



11 Main Street  
Highland, NY 12528  
Tel: 845.691.7339  
[cpasurvey.com](http://cpasurvey.com)

## **Town of Marlborough Zoning Board Transmittal**

Submittal Date: June 27, 2024

Client Name Fred & Sharon Wilklow

CPA file # 12-230647-00

Attached please find the following items regarding this ZBA  
Area Variance Application.

- ZBA Application
- Variance Test
- EAF short form
- Adjacent owners/addresses list within 500'
- Subject Deed
- 6 - Sketch maps
- Application fee - \$300.00 Check #290
- Escrow fee - \$700.00 Check #291

O:\ADMIN\Planning\Town folders\Marlborough\2024\2024-06-27.transmittal.Wilklow-ZBA.docx

Control Point Associates, Inc. P.C. is pleased to announce the acquisition  
of Brooks & Brooks Land Surveyors, P.C.



**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 June 18, 2024

NAME Frederick M. & Sharon A. Wilklow

ADDRESS 341 Pancake Hollow Road  
Highland, NY 12528

TELEPHONE 914-474-0420

REQUEST (DESCRIBE IN DETAIL) Applicant is seeking an zoning area variance from Section 155-52C for an agricultural buffer for Lot #1.

\*\*\*\*\*

**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 *Paul M. W. Sharpenstein* DATE *6/26/24*

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

APPLICANT Frederick M. & Sharon A. Wilklow PHONE # 914-474-0420  
ADDRESS 341 Pancake Hollow Road Highland NY ZIP 12528  
LOCATION OF PROPERTY 37-43 Baileys Gap Road  
ZONING DISTRICT R-Ag-1 SECTION 95.4 BLOCK 1 LOT 15  
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? 20 +/-

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES? Yes  
NUMBER OF DWELLINGS Two NON-DWELLINGS (GARAGES, SHEDS) 1 Cidery

4. DOES THE EXISTING BUILDING HAVE A CERTIFICATE OF OCCUPANCY? Yes, or pre-dates requirement

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? Yes  
SEASONALLY? \_\_\_\_\_ YEAR-ROUND?

6. HAS IMPROVEMENT, ADDITION, OR CONSTRUCTION BEEN STARTED? Not applicable - none proposed

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:

BOUNDARY OF ANY CITY, TOWN OR VILLAGE?  
 BOUNDARY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARK OR OTHER RECREATION AREA?  
 RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARKWAY, THRUWAY, EXPRESSWAY, ROAD OR HIGHWAY?  
 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: Section 155-52(C) & (D) TITLE: Setbacks and buffers from active Agricultural Lands

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

See attached variance test document.

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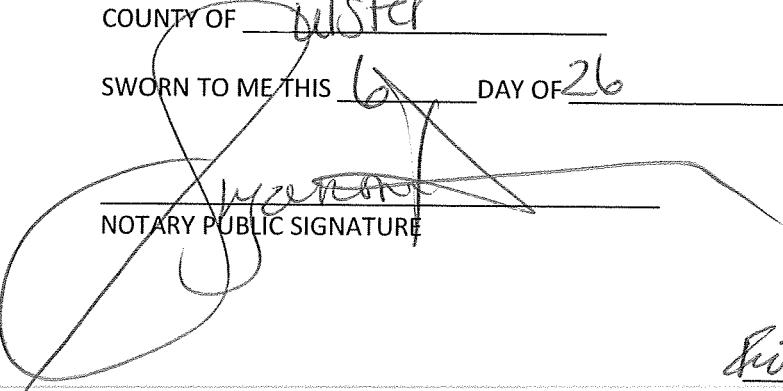
STATE OF NEW YORK

COUNTY OF Ulster

SWORN TO ME THIS

6 DAY OF

2024

  
NOTARY PUBLIC SIGNATURE

  
SIGNATURE

SUZANNE DEMSKIE  
Notary Public, State of New York  
Reg. No. 01DE6240448  
Qualified in Ulster County 27  
Commission Expires May 02, 2026

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

\*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).**

Fredrick & Sharon Wilklow  
APPLICANTS NAME (PRINT)

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**APPLICANTS SIGNATURE**

6/26/24

**Town of  
Marlborough  
Ethics Code**

**TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST**

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

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

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

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

I, Frederick M. & Sharon A. Wilklow, residing at  
341 Pancake Hollow Road Highland, NY 12528, make

the following statements about interests in the real property which is the subject of this application,  
petition or request for a zoning 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:

**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: Frederick Wilklow, Sharon Wilklow

Date: 6/26/24

ACKNOWLEDGMENT

State of New York  
County of: Ulster

On June 26, 2024 before me personally appeared

Frederick Wilklow, Sharon Wilklow, 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.

SUZANNE DEMSKIE  
Notary Public, State of New York  
Reg. No. 01DE6240448  
Qualified in Ulster County  
Commission Expires May 02, 2026

Notary

11 Main Street Highland, NY 12528

845-691-7339 phone 845-691-7166 fax

June 27, 2024

## Variance Test Prepared For Lands of Frederick M. & Sharon A. Wilklow

Applicants Frederick M. and Sharon A. Wilklow are seeking an area variance to allow a two lot subdivision to separate and existing single family residence from the remaining agricultural parcel of land. Outlined below are our responses to the factors that the ZBA must take into consideration in making its determination, showing how the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance:

*Neighborhood character will not be altered as all uses and structures are existing and the separation will have no outward appearance.*

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;

*There is no feasible alternative as all structures on the site are pre-existing and pre-date the setback zoning requirements.*

(3) whether the requested area variance is substantial;

*The area variance is substantial as a 30.3 foot area variance is required, but that is not avoidable as the structures are all existing.*

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

*There will be no adverse impact as a result of the granting of this variance because all the uses and structures pre-date the agricultural buffer requirements and have been utilized as a residential dwelling adjacent to an agricultural building for over 60 years. Fencing has been installed to separate the uses and the lot line has been configured to provide the maximum buffer the site has available*

(5) whether an alleged difficulty is self-created.

*The parcel was purchased after the implementation of the setback and buffer requirements imposed in 2002, but the structures themselves all pre-date zoning.*

Thank you for your continued consideration of this application.

# ***Short Environmental Assessment Form***

## ***Part 1 - Project Information***

### **Instructions for Completing**

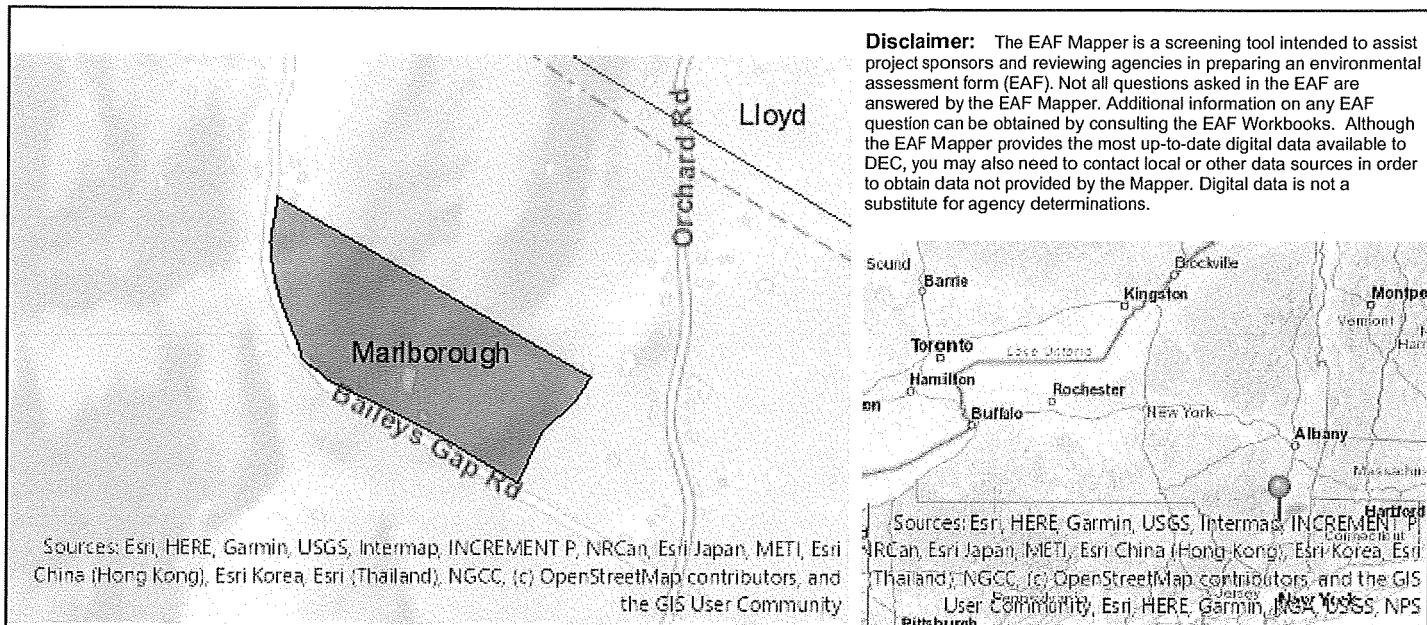
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Two Lot Subdivision of Lands of Frederick M. & Sharon A. Wilklow			
Project Location (describe, and attach a location map): 37-43 Baileys Gap Road, Town of Marlborough, NY			
Brief Description of Proposed Action: Proposed two lot subdivision to separate dwelling and Cidery building onto their own lots. The residential lot will be 1.06 acres in size, with the remaining agricultural parcel being 19+- acres.			
Name of Applicant or Sponsor: Control Point Associates Inc PC		Telephone: 845-691-7339 E-Mail: Pbrooks@cpasurvey.com	
Address: 11 Main Street			
City/PO: Highland		State: NY	Zip Code: 12528
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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: Town of Marlborough ZBA Agricultural buffer		NO	YES
<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		20+- 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?		20+- 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 checked="" 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?	<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:			
Not applicable - no construction proposed	<input checked="" type="checkbox"/>	<input 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: _____ An existing well services the cidery and the dwelling	<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: _____ Individual septic systems are in place for each lot	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
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	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There are no regulated wetlands on or adjacent to this parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
16. Is the project site located in the 100-year flood plan?			
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,			
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/>			
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/>			
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/>			
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/>			
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>			
Applicant/sponsor/name: Control Point Associates		Date: May 24, 2024	
Signature: _____		Title: Land Surveyor/Agent _____	



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

Wilklow  
500' Adjoiners

Parcel	Owner	Secondary_Owner	Mailing_Address	Mailing_City	Mailing_Zip
95.4-1-15	Frederick M Wilklow	Sharon A Wilklow	341 Pancake Hollow R	Highland NY	12528
95.4-1-11.100	Frederick Palmatier	Bonnie Palmatier	98 Bailey's Gap Rd	Highland NY	12528
95.4-1-14.100	Terrence Cuddy	Laura Cuddy	50 Baileys Gap Rd	Highland NY	12528
95.4-1-13.100	Ernest R Brown		94 Bailey's Gap Rd	Highland NY	12528
95.4-2-6	291 Orchard Holdings LLC		26 Perkinsville Rd	Highland NY	12528
95.4-1-26.100	Orchard Farmhouse LLC		288 Orchard Rd	Highland NY	12528
95.4-1-30.100	Garone's Mountain Fresh Farms LLC		PO Box 235	Clintondale NY	12515
95.4-1-25	Dalia Gearhart		292 Orchard Road	Highland NY	12528
95.4-1-35	Town of Marlborough		PO Box 305	Milton NY	12547
95.4-1-28	Adam Barson	Paula De La Puente	280 Orchard Rd	Highland NY	12528
95.4-1-31	Deborah Kruszenski		278 Orchard Rd	Highland NY	12528
95.4-1-33	Diane Altieri		272 Orchard Rd	Highland NY	12528
95.4-1-32	Madelaine A Buonfiglio		7 Baileys Gap Rd	Highland NY	12528
95.3-1-19	Eric Lofaro		182 Tuckers Corners R	Highland NY	12528
95.4-1-16	Lawrence P Fuhrmann		93 Bailey's Gap Road	Highland NY	12528
95.4-1-26.200	Ronald S Tyler	Marie A Tyler	286 Orchard Road	Highland NY	12586
95.4-1-27.211	George Crimivarioli	Carole Crimivarioli	279-282 Orchard Rd	Highland NY	12528
95.4-1-27.212	David C Wiley Jr		279 Orchard Rd	Highland NY	12528
95.4-2-8.100	Michael B Hackett	Dianne Hackett	269 Orchard Rd	Highland NY	12528
95.4-2-7.100	Michael Kirzoncic		275 Orchard Rd	Highland NY	12528
95.4-1-14.200	Terrence Cuddy	Laura Cuddy	50 Baileys Gap Rd	Highland NY	12528

Ulster County  
Nina Postupack  
County Clerk  
Kingston, NY 12401



602011 00001658

Volm-5072 Pg-125

Instrument Number: 2011-00001658

As  
D01 - Deed

Recorded On: January 31, 2011

Parties: BROZENICH GARY

To  
WILKLOW FREDERICK M

Billable Pages: 5

Recorded By: HVA

Num Of Pages: 5

Comment:

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

D01 - Deed	65.00	RP5217-125	125.00	Tax Affidavit TP 584	5.00
Recording Charge:	195.00				
		Consideration			
	Amount	Amount	RS#/CS#		
Tax-Transfer	1,760.00	440,000.00	2040	Basic	0.00
MARLBOROUGH				Special Additional	0.00
				0.00 Transfer	1,760.00
Tax Charge:	1,760.00				

\*\* 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:

Record and Return To:

Document Number: 2011-00001658

JAMES L MELBERT ESQ

Receipt Number: 1004208

PO BOX 574

Recorded Date/Time: January 31, 2011 01:40:44P

NEW PALTZ NY 12561

Book-Vol/Pg: Bk-D VI-5072 Pg-125

Cashier / Station: s smat / Cashier Workstation 4



Nina Postupack Ulster County Clerk

5  
JW.  
34

## BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR (INDIVIDUAL)

### STATUTORY FORM C

THIS IS A LEGALLY BINDING INSTRUMENT. IF NOT FULLY UNDERSTOOD, WE  
RECOMMEND ALL PARTIES TO THE INSTRUMENT CONSULT AN ATTORNEY BEFORE  
SIGNING.

T.T.  
1/26/01

**THIS INDENTURE**, made the 1 day of January, two thousand and eleven,  
between GARY BROZENICH, of 43 Bailey's Gap Road, Highland, New York 12528,  
party of the first part, and as husband + wife   
Frederick M. Wilklow & Sharon A. Wilklow, of 341 Pancake Hollow Road, Highland, New York 12528,  
party of the second part:

**WITNESSETH**, that the party of the first part, in consideration of one dollar and other good and  
valuable consideration, lawful money of the United States, paid by the party of the second part, does  
hereby grant and release unto the party of the second part, successors and assigns forever, all that certain  
plot piece or parcel of land, lying situate and being in the Town of Marlboro, County of Ulster, State of  
New York, more particularly described in Schedule A Description attached hereto;;

Subject to all covenants, easements and restrictions of record, if any, affecting said premises;

Being and hereby intending to convey the same premises as conveyed to the parties of the first  
part by Deed dated September 15<sup>th</sup>, 2000 and recorded in the Ulster County Clerk's Office on September  
27<sup>th</sup>, 2000, in Liber/Reel 3085 at page 234;

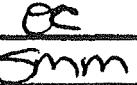
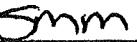
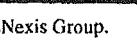
**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any  
streets and roads abutting the above described premises to the center lines thereof;

**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,  
successors and assigns forever. And the party of the first part covenants that he has not done or suffered  
anything whereby the said premises have been encumbered in any way whatever.

And the party of the first part/grantor, in compliance with Section 13 of the Lien Law, covenants  
that the party of the first part/grantor 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" or "grantor" shall be construed  
as if it read "parties" or "grantors" whenever the sense of this document so requires.

**IN WITNESS WHEREOF**, the party of the first part has hereunto set his hand and seal the day  
and year first above written.

checked   
entered   
mark off 

***IN WITNESS WHEREOF***, the party of the first part has hereunto set his hand and seal the day and year first above written.

~~GARY BROZENICH, Seller~~

In presence of:

Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 1 day of December in the year 2010, before me, the undersigned, personally appeared GARY BROZENICH, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

DEHNA M. DYKEMAN  
Notary Public, State of New York  
No. 01DY6202187  
Qualified in Dutchess County  
Commission Expires March 9, 2013

✓ **HUDSON VALLEY ABSTRACT  
COMPANY, INCORPORATED**  
Seven Innis Avenue, PO Box 220  
New Paltz, NY 12561  
Telephone: 845-255-0007

R.R. 6  
James L. Melbert, Esq.  
P.O. Box 574  
New Paltz, N.Y. 12561

## Schedule A Description

Underwriter No. 21,190  
Title Number 750-U-9771

Page 1

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Marlboro, County of Ulster and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point in Bailey's Gap Road, said point being in range with the division line of lands now or formerly of Coustant and the herein described parcel and running thence through Bailey's Gap Road the following courses and distances:

North 45 degrees 05'10" West 324.69 feet;

North 52 degrees 15'45" West 156.61 feet;

North 45 degrees 58'20" West 292.48 feet;

North 46 degrees 33'50" West 325.45 feet;

North 26 degrees 12'30" West 51.26 feet;

North 16 degrees 18'40" West 68.05 feet;

North 07 degrees 53'15" West 219.75 feet;

North 02 degrees 49'50" West 130.33 feet;

North 04 degrees 33'40" East 74.61 feet;

North 12 degrees 04'00" East 70.30 feet;

North 18 degrees 26'30" East 55.45 feet; and

North 22 degrees 00'30" East 202.72 feet;

THENCE along lands now or formerly of Fuhrman, South 53 degrees 52'25" East 163.75 feet to a point in a stone wall;

THENCE following a wall and the projection thereof, South 44 degrees 23'45" East 383.16 feet;

THENCE along the southerly side of a lane and through a wall and following:

South 43 degrees 12'00" East 181.98 feet;

Continued -

**Schedule A Description**

Underwriter No. 21,190  
Title Number 750-U-9771

Page 2

South 46 degrees 17'40" East 458.18 feet;

South 43 degrees 14'00" East 93.53 feet and

South 45 degrees 45'40" East 417.08 feet to a wall corner;

THENCE still through a stone wall and along lands now or formerly of Coutant, South 44 degrees 46'20" West 132.66 feet;

South 60 degrees 49'50" West 198.00 feet;

South 39 degrees 49'05" West 293.70 feet to the point or place of BEGINNING.