

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

PUBLIC HEARING ON THE ESTABLISHMENT OF THE VINEYARD HILLS SUBDIVISION
DRAINAGE DISTRICT
21 MILTON TURNPIKE, MILTON NY
APRIL 8, 2024 7:00PM

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
APRIL 8, 2024 7:00 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Motion to approve minutes

A). Motion to approve minutes from the March 25, 2024 Town Board Meeting

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

ITEM #8 Presentation

A) Zoning Change-Darren Stridiron 108.4-6.30

ITEM #9 Old Business

A). Tomvac Rehabilitation Update

ITEM #10 New Business

ITEM #11 Correspondences

ITEM #12 Public Comments

ITEM #13 Resolutions

A). Resolution #40 To authorize Greenman-Pedersen to publicly bid for the Marlborough DPW Garage renovations TM-2024DPWR

B). Resolution #41 To authorize the Supervisor to sign an intermunicipal agreement with the County to fund improvements to Youngs Park and Cluett Schantz Park

C). Resolution #42 To re-introduce Local Law No. ____ of the year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 “ZONING”, ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTITLED “RIDGELINE AND STEEP SLOPE PROTECTION”.

D). Resolution #43 To authorize the filing of this Negative Declaration.

E). Resolution #44 To approve the establishment of the Vineyard Hills subdivision Drainage District

ITEM #14 Adjournment

April 8, 2024

A). Resolution #40 To authorize Greenman-Pedersen to publicly bid for the Marlborough DPW Garage renovations TM-2024DPWR

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough is requesting bids for the construction of the Project known as the Marlborough DPW Garage Renovations TM 2024DPWR, and

Whereas, the scope of work has been prepared by Greenman-Pedersen, Inc. 80 Wolf Road Suite 300 Albany NY 12205, and

Whereas, the Town of Marlborough Town Board authorizes Greenman-Pedersen Inc to publicly bid the Marlborough DPW Garage Renovations TM-2024DPWR, and

Whereas, the bidding documents may be obtained electronically from Bidnet Direct at <http://www.bidnetdirect.com/new-york/townofmarlboroughny>, and

Whereas, hard copies may be obtained at the Town Clerks Office located 21 Milton Turnpike, Suite 200 Milton NY 12547.

Now therefore be it resolved, that the bids will be received and open by the Town Clerk and read aloud at the Town Hall, 21 Milton Turnpike, Suite 200 Milton NY 12547 on May 15, 2024 at 11:30am local time for the following contracts

1. General Construction
2. Electrical
3. Plumbing
4. HVAC

And moves for its adoption:

Councilman Molinelli	-----
Councilwoman Sessa	-----
Councilman Cauchi	-----
Councilman Zambito	-----
Supervisor Corcoran	-----

April 8, 2024

B). Resolution #41 To authorize the Supervisor to sign an intermunicipal agreement with the County to fund improvements to Youngs Park and Cluett Schantz Park

Supervisor Corcoran proposes the following:

Whereas. The Ulster County Legislature passed Resolution No. 289 amending the funding capital project Number 635 in the amount of two million dollars to create a program to partner with Ulster County municipalities and match up to 50% of park and recreation projects with a maximum contribution of \$100,000 per municipality, and

Whereas, the Town of Marlborough and Ulster County desire to enter into an Intermunicipal Agreement where the Town will be a subrecipient of One Hundred Thousand Dollars of the American Rescue Plan Act-Coronavirus State and Local Fiscal Recovery Funds, and

Whereas, the Town will be responsible under the IMA for administering a program to improve the baseball fields and lighting at two parks in the Town.

Now therefore be it resolved, that the Town Board of the Town of Marlborough hereby authorizes the Supervisor to sign the intermunicipal agreement with the County to partially fund improvements to Youngs Field and Cluett Schantz Park,

And moves for its adoption:

Councilman Molinelli	-----
Councilwoman Sessa	-----
Councilman Cauchi	-----
Councilman Zambito	-----
Supervisor Corcoran	-----

April 8, 2024

C). Resolution #42 To re-introduce Local Law No. ____ of the year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULMSTER COUNTY, NEW YORK AMENDING CHAPTER 155 “ZONING”, ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTITLED “RIDGELINE AND STEEP SLOPE PROTECTION”.

Supervisor Corcoran proposes the following:

WHEREAS, on or about December 11, 2023, the Town Board of the Town of Marlborough introduced a proposed Local Law of the Town of Marlborough proposing to amend Section 155-41.1 “Ridgeline and Steep Slope Protection” (the “Proposed Local Law Amendment”); and

WHEREAS, on or about December 12, 2023, the Proposed Local Law Amendment was referred to the Ulster County Planning Board; and

WHEREAS, on or about January 3, 2024, the Ulster County Planning Board submitted comments to the Town Board on the Proposed Local Law Amendment; and

WHEREAS, the Town Board of the Town of Marlborough referred the Proposed Local Law Amendment to the Town of Marlborough Planning Board in accordance with Town Code § 155-49, and received comments dated January 8, 2024; and

WHEREAS, on February 12, 2024, the Proposed Local Law Amendment was reintroduced and a public hearing thereon was held on February 26, 2024; and

WHEREAS, substantial changes have been proposed to the Proposed Local Law Amendment; and

WHEREAS, consequently, the Town Board of the Town of Marlborough re-introduces proposed amendments to Section 155-41.1 of the Town of Marlborough Code as set forth herein.

BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended as follows:

Section 1. Section 155-41.1(F)(4) of the Marlborough Town Code is amended to read as follows [deletions are stricken and additions are underscored]:

(4) Applicants for construction on properties to which this section applies shall demonstrate to the ~~reviewing board or~~ Town Engineer and the Town Code Enforcement Officer that no

proposed building or structure (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the Marlborough Ridgeline, as viewed from the East as determined by the Town Engineer and the Town Code Enforcement Officer , as the case may be, that the proposed buildings or structures will not extend above the predominant treeline. No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline affected by the application, as determined by the Town Engineer.

(a) If, in the Town Engineer's opinion, such requirements would render an existing lot unbuildable, the Town Engineer may recommend the issuance of, and the Building Department may issue, a construction permit for an existing lot of record which does not meet the requirements of this section upon his determination that no suitable conforming location is available.

(b) There shall be no disturbance within this fifty foot area except for access driveways when said driveway cannot be reasonably located outside the fifty foot area. There shall be no disturbance of the tree line area above the highest points of the structure and the highest point of the Ridgeline.

(c) Applicants are required to provide the Building Department with a topographic survey of the lot showing topography within 200 feet of the proposed building areas and showing elevations with 2-foot intervals. Topography shall use NAVD88.

(d) Structures shall not use or contain bright or fluorescent-colored materials or highly reflective shiny metal or similar materials. All structures shall be of natural coloring that blend in with the ridgeline natural color scheme. Use of colors such as brown, black, gray, beige and green are preferred.

(e) Lighting shall not be excessive. Bright LED lighting shall not be used. Only fully shielded, natural lighting and fixtures must be used. Lighting shall be Dark Sky compliant.

(f) Definitions

- (i) “Ridgeline” is defined as the highest elevations of land running North and South across the Marlborough Ridgeline Protection Map.
- (ii) “Tree Line” is defined as the edge of the habitat at which trees and vegetation are capable of growing above the Ridgeline.
- (iii) “NAVD88” is defined as North American Vertical Datum of 1988.

Section 3. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 4. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 5. This local law shall be effective upon filing with the Secretary of State.

WHEREAS, the Town Board has determined that the action to amend the Town of Marlborough Zoning Law is a Type I Action under the New York State Environmental Quality Review Act (SEQRA).

WHEREAS, that because only the Town Board can consider and adopt changes to the Town Code, that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law.

WHEREAS, the Town Board has determined that the amendments must be referred to the Ulster County Planning Board for review and recommendation pursuant to General Municipal Law § 239-m.

WHEREAS, the Town Board refers this proposed amendments to the Town of Marlborough Planning Board for a report thereon pursuant to Town Code § 155-49.

Supervisor Corcoran advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman _____, who moved its adoption:

WHEREAS, on April 8, 2024 Supervisor Corcoran has introduced this local law for the Town of Marlborough, to be known as "Town of Marlborough Local Law No. ____ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 "ZONING", ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTTILED "RIDGELINE AND STEEP SLOPE PROTECTION".

RESOLVED, that a public hearing be held in relation to the proposed amendments as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens

shall have an opportunity to be heard. The public hearing will be held on April 22nd, 2024, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on April 22nd, 2024 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ___ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 "ZONING", ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTITLED "RIDGELINE AND STEEP SLOPE PROTECTION".

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York

_____, 2024

COLLEEN CORCORAN, TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York
April 8, 2024

April 8, 2024

D). Resolution #43 To authorize the filing of this Negative Declaration

Supervisor Corcoran proposes the following:

WHEREAS, the Town of Marlborough Town Board proposes to establish the Vineyard Hills Subdivision Drainage District in the Town of Marlborough, Ulster County, New York (the “Action”); and

WHEREAS, the Action is a condition of approval the Vineyard Hills Subdivision; and

WHEREAS, the Action is consistent with the Environmental Assessment Forms and Negative Declaration issued with respect to a prior subdivision approval for the Vineyard Hills Subdivision; and

WHEREAS, the Action threatens no potential adverse impacts of significance that were not already identified and assessed within the SEQRA review of the Vineyard Hills Subdivision; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action; and

WHEREAS, the name and address of the agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Marlborough, New York 12547 and the Responsible Officer is Scott Corcoran, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-2220; and

WHEREAS, the Town of Marlborough Town Board has classified this Action as unlisted action pursuant to 6 NYCRR Part 617 of the Regulations; and

WHEREAS, the Town of Marlborough Town Board has caused the preparation of a Short Environmental Assessment Form (SEAF), Parts 1 and 2 for review of the Action; and

WHEREAS, the Town Board has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action;
10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and
11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marlborough Town Board has examined the impacts which may be reasonably anticipated to result from the action, and has determined that these actions will not have any significant adverse impact on the environmental and that a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby issues this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby authorizes the filing of this Negative Declaration.

The foregoing resolution was voted upon with all councilpersons voting as follows:

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York

April 8, 2024

COLLEEN CORCORAN, TOWN CLERK

April 8, 2024

E). Resolution # 44 To approve the establishment of the Vineyard Hills subdivision Drainage District

Supervisor Corcoran proposes the following:

WHEREAS, the Town Board has received a petition from the property owner, Vineyard Hills Holding, LLC, accompanied by a Map, Plan and Report, pursuant to Section 192 of the Town Law, for the establishment of the Vineyard Hills Subdivision Drainage District upon petition under Article 12 of the Town Law; and

WHEREAS, the Town Board, on March 25, 2024, accepted the proposed Map, Plan and Report of Mercurio-Norton-Tarolli-Marshall Engineering and Land Surveying P.C. (hereinafter the “Map, Plan and Report”), and directed the Town Clerk to publish and post a notice for public hearing on the establishment of the Vineyard Hills Subdivision Drainage District in accordance with the applicable provisions of law; and

WHEREAS, the public hearing was held on April 8, 2024;

WHEREAS, the Town Board received an Environmental Assessment Form, and prior to the adoption of this resolution, and on the date hereof the Town board issued a Negative Declaration, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the evidence offered at such time and place of the public hearing, and the contents of the Map, Plan and Report, allows the Town Board to make the determinations hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Marlborough in the County of Ulster, that it be and hereby is determined as follows:

- (1) That the aforesaid notice of hearing was published and posted as required by law and was otherwise sufficient.
- (2) That the petition is signed, and acknowledged or proved, or authenticated, as required by

law and is otherwise sufficient.

- (3) That all of the property and property owners within the proposed district are benefited thereby.
- (4) That all of the property and property owners benefited are included within the proposed district.
- (5) It is in the public interest to establish the proposed district as hereinafter described.

BE IT FURTHER RESOLVED AND DETERMINED, that the Town Board does hereby approve the establishment of the Vineyard Hills Subdivision Drainage District (hereinafter the “District”); that the improvements described in the Map, Plan and Report be constructed and the service therein described be provided for upon the required funds being made available or provided for; and that the District be bounded and described as set forth in in the Map, Plan and Report and Schedule A attached hereto.

The foregoing resolution was voted upon with all Councilpersons voting as follows:

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York

April 8, 2024

COLLEEN CORCORAN, TOWN CLERK

SCHEDULE A

Property Description

ALL that certain plot, piece or parcel of land situate, lying, and being in the Town of Marlborough, County of Ulster, State of New York being known as Proposed Town Road as shown on a map entitled "Final Map of Subdivision and Lot Line Revision of Section II Vineyard Hills" filed in the Ulster County Clerk's Office on December 20, 2004 as Map #04-1506 being more particularly bounded and described as follows:

BEGINNING at a point lying on the northerly side of Rue De Vin, said point being the southeasterly corners of lands now or formerly of Amark Enterprises LLC and also being the southwesterly corner of the parcel herein intended to be described.

THENCE north 08 degrees 23 minutes 13 seconds east for a distance of 396.97 feet along lands now or formerly of Amark Enterprises LLC to a point.

THENCE on a curve to the left having a radius of 300.00 feet and an arc length of 163.33 feet continuing along lands now or formerly of Amark Enterprises LLC and along Lot #5 on the above referenced filed map to a point.

THENCE north 28 degrees 03 minutes 53 seconds west for a distance of 121.07 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 350.00 feet and an arc length of 132.21 feet to a point.

THENCE north 78 degrees 17 minutes 54 seconds west for a distance of 262.30 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE south 10 degrees 33 minutes 27 seconds west for a distance of 241.74 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE north 75 degrees 21 minutes 05 seconds west for a distance of 335.86 feet along lands now or formerly of Rodriguez and along lands now or formerly of Ceriello to a point.

THENCE north 15 degrees 46 minutes 50 seconds east for a distance of 218.76 feet along lands now or formerly of Nikola to a point.

THENCE north 15 degrees 24 minutes 42 seconds east for a distance of 613.66 feet along lands now or formerly of Troncillito to a point.

THENCE south 65 degree 01 minute 50 seconds east for a distance of 305.24 feet along lands now or formerly of Greiner to a point.

THENCE south 81 degrees 17 minutes 58 seconds east for a distance of 164.97 feet along Lot #11 on the above referenced filed map to a point lying on the westerly side of the Proposed Town Road.

THENCE on a curve to the right having a radius of 66.00 feet and an arc length of 106.32 feet continuing along Lot #11 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 66.00 feet and an arc length of 51.28 feet continuing along lands now or formerly of Greiner to a point.

THENCE north 08 degrees 42 minutes 02 seconds east for a distance of 146.95 feet continuing along lands now or formerly of Greiner to a point.

THENCE on a curve to the left having a radius of 75.00 feet and an arc length of 112.20 feet continuing along lands now or formerly of Greiner to a point.

THENCE south 77 degrees 00 minutes 42 seconds east for a distance of 272.09 feet along lands now or formerly of Bach and along lands now or formerly of Moliver to a point.

THENCE south 08 degrees 42 minutes 02 seconds west for a distance of 228.09 feet along lands now or formerly of Morrissey to a point.

THENCE south 01 degree 56 minutes 13 seconds west for a distance of 395.18 feet along lands now or formerly of Keating and along lands now or formerly of Gaer & Rowe to a point.

THENCE south 83 degrees 13 minutes 23 seconds east for a distance of 258.68 feet continuing along lands now or formerly of Gaer & Rowe to a point lying on the westerly side of Hampton Road.

THENCE south 06 degrees 01 minute 59 seconds west for a distance of 178.50 feet along the westerly side of Hampton Road to a point.

THENCE south 04 degrees 36 minutes 14 seconds west for a distance of 174.55 feet continuing along the westerly side of Hampton Road to a point.

THENCE north 84 degrees 32 minutes 47 seconds west for a distance of 237.33 feet along lands now or formerly of Palmer to a point.

THENCE south 15 degree 58 minutes 43 seconds west for a distance of 270.80 feet continuing along lands now or formerly of Palmer to a point.

THENCE north 81 degrees 36 minutes 41 seconds west for a distance of 56.02 feet along lands now or formerly of Sargent to a point lying on the easterly side of the Proposed Town Road.

THENCE south 08 degrees 23 minutes 13 seconds west for a distance of 237.89 feet along lands now or formerly of Sargent and along lands now or formerly of Dalleo to a point.

THENCE south 07 degrees 53 minutes 20 seconds west for a distance of 114.70 feet continuing along lands now or formerly of Dalleo to a point lying on the northerly side of Rue De Vin.

THENCE on a curve to the left having a radius of 150.00 feet and an arc length of 4.71 feet along the northerly side of Rue De Vin to a point.

THENCE north 82 degrees 46 minutes 24 seconds west for a distance of 46.30 feet continuing along the northerly side of Rue De Vin to the point or place of beginning.

Excepting and excluding there from Lot 5 and Lot 11 on Filed map #04-1506

Excepting and excluding therefrom "Scenic View Road - Proposed Town Road" described as follows:

ALL that certain plot, piece or parcel of land situate, lying, and being in the Town of Marlborough, County of Ulster, State of New York being known as Proposed Town Road as shown on a map entitled "Final Map of Subdivision and Lot Line Revision of Section II Vineyard Hills" filed in the Ulster County Clerk's Office on December 20, 2004 as Map #04-1506 being more particularly bounded and described as follows:

BEGINNING at a point lying on the northerly side of Rue De Vin, said point being the southeasterly corners of lands now or formerly of Amark Enterprises LLC and also being the southwesterly corner of the parcel herein intended to be described.

THENCE north 08 degrees 23 minutes 13 seconds east for a distance of 396.97 feet along lands now or formerly of Amark Enterprises LLC to a point.

THENCE on a curve to the left having a radius of 300.00 feet and an arc length of 163.33 feet continuing along lands now or formerly of Amark Enterprises LLC and also along Lot #5 on the above referenced filed map to a point.

THENCE north 28 degrees 03 minutes 53 seconds west for a distance of 121.07 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 350.00 feet and an arc length of 224.58 feet continuing along Lot #5, along Lot #6 and along Lot #8 on the above referenced filed map to a point.

THENCE north 08 degrees 42 minutes 02 seconds east for a distance of 423.00 feet along Lot #8, along Lot #7, along Lot #9 and along Lot #10 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 66.00 feet and an arc length of 363.42 feet continuing along Lot #10, along Lot #11, along Parcel B and along Lot #12 on the above referenced filed map to a point.

THENCE south 08 degrees 42 minutes 02 seconds west for a distance of 423.00 feet continuing along Lot #12 and along Lot #13 on the above referenced filed map to a point.

THENCE on a curve to the left having a radius of 300.00 feet and an arc length of 192.50 feet continuing along Lot #13 on the above referenced filed map to a point.

THENCE south 28 degrees 03 minutes 53 seconds east for a distance of 121.07 feet continuing along Lot #13 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 350.00 feet and an arc length of 193.00 feet continuing along Lot #13 on the above referenced filed map to a point.

THENCE south 08 degrees 23 minutes 13 seconds west for a distance of 283.45 feet continuing along Lot #13 on the above referenced filed map, along lands now or formerly of Sargent and along lands now or formerly of Dalleo to a point.

THENCE south 07 degrees 53 minutes 20 seconds west for a distance of 114.70 feet continuing along lands now or formerly of Dalleo to a point lying on the northerly side of Rue De Vin.

THENCE on a curve to the left having a radius of 150.00 feet and an arc length of 4.71 feet along the northerly side of Rue De Vin to a point.

THENCE north 82 degrees 46 minutes 24 seconds west for a distance of 46.30 feet continuing along the northerly side of Rue De Vin to the point or place of beginning.