

ZONING BOARD CORRESPONDENCE



August 16, 2024

20233707.0001

MARLBOROUGH RESORT MARLBOROUGH, NY

LIST OF ATTACHMENTS

Letter 1: Cuddy & Feder
Letter 2: Tom Corcoran
Letter 3*: Tom Corcoran

*Letter 3 served as the denial letter for the existing building proposed to be converted to Distillery use needing an area variance for the existing non-conformance in setback. This allowed us to apply to the Zoning Board of Appeals. We have appeared and are scheduled for a public hearing on 9/12/20234

PREPARED FOR:
Marlborough Resort LLC
100 Ring Road West, Room 101
Garden City, NY 11530



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300

May 8, 2024

Anthony B. Gioffre III
agioffre@cuddyfeder.com

BY EMAIL

Tom Corcoran
Building Inspector and Code Enforcement Officer
Town of Marlborough
21 Milton Turnpike, Suite 200
Milton, NY 12547

Re: Marlborough Resorts, LLC
Use Description for Marlborough Resorts
Premises: 626 Lattintown Road, Town of Marlborough
SBL: 102.4-3-8.8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29

Dear Mr. Corcoran:

We submit this letter on behalf of our client, Marlborough Resorts, LLC (the "Applicant") with regard to its proposed redevelopment and reuse of the property located at 626 Lattintown Road comprised of 4 separate tax lots (102.4-3-8.8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29) (the "Premises"). As previously presented to the Town Planning Board at its January 16, 2024 meeting and further discussed during the meeting with Town officials, staff, and consultants on March 22, 2024, the Applicant proposes to reuse the Premises for the Marlborough Resort Development which uses the existing structures and proposes the construction of several new structures.

The Premises is currently used as the St. Hubert's Lodge and Club which is a destination location combining rustic ambiance of mountain range lodging with luxuries and amenities of a five-star resort. Similarly, the Town Planning Board approved a site plan in 2011 for the Premises' consisting of a Bed & Breakfast, Lodge, Outdoor Commercial Recreation facility, and Kennel. That approved use included a permitted event schedule allowing, among other events, daily events of up to 100 participants and 15 events per year with up to 500 participants each. Consistent with that Premises' prior uses, the Applicant intends to develop and expand on this use by repurposing several of the existing structures and renovating the existing lodge. Additionally, the Applicant intends to construct several new buildings providing sleeping accommodations, recreational amenities, and other hospitality services.



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This letter and enclosures are submitted to your office seeking confirmation and a determination that the proposal, and all aspects thereof, constitute a “Resort Hotel” use which is permitted in the Town of Marlborough’s R-Ag-1 Rural Agricultural District (“R-Ag-1 District”). This letter is submitted in response to comments raised in the Town of Marlborough Planning Board Technical Review Comments prepared by MHE Engineering dated January 12, 2024 as well as comments raised during the March 22 meeting.

I. The Resort Hotel and its Accessory Uses are Permitted at the Premises

The R-Ag-1 District permits the “Resort Hotel” use as a Special Use. The R-Ag-1 District also permits accessory uses and structures customarily appurtenant to a principal permitted use. A Resort Hotel is defined by the Town Code as follows:

An area of land on which is located a hotel or group of buildings containing living and sleeping accommodations for 20 or more persons hired out for compensation and which has a public lobby serving guests and contains one or more dining rooms and recreation facilities.

As defined, the Town regulates the Resort Hotel as one lot which contains one or more buildings for different purposes. This is evident in the definition as well as the supplemental regulations governing the use which requires the submission of a “map or plan of the entire property, showing the proposed location and dimensions of all structures, recreation and community facilities proposed....”¹ As previously discussed and as more fully described herein, the proposal contains several buildings with separate facilities and provides the necessary components as permitted and regulated by the Town Code (i.e. living and sleeping accommodations for 20+ people; a public lobby serving guests; dining rooms; recreational facilities). The on-site amenities provided are all typical for similar resort uses in the region and are what separate the proposal from what the Town regulates as “Hotels”² and “Motels”³, which do not contain such a wide range of such amenities.

¹ Town Code § 155-18.B(1)(a).

² Town Code § 155-1 defines “Hotel” as “A building or part therefore which contains living and sleeping accommodations hired out for compensation for 20 or more persons, has a common exterior entrance or entrances and contains one or more dining rooms.”

³ Town Code § 155-1 defines “Motel” as “A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space and is offered for rental and use primarily by motor vehicle travelers. The term “motel” includes but is not limited to every type of similar establishment known variously as an “auto court,” “motor inn,” “motor lodge,” “tourist court,” “tourist cabin” or “roadside hotel.””



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II. The Marlborough Resort includes the Following Services and Amenities

The following is a description of the separate structures and services that make up the proposed Resort Hotel use. The conceptual layout of these services and amenities are shown on the enclosed Conceptual Site Plan prepared by Passero Associates dated May 2, 2024.

i. Living and Sleeping Accommodations

As required by the code's definition of a Resort Hotel, the proposal incorporates living and sleeping accommodations for over 20 guests at a time. These housing and sleeping accommodations include various dwelling unit styles, such as:

- 45 2-Guestroom Cabins;
- 8 1-Guestroom Cabins;
- 8 5-Bedroom Guest houses;
- 1 renovated Main Lodge with 2 Guestrooms, a private Dining Area, Screening Room and Saloon;
- 1 Existing Cabin;
- 1 28-Room Hotel and Garden; and
- 1 Entry Guest Cottage.

The total bedroom count amongst all the living and sleeping accommodations is approximately 170 bedrooms, which is subject to change as the proposal develops. Additionally, the Resort Hotel staff will be offered on-site dormitory sleeping accommodations and locker rooms in a separate building near the Ridge Road access. This on-site space will provide temporary housing for staff to ensure that the Resort Hotel is constantly well-maintained and that guests are provided the highest level of service. The staff housing for approximately 35 staff will simultaneously reduce area traffic and pressure on the local housing market.

ii. Public Lobby Spaces

An approximately 2,077 s/f Welcome Building is proposed along the western side of the developed area to provide guests with the necessary public lobby space. This approximately 2,077 s/f building will provide a lounge area and restrooms for arriving guests, check-in desks and concierge services, a luggage drop-off area, and associated administrative offices.

iii. Dining Accommodations

The Town of Marlborough's definition of Resort Hotel further requires "one or more dining rooms." To meet this need, the Applicant offers an array of dining room options at the Premises. First, there are two clubhouse dining room buildings which will offer dining services to Resort Hotel guests and

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will be open to the public. One is an approximately 8,897 s/f clubhouse dining room which will provide seated dining services as well as private spaces near the existing lodge building. Separately, an approximately 5,000 s/f clubhouse dining room building is proposed at the northeast portion of the property near the guestroom cabins which will also offer general seated and private dining options to Resort Hotel guests and the public.

The existing lodge will be improved to enhance its existing saloon and dining room. The existing dining room will act as both a private dining room and lounge/screening room and the basement will include an intimate private dining room/wine room experience.

An additional dining amenity is the proposed reuse of the approximately 1,260 s/f building near Ridge Road for an on-site distillery. This small distillery with tasting room will be open to Resort Hotel guests and the public and is expected to offer light-fare.⁴

Finally, the Applicant also intends to offer an approximately 1,656 s/f Farm Market Shop and Barbecue. This small Farm Market Shop will offer finished foods (prepared salads, sandwiches, sweets) while also acting akin to a lobby shop typically found at resorts and hotels which provide guests and visitors with gifts (local honey, flowers, handmade crafts, etc.). This small shop is customarily appurtenant to the Resort Hotel use. The small shop will also offer fresh, local produce to guests and visitors with space for one large sharing table in the interior. A portion of the shop will be dedicated to a barbecue/grill along with the seasonal Cabin Bar. The primary focus of Farm Market Shop and Barbeque and the Cabin Bar components is meeting the food and beverage needs of the guests enjoying the “great lawn” adjacent to the lake (behind the shop).

iv. Recreation Facilities

The Resort Hotel definition specifically requires an applicant to offer “recreation facilities” on-site. The supplemental regulations governing Resort Hotel uses further provide that such uses may include buildings designed or used as “a place for entertainment, such as a clubhouse, pavilion, casino or for a similar purposes.”⁵ To offer attractive services to guests, the Applicant is proposing several recreational facilities and buildings used for entertainment.

An approximately 15,870 s/f Events Center is proposed near the existing lodge buildings towards the eastern portion of the Premises. This will provide space for private social meetings and/or corporate events and will include a ballroom, small break-out rooms, and a separate kitchen area for food preparation. A smaller event space for private dining and small gatherings is also included and

⁴ Although the small distillery and tasting room would be permitted as incidental to the Resort Hotel use, it is noted that the R-Ag-1 District also permits “all agricultural land uses, buildings and activities....”

Town Code § 155-12.C(2)(a). By definition, “Wineries and Distilleries” are characterized as “an agricultural land use....” Town Code § 155-1.

⁵ Town Code § 155-18.B(1)(g).

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referred to on the plans as the Orangery, which is approximately 3,168 s/f with bathrooms and back-of-house space to support the small event area.

An approximately 19,701 s/f spa and gym building is proposed near the Events Center which will include a gym, wellness center, and medi-spa with small pools for spa therapy. This space is intended as an amenity space for guests of the Resort Hotel but ownership also intends to offer guest passes or memberships for purchase by the general public to use the facilities and spa programs.

There will be two small pavilions provided for Resort Hotel guests, the Pond Pavilion near the tennis court and the Orchard Pond Pavilion west of the cottages. These pavilions will offer spaces for guests to meet and relax, offering small kitchens to prepare and enjoy meals.

There will also be firepits for guest use. One will be near the western-most lake and the other near the central lakes. There are also 3 small, approximately 400 s/f barn structures which will be used for a small petting zoo housing farm animals with which Resort Hotel guests may interact.

v. Other Accessory and Back-of-House Improvements

The Resort Hotel grounds will include several at-grade parking areas throughout the Premises providing a total of 331 surface parking spaces, which is subject to change as the proposal develops. The parking lots will be located at the western side of the property near the Welcome Center/Spa/Events Center buildings as well as near the clubhouse/dining room at the northeast portion of the Premises. Additional staff and guest parking is located near the Ridge Road entrance adjacent to the staff dormitory and distillery building.

The Resort Hotel use also includes several separate buildings intended for storage and back-of-house uses. An approximately 2,106 s/f back-of-house structure will house various equipment and infrastructure supporting the site described herein. The Applicant also anticipates locating a small garage on-site for maintenance vehicles and equipment and a small generator building. Small outbuildings with toilets for guest use are also expected to be developed at varying locations around the Premises near the various outdoor accessory and recreational amenities.

The Applicant is also considering the installation of approximately 1,200 ground-mounted solar modules within an approximately 2.2-acre portion of the property near the southern boundary line. The proposed solar installation is expected to have a total output of approximately 700 kilowatts



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(kW). The solar energy system may be used exclusively for on-site consumption⁶ or may be used primarily for the purpose of off-site use, sale, or consumption.⁷

III. Conclusion

We respectfully submit this information in furtherance of the Applicant's proposed Resort Hotel use at 626 Lattintown Road in the Town of Marlborough. As described herein, the Town Zoning Code permits the Resort Hotel use subject to approval by the Town Planning Board as a Special Use subject to supplemental requirements. The Town's definitions and supplemental regulations unequivocally provide that such Resort Hotel use should include separate buildings and various amenities which make the operations not just a space for living accommodations, but an attractive use which provides for a range of accessory services, out-buildings, and amenities which serve mostly resort guests, but also some available for the general public. We submit that all aspects of the project described herein are related to the overall Resort Hotel use and are not out of character with the surrounding area or with other such rural resort uses in the region.

When considering the proposed use classification and description herein, the Applicant indicates that it is well established that "...zoning codes, being in derogation of the common law, must be strictly construed against the enacting municipality and in favor of the property owner." Thus, to the extent that you find that the Zoning Code is not explicit or ambiguous on the Resort Hotel use and whether the various amenities and accessory services are included in that overall principal use, the Zoning Code must be interpreted in favor of the Applicant.

We request that your office issue a formal determination confirming that all aspects of the proposal described herein are governed by the Resort Hotel use and that we are permitted to proceed with an application to the Town Planning Board for Special Use and Site Plan approval.

⁶ A "Solar energy system, small scale" is permitted in the R-Ag-1 District as a permitted accessory use. The Town Code defines "Solar energy system, small scale" as "Solar photovoltaic systems which generate power exclusively for on-site use and consumption by the owners, lessees, tenants, residents, or other occupants of the premises of the building or lot to which they are attached and do not provide energy for any other lots, except as may be allowable under New York State or federal regulation." Town Code § 155-32.2.B.

⁷ A "Solar energy system, large scale" is permitted in the R-Ag-1 District as a Special Use. The Town Code defines "Solar energy system, large scale" as "A solar energy system that is ground-mounted and produces energy primarily for the purpose of off-site use, sale, or consumption." Town Code § 155-32.2.B.



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Thank you for your time and consideration in this matter.

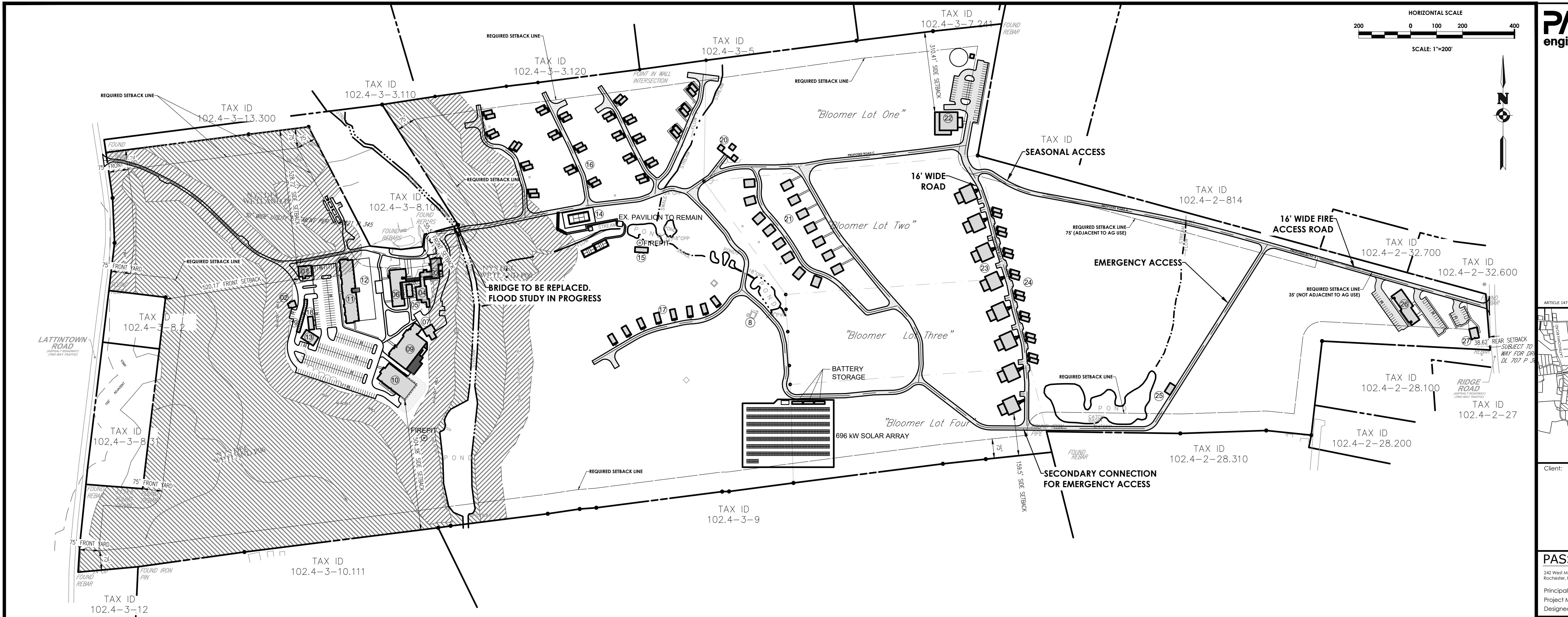
Very truly yours,

Anthony B. Gioffre III

Anthony B. Gioffre III

Enclosures

Cc: Client
Tinkelman Architecture PLLC
Passero Associates
Control Point Associates, Inc.
Daniel Patrick, Esq., Cuddy & Feder LLP



PASSERO ASSOCIATES

242 West Main Street Suite 100
Rochester, New York 14614
(585) 325-1000
Fax: (585) 325-1691

Principal-in-Charge
Project Manager
Designed by
Jess D. Sudol, P.E.
Chris LaPorta, P.E.
Marvin Pinkrah

Revisions

No.	Date	By	Description
1			

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS IN VIOLATION OF STATE EDUCATION LAW ARTICLE 145 SECTION 7209 AND ARTICLE 147 SECTION 7307. THESE PLANS ARE COPYRIGHT PROTECTED.

**OVERALL
SITE PLAN**

**MARLBOROUGH
RESORT**
Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.: 20233707.0001

Drawing No.: C 130

Scale: 1" = 200'

Date: MAY 2, 2024

NOT FOR CONSTRUCTION

SITE DATA - PHASE 01				
BUILDING NAME	BUILDING NUMBER	No. of BUILDINGS	BUILDING AREA (S.F.)	TOTAL BUILDING AREA (S.F.)
WELCOME BUILDING	1	1	2077	2077
ENTRY COTTAGE - EXISTING CABIN	2	1	648	648
RENOVATED MAIN LODGE WITH 2 GUESTROOMS, A PRIVATE DINING AREA, AND SALOON	3	1	7223	7223
ORANGERIE - SMALL EVENTS CENTER	4	1	3168	3168
CABIN BAR	5	1	1022	1022
CLUBHOUSE DINING ROOM 1	6	1	8897	8897
FARM MARKET & BARBECUE	7	1	1656	1656
POND CABIN - EXISTING CABIN	8	1	695	695
SPA AND GYM	9	1	19701	19701
EVENTS CENTER	10	1	15870	15870
28 ROOM HOTEL	11	1	17244	17244
WALLED GARDEN	12	1	15340	15340
BACK-OF-HOUSE OPERATION	13	1	2106	2106
TENNIS COURT	14	1	10200	10200
POND PAVILION	15	1	1000	1000
TREE HOUSE -2 GUESTROOM CABINS	16	22	1161	25542
TREE HOUSE -1 GUESTROOM CABINS	17	8	774	6192
STORAGE/GENERATOR BUILDING	18	1	1000	1000
COVERED PARKING (ELEC. VEHICLES)	19	1	1550	1550
TOTAL BUILDING AREA (S.F.)				141131

SITE DATA - PHASE 02				
BUILDING NAME	BUILDING NUMBER	No. of BUILDINGS	BUILDING AREA (S.F.)	TOTAL BUILDING AREA (S.F.)
ANIMAL PLANET - PETTING ZOO (BARN)	20	3	400	1200
HILLSIDE - 2 GUESTROOM CABINS	21	15	1200	18000
SITE DATA - PHASE 03				
CLUBHOUSE DINING ROOM 2	22	1	5000	5000
5-BEDROOM GUEST HOUSES	23	8	4000	32000
ORCHARD - 2 GUESTROOM CABINS	24	8	1200	9600
ORCHARD POND PAVILION	25	1	1000	1000
STAFF DORM & LOCKER ROOM	26	1	14672	14672
DISTILLERY WITH TASTING ROOM	27	1	1260	1260
TOTAL BUILDING AREA (S.F.)				82732

GRAND TOTAL BUILDING AREA-ALL PHASES (S.F.)	223863
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TOWN OF MARLBOROUGH
PO Box 305 Milton NY 12547
“ Heart Of the Hudson Valley Fruit Section”
MILTON, ULSTER COUNTY, NEW YORK 12547
DEPARTMENT OF BUILDINGS

TEL NO. 795-2406 Ext. # 7 / FAX NO. 795-6171

THOMAS CORCORAN JR.

BUILDING INSPECTOR
CODE ENFORCER
FIRE INSPECTOR

May 10, 2024

Re: Marlborough Resorts, LLC
626 Lattintown Road, Town of Marlborough

SBL # 102.4-3-8.8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29

Current use : St. Hubert's Lodge (*Bed & Breakfast, Lodge, Outdoor Commercial Recreation facility, and Kennel*)

To : Anthony B. Gioffre III and all concerned :

Thank you for the detailed description of the proposed resort hotel to be located at 626 Lattintown Road, Marlboro NY 12542.

- * As defined a **Resort Hotel** is ; An area of land on which is located a hotel or group of buildings containing living and sleeping accommodations for 20 or more persons hired out for compensation and which has a public lobby serving guests and contains one or more dining rooms and recreation facilities.
- * In accordance to Town Code section # 155-12 (C)(4)(o) resort hotel is a special use in the RAG-1 district.
- * The SBL's listed for development are # 102.4-3-8.8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29 and all are located in the RAG-1 district
- * As a special use this must be presented to the Town of Marlborough planning board for approvals.

As request, let this letter of determination confirms I have reviewed the Town of Marlborough Code and I find the proposal, submitted to me in writing, to be allowed under the Town of Marlborough zoning code and can proceed with an application to the Town Planning Board for Special Use and Site Plan approval.

Any further questions or concerns please do not hesitate to contact me at the above address or phone number.

Thank You.



Thomas J. Corcoran Jr.
Building Inspector
Code Enforcement Officer
Zoning Officer

TOWN OF MARLBOROUGH
PO Box 305 Milton NY 12547
“ Heart Of the Hudson Valley Fruit Section”
MILTON, ULSTER COUNTY, NEW YORK 12547
DEPARTMENT OF BUILDINGS

TEL NO. 795-2406
FAX NO. 795-2031

THOMAS CORCORAN JR.
BUILDING INSPECTOR
CODE ENFORCER
FIRE INSPECTOR

Date: June 10, 2024

Re: Marlborough Resort

Location: 626 Lattintown Road / 255 Ridge Road

This letter is to verify that the building department has done a visual review of the Planning Board site plan and has concluded :

It has always been my concern on the sewer design and concept but looks like it has been figured out as long as the set backs from the adjacent wetland is sufficient for Ulster County BOH and the engineer, I'm good.

Obviously building permits required for everything proposed but a special inspection (third party) will be needed on the bridge construction.

I will use the existing cottage, off Lattintown Road entry, as my starting structure for front yard setbacks.

Looks like setbacks are sufficient except for the distillery/ tasking room on Ridge Road - Zoning Board Variance will be needed.

**The addition of the restaurant (eating and drinking establishment) in the RAG-1 district is not allowed but ... I can accept it without variance if we look at it as :
Resort hotel will require a “ public lobby serving guests and contains one or more dining rooms” but since the restaurant is not in the lobby , and in the RAG-1 district a accessory use is “customarily appurtenant to the principal permitted use” I can consider the restaurant accessory to the principal. In my opinion a variance will not be needed.**

Thank You.



*Thomas J. Corcoran Jr.
Building Inspector
Code Enforcement Officer*