

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 06/04/2024

NAME Darrin Scalzo

ADDRESS 57 Fifth Avenue
Newburgh, NY 12550

TELEPHONE 845-629-2040

REQUEST (DESCRIBE IN DETAIL) Seeking a 1.23' area variance in
accordance with section 134-18C -
"Driveways serving individual lots shall have a
minimum right-of-way of 25 feet in width"

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

DATE 06/04/2024

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

APPLICANT Darrin Scalzo PHONE # 845-629-2040

ADDRESS 57 Fifth Avenue, Newburgh, NY ZIP 12550

LOCATION OF PROPERTY 28 Winston Place, Marlboro, NY

ZONING DISTRICT R-Ag-1 SECTION 108.3 BLOCK 04 LOT 23.700

APPLICANT IS: OWNER XX 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? 6.05 Acres

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES? No
NUMBER OF DWELLINGS _____ NON-DWELLINGS (GARAGES, SHEDS) _____

4. DOES THE EXISTING BUILDING HAVE A CERTIFICATE OF OCCUPANCY? N/A

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? N/A
SEASONALLY? _____ YEAR-ROUND? _____

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

7. WILL PREMISES BE OWNER OCCUPIED? Yes

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

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

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: 134-18 TITLE: Lots

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).

Seeking an area variance of 1.23 feet for proposed lot #1 for a potential subdivision of a 6.05 Acre Lot

This front lot (#1) sale will offset the cost to build a driveway of over 800 feet for my planned residence.

The Winston Place subdivision is comprised of stately homes with manicured lawns and mature plantings

and by developing this front lot (#1) would be consistent with the neighborhood character.

STATE OF NEW YORK

COUNTY OF Orange

SWORN TO ME THIS 3 DAY OF June 2024

NOTARY PUBLIC SIGNATURE

CARL DARRIGO
Notary Public, State of New York
Reg. No. 02DA5069651
Qualified in Orange County
Commission Expires 11/25/2026

SIGNATURE



SIGNATURE

ZONING VARIANCE AREA/USE

1. AREA MAPS SHOWING THE LOCATION OF THE PROPOSAL

- A. SUBMIT AN 8 1/2" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF EITHER A USGS OR NYS DEPARTMENT OF TRANSPORTATION MAP – 1:2400 SCALE
- B. SUBMIT AN 8 1/2" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE MUNICIPAL ZONING MAP
- C. SUBMIT AN 8 1/2" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE LOCAL TAX MAP OF THE APPLICANT'S PROPERTY

2. COMPLETE WRITTEN DESCRIPTION OF THE PROPOSAL

3. SITE PLAN SHOWING PHYSICAL CHARACTERISTICS OF PROPERTY; EXISTING AND PROPOSED LAYOUT OF BUILDINGS, STRUCTURES, ADDITIONS, PARKING, ROAD OR HIGHWAY ACCESS, DRAINAGE AND AVAILABILITY OF UTILITIES (APPROPRIATE SCALE)
4. SUPPORTING MATERIAL USED IN REQUEST, SUCH AS TRAFFIC GENERATION, ADDITIONAL SERVICES ETC.
5. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED
6. ZONING PROVISION FROM WHICH A VARIANCE IS REQUESTED
 - A. LIST "PRACTICAL DIFFICULTIES" FOR AN AREA VARIANCE
 - B. LIST "UNNECESSARY HARDSHIPS" FOR A USE VARIANCE
7. COPY OF ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT AS REQUIRED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR).
8. AFTER ULSTER COUNTY PLANNING BOARD REVIEW, SUBMISSION OF FINAL ACTION REPORT

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).

Darrin Scalzo

APPLICANTS NAME (PRINT)

APPLICANTS SIGNATURE

06/04/2024

DATE

**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, Darrin J. Scalzo, residing at 57 Fifth Avenue, Newburgh, NY 12550, make the following statements about interests in the real property which is the subject of this application, petition or request for a area variance of 1.23 feet, 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: Carl J. Scalzo

Date: JUNE 03, 2024

ACKNOWLEDGMENT

State of New York
County of: Orange

On June 3, 2024, before me personally appeared

Darrin Scalzo, 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.



CARL DARRIGO
Notary Public, State of New York
Reg. No. 02DA5069651
Qualified in Orange County
Commission Expires 11/25/2026

Notary

TOWN OF MARLBOROUGH
PO Box 305 Milton NY 12547
TELEPHONE NO. 795-2406 : FAX NO. 795-6171

DEPARTMENT OF BUILDINGS

THOMAS CORCORAN JR.
BUILDING INSPECTOR
CODE ENFORCER
FIRE INSPECTOR

Date: March 18,2023

Re: Winston Drive, Marlboro, N.Y. 12542

Name : Darrin Scalzo

S.B.L. : 108.3-4-23.700

This letter is to verify that the building department has reviewed the Building permit application and has concluded :

____ XXX ____ : The application is rejected for the following reasons :

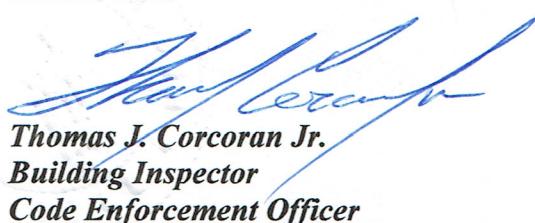
Town Code section 134-18 (C) - *Driveways*

Lots shall generally not have their vehicular access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined driveway in order to limit possible traffic hazards on such street. Driveways serving individual lots shall have a minimum right-of-way of 25 feet in width and a travel way of at least 15 feet in width.

____ XXX ____ : The application must be presented to the Town of Marlborough Zoning Board because :

Minimum Driveway shall have a minimum right of way of 25 feet and the requested subdivision driveway is 23.77 feet

Thank You.


Thomas J. Corcoran Jr.
Building Inspector
Code Enforcement Officer

28 Winston Place – Project Description

Darrin Scalzo – 28 Winston Place - Zoning Board of Appeals application

Seeking an area variance of 1.23 feet of road frontage on Winston Place in Marlboro.

The current 6.05 acre lot has a total of 48.77 feet of road frontage on Winston Place. I am proposing a two lot subdivision and each lot requires 25 feet of road frontage. The smaller of the two lots will be 1.40 acres, which is equal or larger than four lots in the 16 lot subdivision. The larger lot will be over 4 acres. The property has an elevation change of nearly 90 feet from the road elevation to the upper portion of the lot. The proposed upper lot will require a driveway length of over 800 feet to be below maximum driveway grade requirements.

The parcel is in the R-Ag-1 Zone which requires a minimum of 1 Acre per lot.

The proposed layout will meet or exceed all other bulk table requirements.

The proposed layout also shows a common driveway, which will serve both lots, for approximately 210 feet.

In reviewing the summary of area variance criteria, the proposed benefit can't be achieved by other means feasible to the applicant.

The proposed layout will not create an undesirable change in the character of the neighborhood as the lot sizes are similar or larger than other lots in the subdivision. Additionally, all but one of the lots in the subdivision have manicured landscaping and by developing this lot, the lower lot will remove the old unmaintained apple trees and have a landscape plan more in-line with the existing homes.

The request is not substantial as the 1.23 variance request equates to only 4.9% over the required 25 feet.

The request will not have adverse physical or environmental effects.

While it's relevant, but not determinative, the alleged difficulty is self created.



ULSTER COUNTY - STATE OF NEW YORK
NINA POSTUPACK, COUNTY CLERK
244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 6546 / 314
INSTRUMENT #: 2020-751

Receipt #: 20201753216

Clerk: KT

Rec Date: 01/15/2020 01:27:33 PM

Doc Grp: D

Descrip: DEED

Num Pgs: 5

Rec'd Frm: NEW VENTURE ABSTRACT

Party1: B&M ENTERPRISES OF ULSTER LLC

Party2: SCALZO DARRIN J

Town: MARLBOROUGH

Recording:

Cover Page	5.00
Recording Fee	35.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 315.00

Transfer Tax

Transfer Tax - State 100.00

Sub Total: 100.00

Total: 415.00

***** NOTICE: THIS IS NOT A BILL *****

***** Transfer Tax *****

Transfer Tax #: 2898

Transfer Tax

Consideration: 25000.00

Transfer Tax - State 100.00

Total: 100.00

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a (5) & 319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Record and Return To:

DARRIN J SCALZO
57 FIFTH AVENUE
NEWBURGH NY 12550

Nina Postupack
Nina Postupack
Ulster County Clerk

4

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made as of the 27 day of December in the year 2019,

BETWEEN

B&M ENTERPRISES OF ULMSTER, LLC, a domestic limited liability company, with an address at 8 Cheanda Lane, Wallkill, New York 12589,

party of the first part, and

DARRIN J. SCALZO, residing at 57 Fifth Avenue, Newburgh, New York 12550,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 (\$10.00) ----- DOLLARS and other valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with building and improvements thereon erected, situate, lying and being in the Town of Marlborough, County of Ulster and State of New York and being more particularly bounded and described in the attached Schedule "A".

PROPERTY: 28 Winston Place, Marlboro, New York 12542
TAX GRID NO.: 108.3-4-23.7

BEING AND INTENDED to be the same premises conveyed to B&M Enterprises of Ulster, LLC by deed dated March 13, 2015 from Winston Estates, LLC and recorded in the Ulster County Clerk's Office on March 26, 2015 at Liber 5383 Page 207.

THIS transaction is conducted in the normal course of Grantor's Business and does not constitute all or substantially all of Grantor's assets.

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.

Schedule A Description

Title Number **19-NV-UL-74565**

Page **1**

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Marlborough, County of Ulster and State of New York and known as Lot No. 7 on a certain subdivision plat entitled "Map of Subdivision of Winston Estates, Town of Marlboro, Ulster County, New York" dated June 10, 2003 and filed in the Ulster County Clerk's Office on March 1, 2005 as Filed Map No. 05-196.

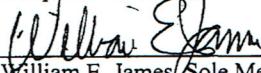
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

B&M Enterprises of Ulster, LLC

By:


William E. James

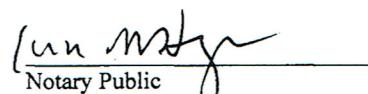
Sole Member

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

On December 27, 2019 before me, the undersigned a Notary Public in and for said State, personally appeared **WILLIAM E. JAMES** 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.



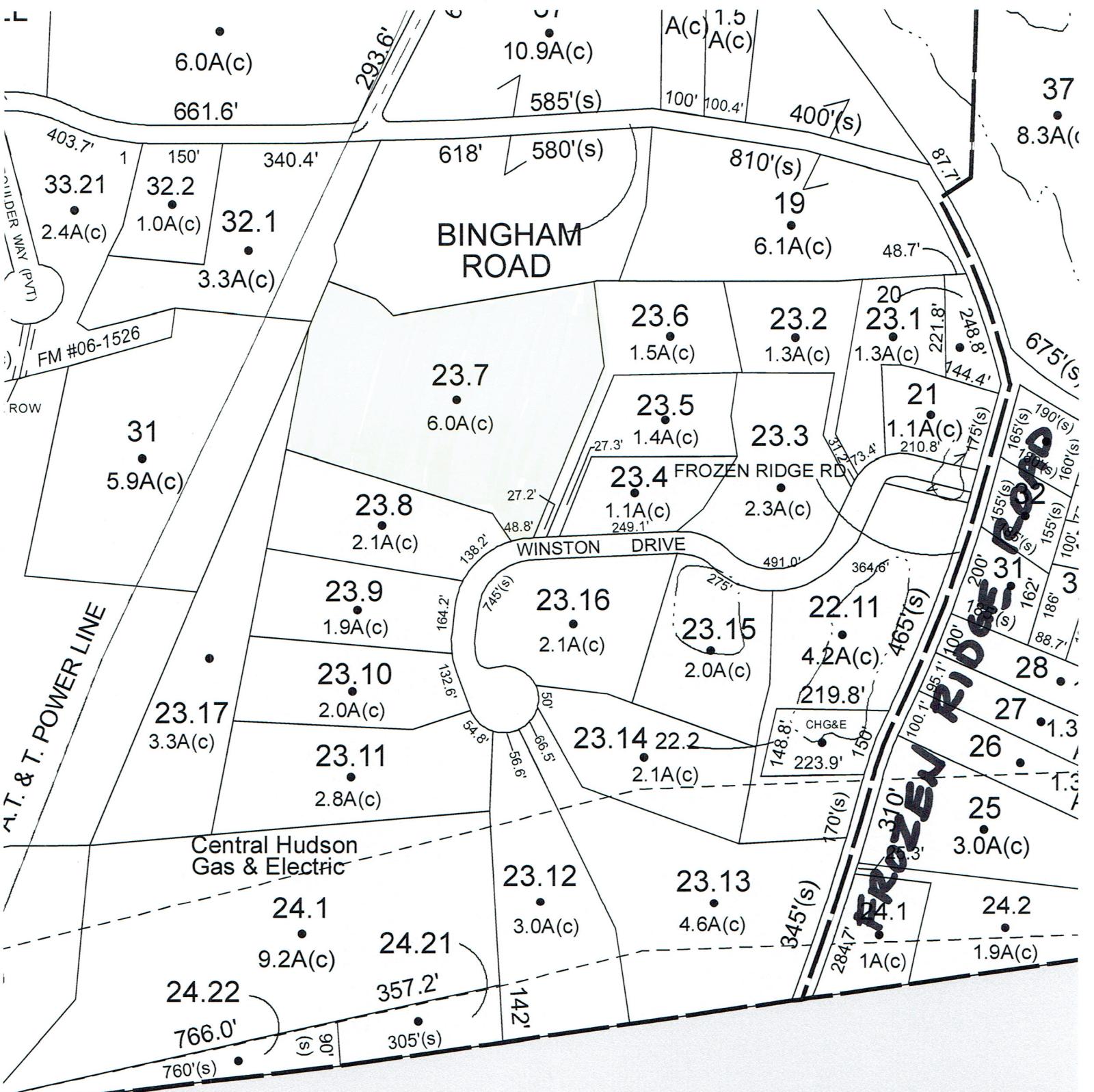
Notary Public

Record and Return:

Darrin J. Scalzo
57 Fifth Avenue
Newburgh, NY 12550

~~KENNETH M. STENDER
Notary Public, State of New York
No. 02ST4648576
Qualified in Dutchess County
Commission Expires Jun. 30, 2020~~

KENNETH M. STENDER
Notary Public, State of New York
No. 02ST4648576
Qualified in Dutchess County
Commission Expires July 31, 2021



TAX MAP SECTION 108.3
BLOCK 4

Short Environmental Assessment Form

Part 1 - Project Information

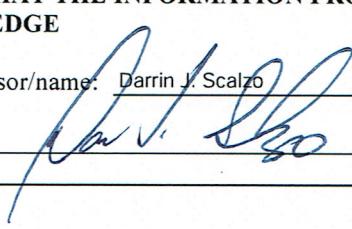
Instructions for Completing

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.

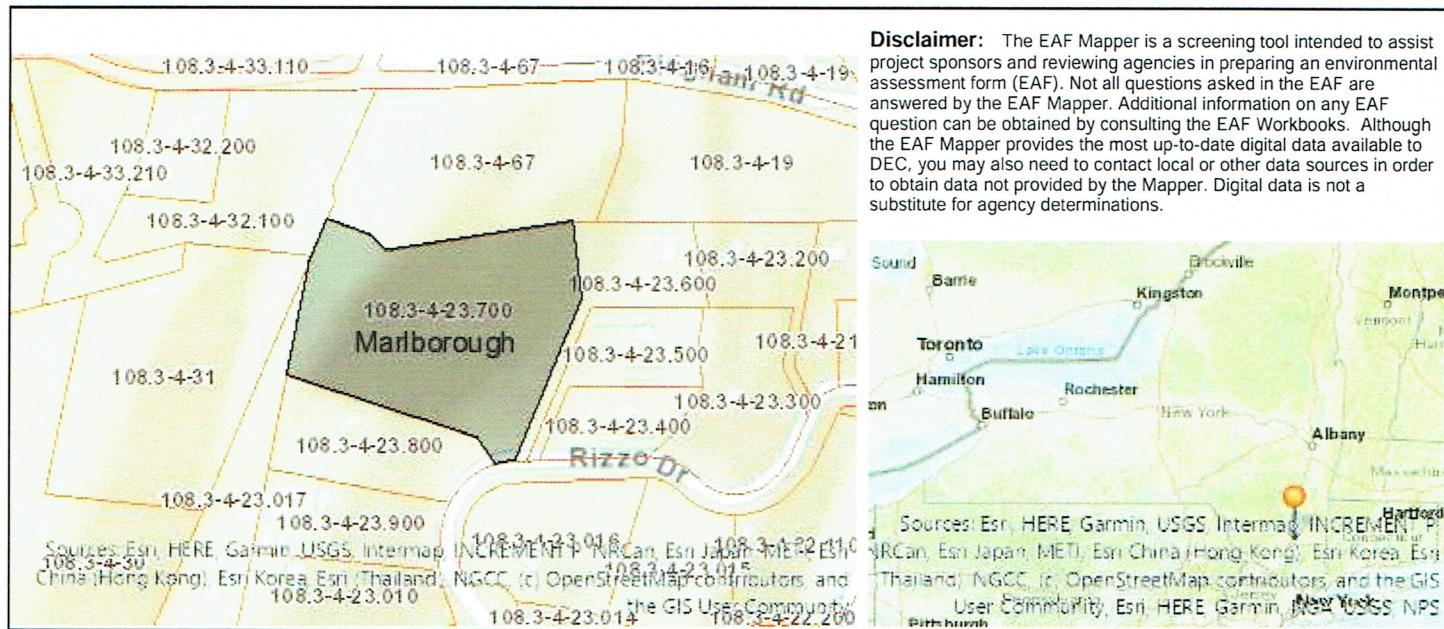
Part 1 – Project and Sponsor Information		
Name of Action or Project: Proposed two lot subdivision prepared for Scalzo		
Project Location (describe, and attach a location map): 28 Winston Place, Marlboro, NY		
Brief Description of Proposed Action: Proposed 2 lot subdivision which require a 1.23 foot area variance for road frontage on Winston Place.		
Name of Applicant or Sponsor: Darrin Scalzo		Telephone: 845-629-2040 E-Mail: dscalzo@gmail.com
Address: 57 Fifth Avenue		
City/PO: Newburgh		State: NY Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		
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.		
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 Marlboro Zoning Board of Appeals and Planning Board		
3. a. Total acreage of the site of the proposed action? 6.05 acres b. Total acreage to be physically disturbed? less than 2 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 6.05 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:		
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Individual drilled well _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Sanitary facilities (septic) will be designed by a Professional Engineer and reviewed by the Ulster County Health Dept. _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
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: _____ _____	<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 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,			
<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>			
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/> <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/> <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/> <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/> <hr/>			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor/name: <u>Darrin J. Scalzo</u> Date: <u>06/01/2024</u>			
Signature: <u></u> Title: <u>Owner / Engineer</u>			

EAF Mapper Summary Report

Saturday, June 1, 2024 4:32 PM



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

Article IV Design Standards and Required Improvements

§ 134-14 Applicability of design standards.

The design standards listed in this Article shall be incorporated in all proposed plans.

§ 134-15 General requirements.

Land shall be suited to the purposes for which it is to be subdivided. In general, the Planning Board shall take the following factors into consideration prior to the approval of any subdivision plan.

- A. Circulation. Streets shall be of sufficient width and suitably located to accommodate the prospective traffic, to provide access for fire-fighting equipment to buildings and to be coordinated so as to compose a convenient system conforming to the town plan and relating properly to the existing street system.
- B. Safety. The tract shall be adequately drained, and all lots shown on the plans shall be adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace. Required improvements shall be designed and constructed to conform to specifications established by the Town Board.

§ 134-16 Streets.

- A. General. Streets shall be suitably located and of sufficient width and adequately improved to accommodate prospective traffic and to afford satisfactory access to police, fire-fighting, snow removal or other road maintenance equipment and shall be coordinated so as to compose a convenient system.
- B. Relation to topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many building sites as possible at or above the grade of the street. Grades and curves shall be in conformity with Table 1 in Subsection I below.
- C. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection and efficient provision of utilities and particularly where such continuation is in accordance with the town plan, as it may be adopted. Reserve strips, controlling access to streets, shall be prohibited except where their control is placed with the town under conditions approved by the Planning Board. If adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround, with a traveled way radius of at least 50 feet, shall be provided on any temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutting properties.
- D. Treatment of major streets.
 - (1) Residential areas. Where a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the realty property line or such other treatment as may be necessary for adequate protection of residential properties and afford separation of through and local traffic.
 - (2) Business areas. In areas zoned or designed for commercial use or where a change of zoning is contemplated for commercial use, the Planning Board may require that the street width be increased or that a service road be constructed to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial area.

- E. Dead-end streets. Permanent dead-end streets shall not exceed 2,000 feet in length, measured from the intersection with the center line of the connecting public road, in order to provide for convenience of traffic movement and facilitate more effective police and fire protection. A depth suitable for an adequate building lot shall be retained between the terminus of the road and adjoining property. A circular turnaround with a minimum right-of-way radius of 66 feet and a pavement radius of 50 feet shall be provided at the end of permanent dead-end street.
[Amended 3-8-1999 by L.L. No. 2-1999]
- F. Street names. All streets shall be named and such names shall be sufficiently different in sound and spelling from other street names in the town to avoid confusion. A street which is a continuation of an existing street shall bear the same name.
- G. (Reserved)^[1]
[1] *Editor's Note: Former Subsection G, Intersections, was repealed 2-9-2004 by L.L. No. 6-2003.*
- H. Provision for future resubdivision. Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged, where possible, to allow the provision of future streets and logical further subdivision.
- I. Streets shall be designed and constructed in accordance with the Code of the Town of Marlborough as established in Chapter of 130 of said Code.
[Amended 2-9-2004 by L.L. No. 6-2003]

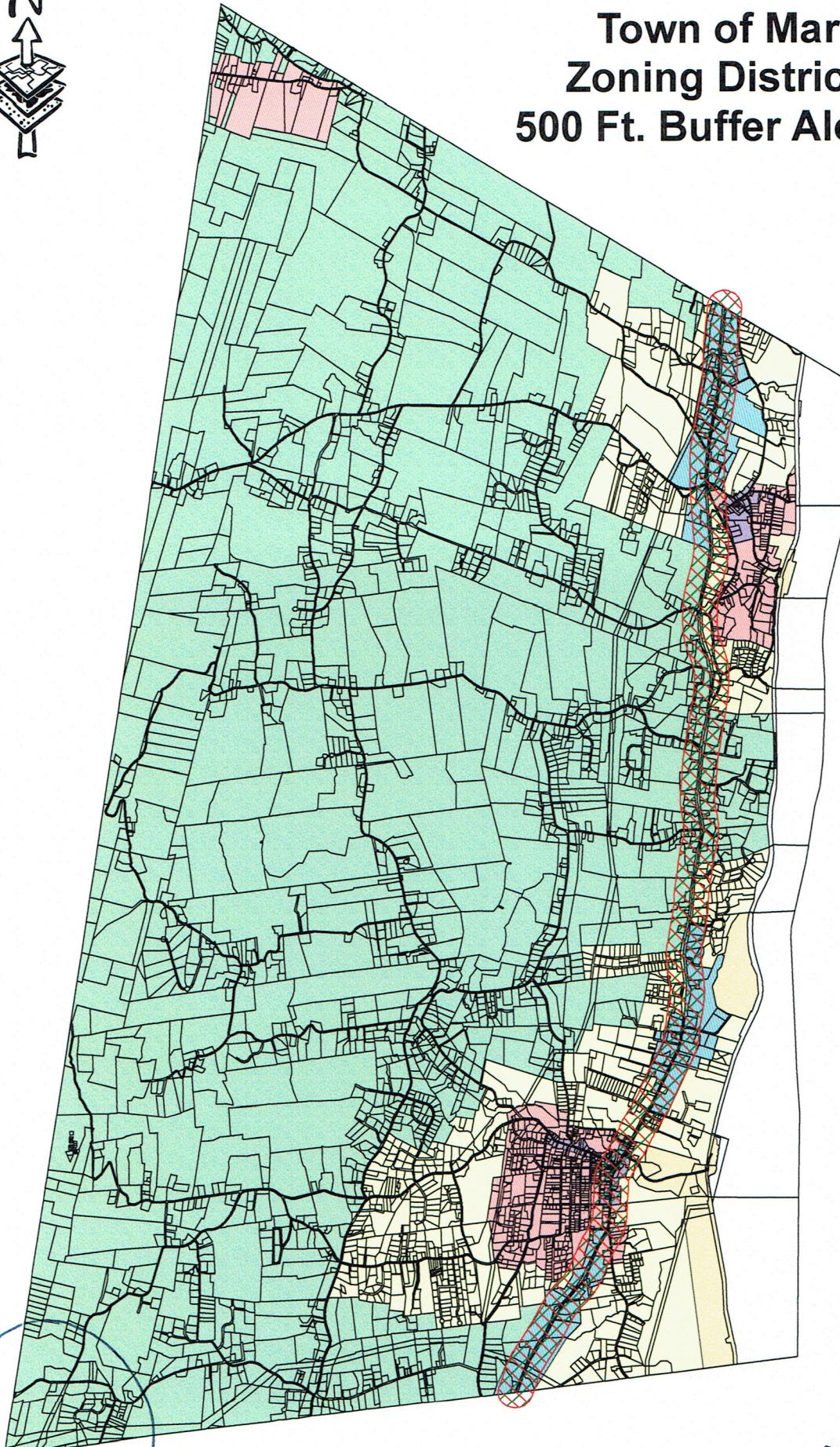
§ 134-17 Blocks.

Block dimensions shall be at least twice the minimum lot depth and/or at least 400 feet in length. In long blocks, the Planning Board may require the establishment of easements or public ways through the block to accommodate utilities or pedestrian access.

§ 134-18 Lots.

- A. General. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated and shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on all lots in compliance with the Zoning Ordinance^[1] or in providing access to buildings on such lots from an approved street. In cases where the Planning Board determines that due to topography, soil type, drainage patterns, easements or any other physical limiting condition is evident, the Planning Board may require lot sizes greater than the minimum called for in the Zoning Ordinance for that district. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
[1] *Editor's Note: See Ch. 155, Zoning.*
- B. Side lot lines. Side lot lines shall be at right angles to street lines unless a variation from this rule will, in the opinion of the Planning Board, give a better street or lot plan. Lot lines shall coincide with municipal boundaries rather than cross them. Where extra width has been dedicated for widening an existing street, lot lines shall begin at such extra width line.
- C. Driveways. Lots shall generally not have their vehicular access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined driveway in order to limit possible traffic hazards on such street. Driveways serving individual lots shall have a minimum right-of-way of 25 feet in width and a travel way of at least 15 feet in width.
- D. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure of a design approved by the Town Highway Superintendent.
- E. Water bodies. If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the ownership of the water body among the fees of the adjacent lots. The Planning Board may approve an alternate plan whereby the ownership of and responsibility for safe

**Town of Marlborough
Zoning District Map with
500 Ft. Buffer Along Route 9W**



Map Legend

	500 Ft. Buffer off Route 9W
	Parcel Boundaries
Marlborough Zoning Districts	
ZONE	
	C
	C-2
	HD
	IND
	R
	R-1
	RAG-1

SITE

108.3-4-67 Kathleen E Poulin Ashley D Poulin 387 Plattekill Rd Marlboro NY, 12542	108.3-4-23.400 Robert Rosenberger 16 Winston Pl Marlboro NY, 12542	108.3-4-32.100 Donald Moyer Darlene Moyer 411 Plattekill Rd Marlboro NY, 12542
108.3-4-16 Robert Burns Mary A Burns 422 Bingham Rd Marlboro NY, 12542	108.3-4-23.800 Baron Aponte Juanita Delgado-Aponte 32 Winston Pl Marlboro NY, 12542	108.3-4-32.200 Clemente Bottini Sharonlee Bottini 417 Plattekill Rd Marlboro NY, 12542
108.3-4-17 Kennie Diaz 420 Bingham Rd Marlboro NY, 12542	108.3-4-23.900 Michael Gecht Yao Lin 36 Winston Pl Marlboro NY, 12542	108.3-4-33.210 Michael Denaro 35 Cheever Pl Brooklyn NY, 11231
108.3-4-19 Roberto Ramirez Rosa Ramirez 414 Bingham Rd Marlboro NY, 12542	108.3-4-23.010 Timothy R McDonald Jennifer T McDonald 40 Winston Pl Marlboro NY, 12542	108.3-4-31 William Walsh 336 Plattekill Rd Marlboro NY, 12542
108.3-4-23.100 David Felker Lauren Felker 4 Winston Pl Marlboro NY, 12542	108.3-4-23.011 Bryan Collier Kristina Collier 44 Winston Pl Marlboro NY, 12542	108.3-4-30 A L Morehead Sr 14 Pilla Dr Newburgh NY, 12550
108.3-4-23.200 Gerard D Matthew Janise Matthew 8 Winston Pl Marlboro NY, 12542	108.3-4-23.012 Helena Laurino 48 Winston Pl Marlboro NY, 12542	108.3-4-23.017 Jason S Matuskiewicz 168 Stanhope St Unit #B Brooklyn NY, 11237
108.3-4-23.300 Alisa Lanzetta 12 Winston Pl Marlboro NY, 12542	108.3-4-23.013 108.3-4-23.014 Eric Giaquinto 39 Winston Place Marlboro NY, 12542	108.3-4-33.110 Peter Gaetano Lindsay Calalua Gaetano 16 Sulky Dr Newburgh NY, 12550
108.3-4-23.600 Darren Jordan 24 Winston Pl Marlboro NY, 12542	108.3-4-23.016 Carlton C Mattison Caroline Austin-Mattison 19 Winston Pl Marlboro NY, 12542	
108.3-4-23.500 Courtney Turner Jacqueline Turner 20 Winston Pl Marlboro NY, 12542	108.3-4-23.015 Crystal Stephens 15 Winston Pl Marlboro NY, 12542	