

Town of Marlborough Planning Board Application

Application For: (Check One)

Subdivision Lot Line (3 plus lots)

Application Number:

Date of Submission:

Name of Project: SUBDIVISION LOTLINE CHANGE FOR THE MAZZA TRUST

Location of Project: SW CORNER OF THE INTERSECTION OF SOUTH ST. & DRAGOMA ROAD

Tax Section Block and Lot: 108.4-6-5.1 & 5.2

Zoning District: R

Number of Acres: 1.06

Sq. Footage of Building:

Description of Project (include number of lots/units & bedrooms): LOT LINE CHANGE BETWEEN TAX MAP PARCEL 108.4-6-5.1 AND TAX MAP PARCEL 108.4-6-5.2.
THEN A TWO LOT SUBDIVISION OF THE REMAINDER OF TAX MAP PARCEL 108.4-6-5.1

EMAIL: CMESSINA10C@AOL.COM

Name of Property Owner: JOHN AND ANNE IRREVOCABLE TRUST

Address of Property Owner: 2 DRAGOMA RD, MARLBOROUGH, NY 12542

Telephone Number of Property Owner: (917) 337-4107

Name of Applicant: JOHN MAZZA JR.

Address of Applicant: 2 DRAGOMA ROAD, MARLBOROUGH, NY 12542

Telephone Number of Applicant: (917) 337-4107

Name of Surveyor: MESSINA ASSOCIATES, CARMEN T. MESSINA, P.C., LS.

Address of Surveyor: P O Box 10, MARLBORO, NY 12542

Telephone Number of Surveyor: (845) 473-1367

Name of Engineer: MESSINA ASSOCIATES, CARMEN T. MESSINA, P.C., LS.

Address of Engineer: P O Box 10, MARLBORO, NY 12542

Telephone Number of Engineer (845) 473-1367

Name of Attorney: N/A

Address of Attorney:

Telephone Number of Attorney:

Reason For Application: LOT LINE CHANGE AMONG TWO LOT SUBDIVISION.

Description of Proposal: LOT LINE CHANGE BETWEEN TAX MAP PARCEL

10B. 4-6-5.1 AND TAX MAP PARCEL 10B. 4-6-5.2.

THEN A TWO LOT SUBDIVISION OF THE REMAINDER OF TAX MAP
PARCEL 10B. 4-6-5.1

JOHN MATEZZA JR.

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) ¹⁰⁵⁰
5. Escrow Fee (Separate check from application fee) ^{\$14.00}
6. Copy of deed
7. Completed checklist (Automatic rejection of application without checklist)
8. N/A 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

13. Name, SBL and acreage of adjoining owners

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

15. N/A Flood plain boundaries

16. N/A Federal Wetland Boundary

17. Metes and bounds of all lots

18. N/A 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. N/A Show existing or proposed easements (note restrictions)

20. N/A Right of way width and Rights of Access and utility placement.

21. N/A 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. N/A Show any existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 feet of parcel boundaries.

25. N/A 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. N/A 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. N/A 2 Foot Contours

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

31. 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. 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. 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. Special district boundaries, agricultural, school, fire, water, sewer, etc.

40. Sight distance of all intersections and driveways.

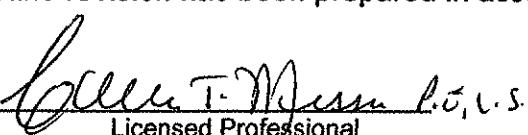
41. Ridgeline and steep slope notation.

42. 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:


Allen T. Munn, P.L.S.
Licensed Professional

Stamp

Date

5/21/24

Town of Marlborough
Planning Board Legal Notices
for Public Hearing

Procedure for Legal Notices:

1. The Town of Marlborough Planning Board will schedule Public Hearings during a regularly scheduled meeting after approval for the Public Hearing has been granted.
2. Applicants are required to obtain surrounding property owner names and addresses from the Ulster County Parcel viewer for 500 feet from the parcel. See <https://ulstercountyny.gov/maps/parcel-viewer/>.
3. Applicants are required to send a Public Notice Letter, obtained from the Town of Marlborough Planning Board Office, via Certified Mail to property owners no less than 10 days prior to Public Hearing.
4. The Town of Marlborough Planning Board Office will send notification to the Town's official newspaper.
5. All Certified Mail receipts, in addition to a copy of the Ulster County Parcel viewer's listing of names and addresses, must be submitted at the Public Hearing.
6. It is recommended (not required) an aerial be provided with the Mailing Notice showing the outline of the property at a reasonable scale for residents to understand the location of the subject application. See <https://ulstercountyny.gov/maps/parcel-viewer/>.

Any questions regarding procedures should be directed to The Town of Marlborough Planning Board Office.

Phone: 845-795-6167

Email: marlboroughplanning@marlboroughny.us

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, JOHN MAREN JR, residing at 2 DRAGOTTA RD
MARLBORO NY 12542, make the following statements about interests in the
real property which is the subject of this application, petition or request for a (2) LOT SUBDIVISION
AND LOT LINE REVISION, 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: J. M. J.
* Date: 5/21/24

ACKNOWLEDGMENT

State of New York
County of:

County of: John Mazza Jr.
On 21st day of May, 2024, before me personally appeared John Mazza Jr., 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



Joe Maross

JACOB G MARRO
Notary Public, State of New York
Reg. # 01MA8431369
Qualified in Ulster County
Commission Expires April 4, 2026

PLANNING BOARD FEES

(ALL APPLICATIONS Subject To Escrow Fees)
Please make checks payable to: Town of Marlborough

Application Fees:

Residential Subdivision – Single Family or Town House	\$750.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$750.00, plus \$100.00 per Unit
Commercial Subdivision	\$600.00, plus \$200.00 per Lot or Unit
Commercial Site Plan	\$1,000.00, plus \$10.00 per 1,000 Sq ft of Bldg.
Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)	\$350.00
All other Site Plans Reviews	\$550.00
Simple 2 Lot Line Revision	\$600.00
Recreation Fees (Residential Subdivision & Site Plans-Excludes parent parcel)	\$2,000.00 per Lot or Unit
Recreation Fees Adult Multiple Dwelling Affordable Housing (50 and over)	\$ 500.00 per Unit

Escrow Deposit: (To be replenished to 75% of the original escrow when level drops to 25% remaining in account.)

Residential Subdivision – Single Family or Town House	\$1,500.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$1,500.00, plus \$100.00 per Unit
Commercial Subdivision	\$1,000.00 per lot (up to 4 lots) \$200.00 Per Lot Thereafter
Commercial Site Plan	\$2,000.00 Minimum
Minor Site Plan (Short Term Rental, Home Occupation, Bed & Breakfast)	\$750.00 Minimum
All other Site Plans Reviews	\$1,500.00 Minimum
Simple 2 Lot Line Revision	\$1,000.00 Minimum
Preliminary Conceptual Site Plan	\$300.00

Engineer Inspection Fees (All Town Roads Installation Inspections)

Improvements as approved by Town Engineer	5% of the Estimated cost to construct
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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): JOHN MAZZA, JR.

Applicant's Signature: JM

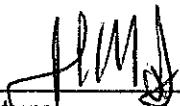
Date: 5/21/24

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

Letter of Agent

I (We) SOUTH JR & MARIE MAZZA am (are) the ^{TRUSTEES} owner(s) of a parcels of land located on 19 SOUTH ST & DRAGOMA ROAD in the Town of Marlborough, Tax Map Designation: Section 10B.4 Block 6 Lot S.1 & S.2.

I (We) hereby authorize MESSINA ASSOCIATES, CARLTON T. MESSINA 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, ^{AND} or Lot Line Revision Application. (circle one)


Signature


Signature

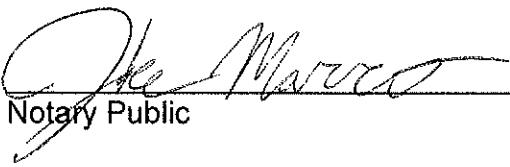
5/21/24
Date

5-21-24
Date

State Of New York
County Of Ulster } SS:

On the 21st day of May in the year 2024 before me, the undersigned, a Notary Public in and for said State, personally appeared John Mazza Jr. and Marie F. Mazza, 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.

JACOB G MARRO
Notary Public, State of New York
Reg. # 01MA6431369
Qualified in Ulster County
Commission Expires April 4, 2026


Notary Public

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

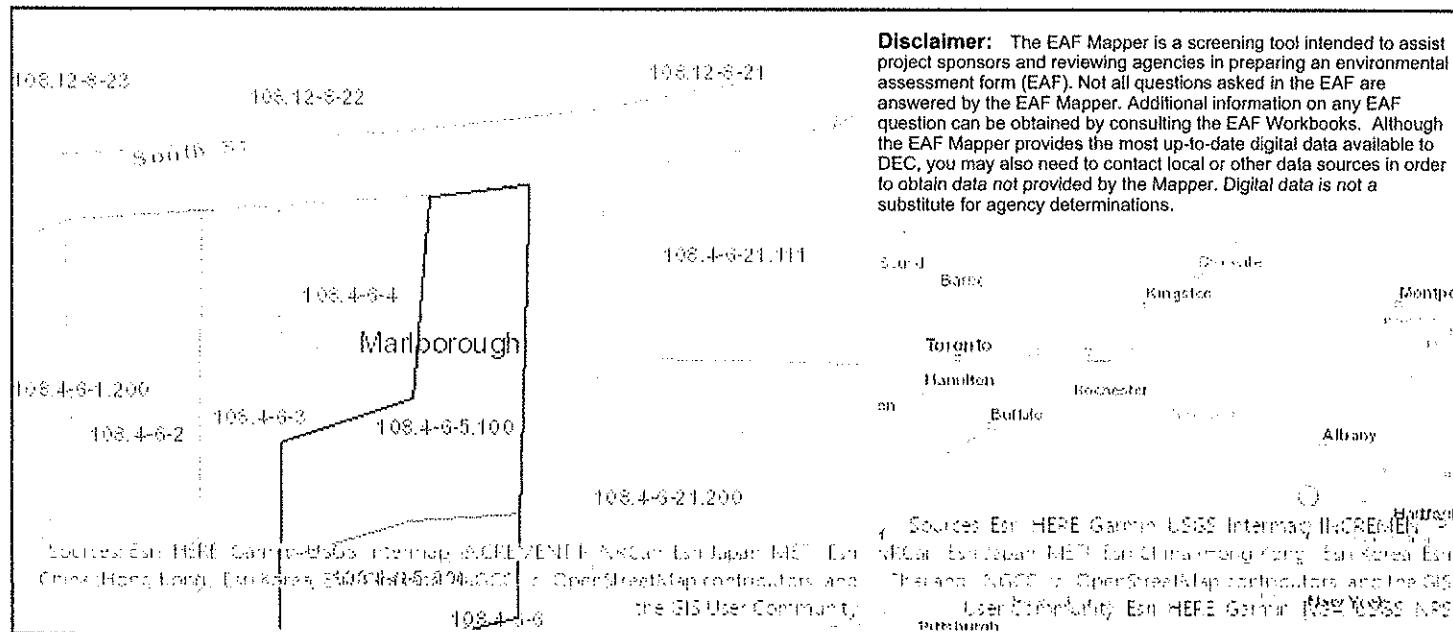
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: LOTLINE CHANGE FOR THE MAZZA TRUST			
Project Location (describe, and attach a location map): SEE ATTACHED LOCATION MAP			
Brief Description of Proposed Action: LOTLINE CHANGE BETWEEN TAX MAP PARCEL 108.4-6-5.1 AND TAX MAP PARCEL 108.4-6-5.2. THEN A TWO LOT SUBDIVISION OF THE REMAINDER OF TAX MAP PARCE; 108.4-6-5.1.			
Name of Applicant or Sponsor: JOHN MAZZA JR., TRUSTEE		Telephone: E-Mail:	
Address: 2 DRAGOTTA ROAD			
City/PO: MARLBOROUGH		State: NY	Zip Code: 12542
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
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.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: MARLBOROUGH NY PLANNING AND ZONING BOARDS			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? 1.08 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? 1.08 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
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?	<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: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
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?	<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? 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: _____ _____ _____	<input type="checkbox"/>	<input checked="" 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 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?					
<input checked="" type="checkbox"/> <input type="checkbox"/>					
16. Is the project site located in the 100-year flood plan?					
<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, <ul style="list-style-type: none"> 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: <hr/> <hr/>					
<input type="checkbox"/> <input type="checkbox"/>					
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: <hr/> <hr/>					
<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: <hr/> <hr/>					
<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: <hr/> <hr/>					
<input checked="" type="checkbox"/> <input type="checkbox"/>					
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE					
Applicant/sponsor/name: <u>MESSINA ASSOCIATES, CARMEN T. MESSINA, P.E., L.S.</u> Date: <u>4/21/24</u>					
Signature: _____ Title: <u>PRINCIPLE</u>					



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] No

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

MESSINA ASSOCIATES
Carmen T. Messina, P.E.,L.S.
PO Box 10
Marlboro, NY 12642
5/21/24
Cmessina10 @aol.com

RE: MAZZA TRUST

Response to check list items.

14. There are no NYSDEC wetlands on the property.
15. Property is not in a flood plain.
16. There are no federal wetlands on the property.
18. 25 feet from centerline shown on map as reserved for future highway purposes.
No dedication parcels proposed.
19. There are no existing or proposed easements.
20. There are no ROW
21. There are no proposed roads.
24. There are no existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 ft.
25. There are no private roads proposed.
27. There no public improvements proposed.
29. Contours not needed . No physical alteration of proposed site proposed.
31. No private road proposed.
- 32, 33,34,35. No physical alteration of site prososed. No grading, no excavation, no fill,
36. There are no wetlands on the property.
37. No site preparation proposed.
- 40 . All driveways and intersections are existing.
41. No ridge line or steep slopes.
42. Project is in the R zone.

SBL: 108.4-6-5.200

L 7342 P36

36 RECORD & RETURN TO:

Richard J. Shapiro, Esq.
Blustein, Shapiro, Frank & Barone LLP
10 Matthews Street
Goshen, NY 10924

**BARGAIN AND SALE DEED
With Covenants Against Grantors Acts**

THIS INDENTURE, made the 4th day of April, two thousand twenty-four.

BETWEEN, JOHN MAZZA JR. and MARIE F. MAZZA, husband and wife, residing at 2 Dragotta Road, Marlboro, NY 12542, party of the first part, and.

John Mazza, Jr. and Marie F. Mazza, Trustees, or their successors in interest, of the JOHN AND MARIE MAZZA IRREVOCABLE TRUST dated April 4, 2024, having an address at 2 Dragotta Road, Marlboro, NY 12542, party of the second part.

WITNESSETH, that the party of the first part, in consideration of One (\$1.00) Dollar lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successor and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York, and being more particularly described as follows: **see Schedule "A" annexed.**

BEING the same lands and premises conveyed from JOHN MAZZA and MARYLIN MAZZA, husband and wife, and JOHN MAZZA JR. to JOHN MAZZA JR. and MARIE F. MAZZA, husband and wife, by deed dated the 10th day of March, 1990 and recorded in the Ulster County Clerk's Office on March 16, 1990 in Deed Book 1992 at Page 23.

The premises are hereby conveyed subject to any easements, rights of way, covenants and restrictions of record.

UNDER AND SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions, and agreements affecting the property.

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.

Schedule A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Marlboro, County of Ulster, State of New York and designed as Lot #3 on filed Map #8303 filed in the Ulster County Clerks Office on October 18, 1989 and more particularly described as follows:

BEGINNING at a point on the westerly boundary of Dragotta Road, said point being on the division line between this lot on the North and the lands N/F of Newman on the South; thence along said division line S 87° 15' W. 186.67 feet to a point on the division line between the lands of Znmbito on the west and this lot on the east; thence along said division line N. 12° 25' 30" E. 83.0 feet to a point on the division line between Lot #2 filed Map #8303 on the North and this lot on the South; thence along said division line the following two courses and distances (1) N. 78° 17' 40" E. 109.75 feet to a point; thence (2) S. 77° 34' 30" E. 80.0 feet to a point on the westerly boundary of Dragotta Road; thence along said road boundary S. 12° 25' 30" W. 79.0 feet to the place of beginning; Containing 0.365 acres.

RECORD & RETURN TO:

Richard J. Shapiro, Esq.

✓ Blustein, Shapiro, Frank & Barone LLP
10 Matthews Street
Goshen, NY 10924

**BARGAIN AND SALE DEED
With Covenants Against Grantors Acts**

THIS INDENTURE, made the 4th day of April, two thousand twenty-four.

BETWEEN, JOHN MAZZA Jr. and MARIE MAZZA, husband and wife, residing at 2 Dragotta Road, Marlboro, NY 12542, party of the first part, and,

John Mazza, Jr. and Marie F. Mazza, Trustees, or their successors in interest, of the JOHN AND MARIE MAZZA IRREVOCABLE TRUST dated April 4, 2024, having an address at 2 Dragotta Road, Marlboro, NY 12542, party of the second part.

WITNESSETH, that the party of the first part, in consideration of One (\$1.00) Dollar lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successor and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York, and being more particularly described as follows: **see Schedule "A" annexed.**

BEING the same lands and premises conveyed from JOHN MAZZA and MARYLIN MAZZA, husband and wife, and JOHN MAZZA, JR to JOHN MAZZA Jr. and MARIE MAZZA, husband and wife, by deed dated the 18th day of February, 2005 and recorded in the Ulster County Clerk's Office on March 3, 2005 in Deed Book 4039 at Page 281.

The premises are hereby conveyed subject to any easements, rights of way, covenants and restrictions of record.

UNDER AND SUBJECT to any existing covenants, easements, encroachments, conditions, restrictions, and agreements affecting the property.

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.

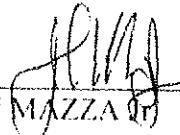
TO HAVE AND TO HOLD. the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

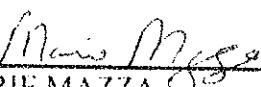
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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:


JOHN MAZZA Jr.


MARIE MAZZA

**STATE OF NEW YORK:
COUNTY OF ORANGE:**

On the 4th day of April, in the year 2024, before me the undersigned, a Notary Public in and for said state, personally appeared John Mazza Jr. and Marie Mazza, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or person on behalf of which the individual acted, executed the instrument.



Notary Public

RICHARD E. MARTINO
Notary Public, State of New York
No. 01MA6405413
Qualified in Orange County, 2g
Commission Expires March 9, 20____

Schedule A

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of Marlborough, County of Ulster, State of New York, bounded and described as follows:

BEGINNING at a point in the centerline of South Street, said point being on the division line between McLaughlin on the west and the lands to be described on the east; thence along the centerline of South Street S 89 degrees 01' E, 132.0 feet to a point; thence S 12 degrees 25' 30" W 80.04 feet to a point on Dragotta Road; thence along Dragotta Road the following two(2) courses and distances: (1) N 77 degrees 34' 30" W 50.00 feet to a point and (2) S 12 degrees 25'30" W. 272.62 feet to a pipe on the division line between the lands of Scoppa, on the south and the lands being described on the north; thence along said division line S 87 degrees 15' W, 186.67 +/- feet to a point on the division line between the lands of Zambito on the west and the lands being described on the east; thence along the lands of Zambito N 12 degrees 25'30" E., 181.55 feet to a pipe; thence continuing along the lands of Zambito and the lands of McLaughlin N 86 degrees 37'E, 102.27 feet to a pipe; thence continuing along lands of McLaughlin N 13 degrees 14, E, 166.02 feet to the point of beginning, containing 1.14 +/- acres.

BEING the premises conveyed by Lucia T. Albino Gilbert and Salvatore William Albino to William V. Albino and Carmelena M. Albino, his wife, by deed dated August 27, 1983 and recorded in the Ulster County Clerk's Office on the 7th day of December, 1983 in Liber 1495 of Deeds at page 424.

EXCEPTING and RESERVING therefrom the premises conveyed by William V. Albino and Carmelena M. Albino, his wife, Lucia T. Albino Gilbert and Salvatore William Albino to the Town of Marlborough by deed dated September 19, 1979 and recorded in the Ulster County Clerk's Office in Liber 1420 of Deeds at page 046. Said parcel being described as follows:

ALL THAT CERTAIN PIECE OR PARCEL of land situate in the Town of Marlborough, County of Ulster, State of New York, bounded and described as follows:

BEGINNING at a point in the center of the existing South Street, said point being the northwesterly corner of lands of Joseph Amorelli and runs from thence along the bounds of lands of Amorelli, south 12 degrees 25' 30" West 80.04 feet to a point; thence crossing the 50 foot wide street, North 77 degrees 34" 30" West 50.00 feet to a point; thence through lands of Dragotta, North 12 degrees 25'30" East 70.00 to a point in the center of the aforementioned South Street; thence along the center of South Street South 88 degrees 56'East 51.00 feet to the place of beginning and containing 0.086 acres of land.

EXCEPTING AND RESERVING ALL that certain piece or parcel of land, situate in the Town of Marlboro, County of Ulster, State of New York and designated as Lot #1 on filed map # 8303, filed in the Ulster County Clerk's Office on October 18, 1989 and more particularly described as follows:

Beginning at a point on the westerly boundary of Dragotta Road, said point being on the division line between this lot on the north and the lands N/F of Newman on the south; thence along said division line S 87°- 15'W, 186.67 feet to a point on the division line between the lands of Zambito on the west and this lot on the east; thence along said division line N 12°- 25'-30" E, 83.0 feet to a point on the division line between Lot #2, FM # 8303 on the north and this lot on the south; thence along said division line the following two courses and distances (1) N 78°- 17'-40"E, 109.75 feet to a point; thence (2) S 77-34'-30"E, 80.0 feet to a point on the westerly boundary of Dragotta Road; thence along said road boundary S 12°-25'-30" W, 79.0 feet to the place of beginning; containing 0.365 acres.

Copy

ENCROACHMENT AGREEMENT

ENCROACHMENT AGREEMENT made this ___ day of May, 2024, between **JOHN MAZZA** and **MARIE MAZZA**, trustees of the John and Marie Mazza Irrevocable Trust dated April 4, 2024 having an address of 2 Dragotta Road, Marlboro, NY 12542 (the "Owners") and the **TOWN OF MARLBOROUGH**, a municipal corporation with offices at 21 Milton Turnpike, Milton, NY 12547 (the "Town").

WHEREAS, the Owners own certain parcels of real property located at 19 South Street and Dragotta Road in the Town of Marlborough, Ulster County, New York as identified as Tax Parcel No. 108.4-6-5.1 and more particularly described in a certain instrument recorded in the Ulster County Clerk's Office in Liber 7342 of Deeds at page 31; and

WHEREAS, the Owner has applied for approval of a subdivision of the Property and a lot line realignment affecting the Property and, in connection therewith, has applied for a variance from the Zoning Board of Appeals of the Town; and

WHEREAS, while making such applications, it has been determined that a portion of the existing garage on 19 South Street is located within and encroaches upon Dragotta Road, a Town road; and said garage existed prior to said Road being dedicated; and

WHEREAS, the Owners have asked the Town for permission to allow the garage to continue to remain in its present location and to continue to maintain said garage; and

WHEREAS, the Town has agreed to grant such permission subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Owner and the Town agree as follows:

1. This Agreement binds and encumbers Lot 1, which is more particularly described in Schedule A annexed hereto.

2. The Town permits the garage on Lot 1 to remain in its present location within Dragotta Road, as depicted on Schedule B annexed hereto, and permission for owners to enter on the Town Property to use and maintain the encroaching portion of the garage.

3. A) The owners shall defend, indemnify and hold the Town harmless from and against all claims, actions, proceedings, damages, liabilities, losses, costs and expenses arising out of or in connection with the encroachment of the garage within Dragotta Road and the use of such garage.

B) The owners hereby agree to pay for the cost, expenses and filing fees of the Town for the drafting, execution and filing of this agreement.

4. The Towns permission for the portion of the encroaching garage on Dragotta Road may be terminated by the Town upon the following conditions;

A) The owners violating the Terms and Conditions of this Agreement.

B) The garage becomes for any reason dangerous, insecure or unsafe.

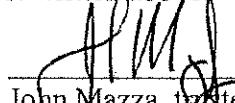
C) In the event of either A or B taking place the Town shall provide at least four (4) weeks written notice by Certified Mail Return Receipt, the violations and/or unsafe conditions and the owner shall have a minimum of 90 days from receipt of said notice to cure and/or remedy said condition and upon owner's written notice by Certified Mail Return Receipt to the Town of the condition being remedied the termination notice is voided.

5. The towns permission for the portion of the encroaching garage on Dragotta Road may be terminated by the Town upon the following condition;

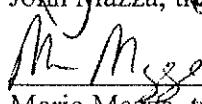
A) The Town Board passing a resolution determining a need to make full public use of the portion of Dragotta Road presently encroached upon by the garage and for the removal of the same in accordance with the rules, regulations and laws existing at that time. The Town shall provide at least (4) weeks written notice by Certified Mail Return Receipt of the passed resolution with a copy of the resolution and owner shall have a minimum of 90 days from receipt of said notice to remove that portion of the garage situated on the Town's property.

6. This agreement shall be recorded and shall be deemed a covenant running with Lot 1 and the Towns Property and shall inure to the benefit of and be binding upon the Owner of Lot 1, the Town and their successors heirs and assigns forever, unless this Agreement is terminated by either the Owner removing the garage or the Town under the terms and conditions set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.



John Mazza, trustee



Marie Mazza, trustee

TOWN OF MARLBOROUGH

By:



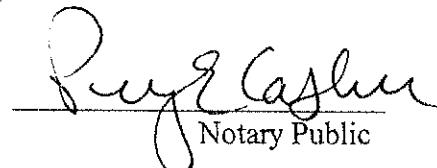
Name: Scott Corcoran
Title: Supervisor

STATE OF NEW YORK)

ss:

COUNTY OF ULSTER)

On the day of May, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared **John Mazza**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


John Mazza
Notary Public

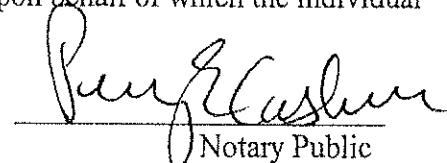
STATE OF NEW YORK)

ss:

COUNTY OF ULSTER)

PENNY E CASHMAN
Notary Public, State of New York
Registration No. 01CA6372126
Qualified in Ulster County
Commission Expires March 12, 2026

On the day of May, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared **Marie Mazza**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Marie Mazza
Notary Public

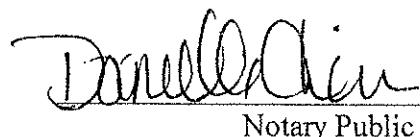
STATE OF NEW YORK)

ss:

COUNTY OF ULSTER)

PENNY E CASHMAN
Notary Public, State of New York
Registration No. 01CA6372126
Qualified in Ulster County
Commission Expires March 12, 2026

On the 14 day of May, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared **Scott Corcoran**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Scott Corcoran
Notary Public

DANIELLE CHERUBINI
Notary Public, State of New York
Qualified in Ulster County
No. 01CH6284534
Commission Expires June 17, 2025