Town  
of Marlborough Zoning Board of Appeals.

**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: *Adm DM*

Date: 2/16/24

#### ACKNOWLEDGMENT

State of New York

County of: Orange

On 2/16/24, before me personally appeared

*Michael Danna*, 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.

Helen M. Mott  
Notary Public, State of New York  
No. 4991824  
Qualified in Orange County  
Commission Expires Feb. 10, 2026

Notary

*Helen Mott*

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

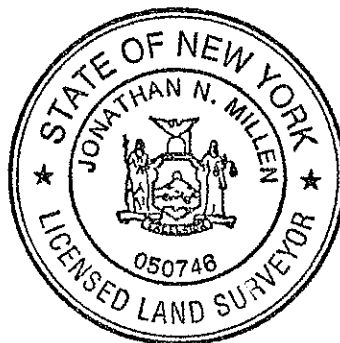
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

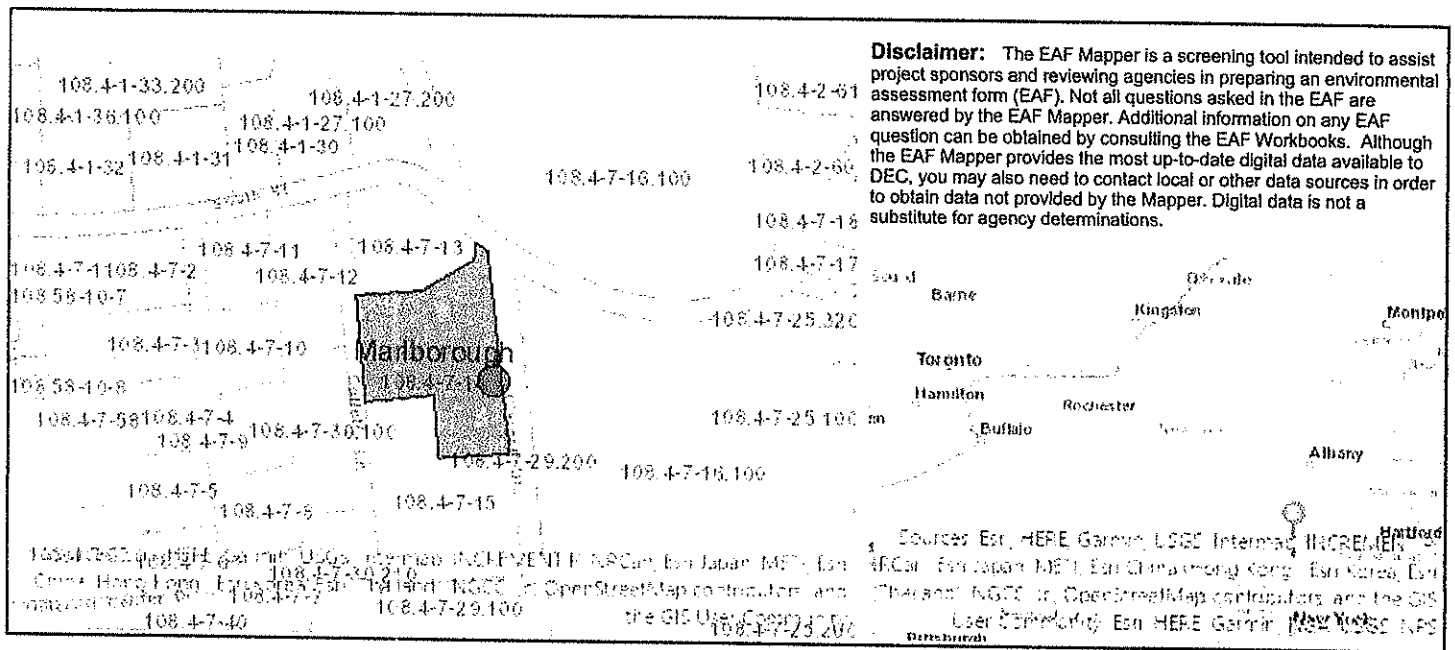
Part 1 – Project and Sponsor Information			
Name of Action or Project:			
2 lot subdivision of the lands of Michael J. DiViesti, III & Jennifer K. DiViesti			
Project Location (describe, and attach a location map):			
6-8 DiViesti Drive, Town of Marlborough County of Ulster, New York 12542, SBL 108.4-7-14			
Brief Description of Proposed Action:			
The subject Parcel contains 2 single family homes. The applicant proposes to divide the parcel to provide a new parcel for each home. No other improvements are proposed. No wetlands exist the parcel			
Name of Applicant or Sponsor:		Telephone: 845-220-8345	
Michael J DiViesti III		E-Mail: DiviestiMichael@Yahoo.com	
Address:			
6-8 DiViesti Drive			
City/PO:		State:	Zip Code:
Marlborough		NY	12542
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			<input checked="" type="checkbox"/>
			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Marlborough Planning Board			YES
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.0 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" 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
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ existing septic for each house	<input checked="" type="checkbox"/>	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Jonathan N. Millen, LLS</u> Date: <u>02/28/2024</u>		
Signature: <u><i>Jonathan N. Millen</i></u> Title: <u>Pres.</u>		



**PRINT FORM**



Part 1 / Question 7 [Critical Environmental Area] No

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

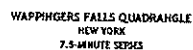
Part 1 / Question 12b [Archeological Sites] No

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



WAPPINGERS FALLS, NY  
2016



Ulster County  
Nina Postupack  
County Clerk  
Kingston, NY 12401



60 2012 00013049

Volm-5386 Pg-316

Instrument Number: 2012- 00013049

As

D01 - Deed

Recorded On: August 21, 2012

Parties: DIVIESTI MICHAEL

To

DIVIESTI MICHAEL J III

Billable Pages: 3

Recorded By: HILL-N-DALE

Num Of Pages: 3

Comment:

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

D01 - Deed	55.00	RP5217-125	125.00	Tax Affidavit TP 584	5.00
Recording Charge:	185.00				
	Amount	Consideration Amount	RS#/CS#		
Tax-Transfer	1,140.00	285,000.00	259	Basic	0.00
MARLBOROUGH				Local	0.00
				Additional	0.00
				Special Additional	0.00
				Transfer	1,140.00
Tax Charge:	1,140.00				

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

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

**File Information:**

Document Number: 2012- 00013049

Receipt Number: 1180911

Recorded Date/Time: August 21, 2012 01:11:42P

Book-Vol/Pg: Bk-D VI-5386 Pg-316

Cashier / Station: c cmil / Cashier Workstation 8

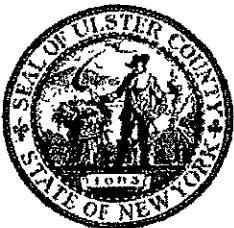
**Record and Return To:**

DANIEL J RUSK ESQ

RUSK WADLIN HEPPNER&MARTUSCELLO LLP

PO BOX 727

MARLBORO NY 12542



*Nina Postupack*

Nina Postupack Ulster County Clerk

3  
tr. 30

HP47285

Bargain and Sale Deed with Covenant against Grantor's Acts

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

M9  
A D

THIS INDENTURE, made this 14 day of August, Two Thousand Twelve

BETWEEN MICHAEL DIVESTI and GRACE DIVESTI, residing at 83 South Street, Marlboro, NY 12542,

party of the first part, and

MICHAEL J. DIVESTI, III and JENNIFER K. DIVESTI, as husband and wife residing at 83 South Street, Marlboro, NY 12542,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten 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,

SEE ATTACHED SCHEDULE A

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:

Michael J. Divesti  
MICHAEL DIVESTI

Grace Di Visti  
GRACE DIVESTI

STATE OF NEW YORK )  
                          Orange ss:  
COUNTY OF ULSTER )

On the 14<sup>th</sup> day of August, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL DIVESTI** and **GRACE DIVESTI**, 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(ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]  
Notary Public

**DANIEL J. RUSK**  
NOTARY PUBLIC, State of New York  
No. 6031945  
Qualified in Ulster County  
Commission Expires 10/12/2013

R & R to: Daniel J. Rusk, Esq.  
Rusk Wadlin Heppner & Martuscello, LLP  
PO Box 727  
Marlboro, NY 12542

CHECKED ad  
ENTERED cm  
MARK/OFF \_\_\_\_\_

J Hill-n- Dale (MCT)

## SCHEDULE A

ALL that plot, piece and parcel of land located at Marlboro in the Town of Marlborough, County of Ulster and State of New York, bounded and described as follows:

Being lot number one as shown on a map entitled "Subdivision for The Estate of Michael and Elizabeth DiVesti", filed in the Ulster County Clerk's Office on November 10, 1981 as map #4477, being more particularly bounded and described as follows:

Beginning at a point in the southerly line of South Street (25' +/- from the center line thereof) where the same is intersected by the dividing line between Lots #1 and #3 as shown on the above mentioned map and running thence,

- (1) S 05°-43'-00" W 428.06' along the westerly line of Lot #3 to a point; thence,
- (2) N 84°-17'-0" W 140.28' along the dividing line between lots #1 and #2 as shown on said map to a point; thence,
- (3) N 05°-43'-00" E 127.02' continuing along the same to a point; thence,
- (4) N 84°-17'-00" W 140.28' continuing along the same to a point; thence,
- (5) N 04°-26'-53" E 43.07' along or near a stonewall, and lands now or formerly of Colletta As in Possession, to a point; thence,
- (6) N 05°-34'-18" E 175.00' continuing along the same to a stake found in a stonewall corner; thence,
- (7) S 89°-34'-30" E 145.05' along other lands formerly of Colletta to an iron pipe found; thence,
- (8) N 67°-21'-15" E 152.32' continuing along the same to a point in the southerly line of South Street, thence,
- (9) S 46°-01'-00" E 4.45' along the southerly line of said South Street to the point or place of beginning.

Containing 2.00 acres of land more or less.

TOGETHER WITH an easement for ingress, egress and utilities over and through the private common driveway area (50' wide) adjacent to the easterly line of the above described parcel. Said easement being shown on the above mentioned DiVesti map.

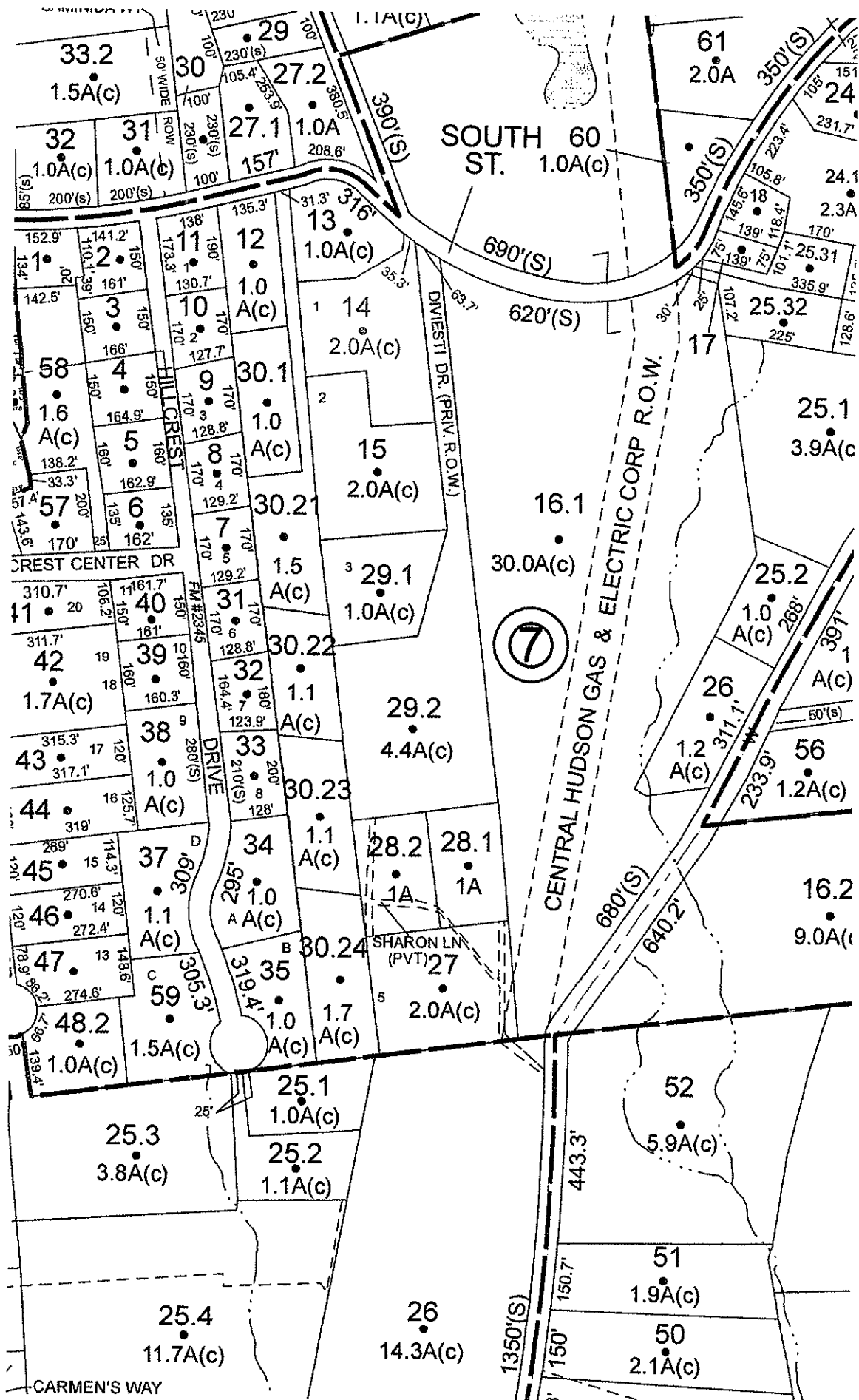
SUBJECT TO an easement for ingress, egress and utilities over the existing driveway crossing through the above described parcel in favor of lot #2 as shown on said map. Said easement to have a minimum width of twenty (20) feet.

SUBJECT TO utility easements of record.

SUBJECT TO any other easements, right of ways or restrictions of record.

BEING THE SAME PREMISES as conveyed by Deed from Michael DiVesti, Jr. to Michael DiVesti and Grace DiVesti by Deed dated 6/21/82 and recorded 6/30/82 in the Ulster County Clerk's office in Liber 1766 at page 549.

HILL-N-DALE ABSTRACTERS, INC.  
20 SCOTCHTOWN AVENUE  
P.O. BOX 547  
GOSHEN, NEW YORK 10924  
(845) 294-5110  
FAX (845) 294-9581





500 Ft. Buffer off Route 9W

Parcel Boundaries

C

C-2

HD

IND

R

R-1

RAG-1

Map Legend

Marlborough Zoning Districts

ZONE

Parcel	Owner	Secondary_Owner	Mailing_Address	Mailing_City	Mailing_Zip
108.4-7-1	Miguel Cruz	Elizandro Valiente	101 South St	Marlboro NY	12542
108.4-1-27.300	Albert J Pagano Jr	Christine Pagano	17 Cross Rd	Marlboro NY	12542
108.4-7-12	Susan K Hecht		89 South St	Marlboro NY	12542
108.4-7-13	Pierre A Renaud III		175 South St	Marlboro NY	12542
108.4-7-30.100	Simon Dudar	Rebecca Ferrara	1 Colletta Ln	Marlboro NY	12542
108.4-7-30.220	Ashley Sanchez		9 Colletta Ln	Marlboro NY	12542
108.4-7-29.100	Debora Adir Lawrence	Irrevocable Living Trust	84 Beecher Hill Rd	Watkill NY	12589
108.4-7-29.200	Grover Quispe		20 Carlino Dr	Marlboro NY	12542
108.4-7-15	Dominick DiViesti	Lillian DiViesti	95 South St	Marlboro NY	12542
108.4-1-31	Michael Earle Rogers	Meliscia Dundas	235 East 43rd St	Brooklyn NY	11203
108.4-7-11	Vanessa DiLeonardo	Paul DiLeonardo	103 Hillcrest Dr	Marlboro NY	12542
108.4-7-2	Christina Mugnano	Phillip Mugnano	102 Hillcrest Dr	Marlboro NY	12542
108.4-7-10	Joseph Pagan	Adelaida Pagan	107 Hillcrest Dr	Marlboro NY	12542
108.4-1-29	Hans W Brandt	Kathryn A Brandt	2020 George St	Billings MT	59102
108.4-1-27.200	Inc Mitchell M&Co. Inc		1013 Plains Rd	Watkill NY	12589
108.4-1-27.100	Robert Bogle	Shanna Bogle	88 South St	Marlboro NY	12542
108.4-1-30	Richard A Pagano		92 South St	Marlboro NY	12542
108.4-7-3	Amy Ketchell	William Ketchell III	106 Hillcrest Dr	Marlboro NY	12542
108.4-7-4	Germain J Lapointe		108 Hillcrest Dr	Marlboro NY	12542
108.4-7-9	Francesco Puzzillo	Lisa M. Warren	113 Hillcrest Dr	Marlboro NY	12542
108.4-7-5	Rose Russo		114 Hillcrest Dr	Marlboro NY	12542
108.4-7-8	Edward A Black IV	Diane Cipollone	117 Hillcrest Dr	Marlboro NY	12542
108.4-7-6	Anthony J Libonati Jr	Mary Ellen Libonati	118 Hillcrest Dr	Marlboro NY	12542
108.4-7-7	James Ferguson	Helen Ferguson	121 Hillcrest Dr	Marlboro NY	12542
108.4-7-31	Corey Felter		126 Hillcrest Dr	Marlboro NY	12542
108.4-7-30.210	Louis J Mongelli Jr	Jaquelyn A Mongelli	5 Colletta Ln	Marlboro NY	12542
108.4-7-16.100	Estelle Festa	Melody Festa	6 Cross Rd	Marlboro NY	12542
108.4-2-70.100	Christopher Ryan	Marcie Ryan	16 Cross Rd	Marlboro NY	12542
108.4-2-71.100	Marlboro Central School Dist 1		21 Milton Tpke Ste 100	Milton NY	12547
108.4-1-33.200	Amanda Armstron		1 Samnida Way	Marlboro NY	12542
108.4-1-32	Katelyn R Delmar	Steven M Delmar	100 South St	Marlboro NY	12542