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June 25, 2024

BY FEDEX AND E-MAIL

Chairman Lenny Conn
and Members of the Zoning Board of Appeals
Town of Marlborough
21 Milton Turnpike, Suite 200
Milton, NY 12547

Re: Marlborough Resorts, LLC
Area Variance Application
Premises: 626 Lattintown Road, Town of Marlborough
SBL: 102.4-3-8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29

Dear Chairman Conn and Members of the Zoning Board of Appeals:

On behalf of Marlborough Resorts, LLC (the “Applicant”), we respectfully submit this letter to the Town of Marlborough Zoning Board of Appeals (“ZBA”) requesting area variance relief for the Premises located at 626 Lattintown Road and 255 Ridge Road comprised of 4 separate tax lots (SBL: 102.4-3-8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29) (the “Premises”). The area variance relief is requested to permit the reuse of the existing +/- 1,260 s/f farm structure at the eastern side of the Premises. The Applicant proposes to develop and expand on the current hospitality use of the Premises which involves re-purposing several of the existing structures, renovating the existing lodge, and constructing several new buildings and improvements to provide sleeping accommodations, recreational amenities, and other hospitality services. The proposal is code compliant with regard to bulk and use with the exception of the area variance deemed necessary for the proposed reuse of the existing +/- 1,260 s/f farm structure located along Ridge Road which the Applicant proposes to reuse as an accessory distillery with small tasting room.

The accessory farm structure is currently located approximately 38.62' from the Ridge Road property line. A minimum setback of 50' from this property line is required pursuant to the Town of Marlborough Zoning Code Section 155 Attachment 2, Schedule I. An area variance of 11.38' is therefore requested. This timely application is submitted following the issuance of the Town of Marlborough Department of Buildings Determination Letter dated June 10, 2024 (“Building Department Determination”) (**Exhibit E**).



Background:

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. The Town of Marlborough Planning Board ("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 the Premises' prior uses, the Applicant now 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. Site Plans prepared by Passero Associates dated June 25, 2024 are submitted as **Exhibit J** which show the overall proposal and the location of the pre-existing nonconforming farm structure which is the subject of this application.

The Premises is classified within the Town of Marlborough's Rural Agricultural District ("R-Ag-1 District") which permits the proposed "Resort Hotel" use as a special permit use. A detailed Use Description Letter prepared by this firm dated May 8, 2024 ("Use Description Letter") (**Exhibit F**) was submitted to the Town's Building Inspector detailing the overall use. The Town Building Department issued a response letter dated May 10, 2024 ("Building Department Use Determination") (**Exhibit G**) confirming that the use, as described in the Use Description Letter, is permitted by the Town of Marlborough Code. The Applicant thereafter submitted its application to the Planning Board seeking site plan and special permit approval on May 24, 2024 and appeared before the Planning Board on June 3, 2024. On June 10, 2024, the Building Department Determination was issued indicating that area variance relief was required from the Zoning Board of Appeals for the renovation and reuse of the pre-existing nonconforming building.

The Building Department Determination provides that "setbacks are sufficient except for the distillery/tasking (sic) room on Ridge Road – Zoning Board Variance will be needed." The Applicant notes that it is not proposing to enlarge, expand, or otherwise change the location of the existing structure to be reused nor is it proposing any renovations that would increase any nonconformity.¹ Rather, the Applicant proposes to renovate that structure in place and add

¹ The Applicant reserves any and all rights to seek an interpretation pursuant to Town Code § 155-40(A) and NYS Town Law § 267-b(1) from the ZBA that no area variance relief is required since the subject structure is a pre-existing nonconforming building which is not to be enlarged or expanded and is therefore



additional vegetated buffering around the structure, specifically between the structure and the Ridge Road right-of-way.

Nevertheless, area variance relief was deemed required by the Building Department Determination from the setback provisions which are found in Zoning Code Section 155 Attachment 2, Schedule I²:

Front Yard (Feet): 50'

Area Variance Request:

In furtherance of the pending application for site plan and special permit approval, we respectfully request area variance relief pursuant to Zoning Code § 155-40(C) and NYS Town Law § 267-b(3) as necessary to allow the proposed reuse and renovation of the existing farm structure along Ridge Road. New York State Town Law Section 267-b(3)(b) provides that a ZBA shall consider the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant.

In executing this balancing test, New York State Town Law directs that the ZBA shall consider:

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;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

permitted to remain pursuant to Zoning Code Article VII. Nevertheless, the Applicant submits the enclosed area variance application seeking approval of the requested area variance deemed necessary by the Building Department Determination.

² The Applicant notes that the 75' setback and buffer requirements of Zoning Code Article XII are not applicable to the pre-existing nonconforming farm structure because it is not directly adjacent to any active agricultural practices and the farm structure is not "habitable" as that term is typically defined. Furthermore, the Applicant confirms that both the Ridge Road and Lattintown Road frontages are treated as front yards for purposes of setback regulations as specified in Section 155-14.E of the Town of Marlborough Zoning Code.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.

The five area variance factors set forth are a tool for the ZBA to use in determining whether to grant the requested relief. It is important to note that no single factor is determinative in assessing an area variance application. For the following reasons and based on the evidence in the record, we respectfully submit that upon balancing the area variance criteria, the granting of the requested relief is warranted as the benefit to the Applicant far exceeds any conceivable detriment to the community if such variance is granted.

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.

There will be no undesirable change to the character of the community or detriment to nearby properties by the granting of the area variance. Specifically, the Applicant proposes to renovate and reuse a pre-existing nonconforming structure. While the date of the structure's construction is not known, it is understood to have existed in its current location for decades. Thus, the existence of the structure within the regulated setback area is not out of character with the neighborhood and does not create a detriment to nearby properties.

The Applicant proposes to remodel the structure and reuse it as an accessory distillery building in support of the overall proposed Resort Hotel use. The proposal does not involve the expansion of the building or further encroachment of the building into the regulated setback area. Instead, the Applicant proposes to renovate the empty, derelict structure into an activated, safe structure. Photographs of the existing building are included in **Exhibit H** showing the current state of the building. The Applicant also proposes significant landscaping around the proposed building, including new plantings along the Ridge Road right-of-way to enhance the streetscape and provide a visual buffer from nearby properties, where such visual buffer does not currently exist. Plans showing the proposed landscaping are included as **Exhibit J**.

As a result of the above, the Applicant respectfully submits that the proposed reuse of the existing structure will not create any adverse impacts on the neighborhood or surrounding property. Rather, the re-activation of the old structure will provide safer on-site conditions and the incorporation of new vegetated buffers will further shield the visibility of the structure from off-site. The requested area variance relief is therefore not out of character with the neighborhood and creates no undesirable change to the community and this factor weighs in favor of the ZBA granting the requested variance relief.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

New York State Town Law Section 267-b(3)(b)(2) requires the ZBA to consider “whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.” The range of appropriate alternatives is limited by two standards: first, the alternative must still provide the benefit sought by the Applicant and, second, it must be feasible for the Applicant to pursue. A ZBA may not deny a variance and attempt to relegate the Applicant to an alternative design that is a “profound departure” from, or substantially costlier than, the design proposed.³

There is no practicable alternative available to the Applicant. The overall proposal involves renovating several existing structures on the Premises in order to embrace the history of the site and its agricultural heritage. The Applicant wishes to keep as many original or existing structures as possible. While most of the structures being retained are located internal to the property, the pre-existing farm structure along Ridge Road does not meet the necessary setback requirements. There are no feasible alternatives which would allow the Applicant to retain the existing structure and meet the 50’ setback requirements. However, the Applicant is not proposing to create any further encroachments beyond what exists now. As a result, the Applicant has no feasible alternative other than to seek the requested area variance relief in order to enhance safety and circulation at the Premises.

3. Whether the requested variance is substantial.

It is respectfully submitted that upon consideration of the facts and circumstances in this situation, the requested area variance is not substantial. The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the Zoning Code.⁴ Indeed, the overall effect of granting the relief is the appropriate inquiry.⁵ The

³ See Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dep’t 2002). See also, Baker v. Brownlie, 248 A.D.2d 527 (2d Dep’t 1998) and Salkin, New York Zoning Law & Practice § 29:36 Administrative Relief from Zoning Regulations: Variances.

⁴ See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. 2003) (“consideration of this percentage deviation alone, taken in a vacuum, is not an adequate indicator of the substantiality [and] a large deviation can have little or no impact depending on the circumstances of the variance application.”).

⁵ See Lodge Hotel v. Town of Erwin Zoning Bd. of Appeals, 2007 WL 5649523 No. 94817 (Jan. 24, 2007) at *5, affirmed, 43 A.D.3d 1447, 843 N.Y.S.2d 744 (4th Dep’t 2007) (“[s]ubstantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the

ZBA must therefore consider the surrounding neighborhood when determining whether the requested variance is substantial. When viewed in the totality of the circumstances, the requested variance will not adversely impact neighboring properties and the requested variance should not be considered substantial. These circumstances include, without limitation, the existing conditions of the structure which include an unattractive, blighted building and the Applicant's proposal to renovate and restore the structure into an asset for the Town and project. Similarly, the nonconforming condition is a pre-existing nonconformity which has existed for decades and the Applicant's proposal involves improving conditions by renovating the building for reuse and adding significant vegetated buffers along the Ridge Road frontage.

Furthermore, the requested variance relief is not "substantial" even if considering the percentage deviation from the mandated requirements. The structure currently sits approximately 38.62' from the Ridge Road property line, which is only 11.38' short of the mandated 50' front yard setback. That equates to a variance request of less than 23% of the required setback. When considering the proposed buffers being incorporated and the current state of the building, the requested area variance is not substantial.

To the extent that the ZBA may believe otherwise, we respectfully remind the ZBA that the mere fact that a variance is deemed "substantial", or fails to meet any of the other factors, does not preclude granting an area variance based on the application of the overall balancing test.⁶

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The requested variance relief will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or community. Again, the proposal here involves renovating and reusing an existing building which currently does not meet the minimum setback requirements. The Applicant is not proposing any new construction or improvements which do not conform with the applicable bulk or use criteria of the Zoning Code. Further, the renovations do not involve any further encroachments into the regulated setback area. Thus, there are minimal changes in circumstances from what currently exists.

variance sought is, in actuality, a substantial one." See also Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883 (3d Dep't 2008) (although variances were substantial, the ZBA properly determined area variances will not have a substantial impact on the community); Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821 (3d Dep't 2013) (upholding ZBA determination that an area variance was not substantial when compared to nearby buildings).

⁶ See Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dep't 2002) (determination that a request that was determined "substantial" did not excuse Zoning Board of Appeals from applying the overall balancing test).

The only changes in circumstances include the renovations to the existing structure which will provide a safer, more aesthetically pleasing structure. The Applicant also proposes new landscaping along the Ridge Road right-of-way to reduce the visibility of the structure from off-site, including from nearby properties and the roadway.

The Applicant's request for an area variance for the reuse of the existing +/- 1,260 s/f farm structure constitutes a Type II Action pursuant to the State Environmental Quality Review Act ("SEQRA").⁷ Therefore, the granting of the requested area variance has categorically been determined to not pose any risk of significant adverse environmental impacts and are therefore precluded from further environmental review.⁸ Regardless, a Short Environmental Assessment Form ("EAF") has been included as **Exhibit B** confirming that the requested area variance presents no potential for significant adverse environmental impacts.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

The need for the area variance relief requested herein is not self-created. The Applicant submits that Article VII of the Town of Marlborough Zoning Code permits the existing farm structure to remain and be renovated without area variance relief. However, the necessary variance is a result of the Building Department Determination that the pre-existing nonconforming condition requires area variance to remain, despite the fact that there will be no increase in nonconformity and the Applicant proposes to incorporate additional screening to enhance the buffer from the roadway. Thus, the difficulty is a result of existing conditions and a determination received by the Building Department. To the extent that the ZBA may believe otherwise, we respectfully remind the ZBA that this factor is not dispositive to the overall balancing test pursuant to New York State Town Law Section 267-b(3)(b)(5).

Conclusion:

For the reasons set forth above, and as will be further discussed at the public hearing on this matter, the Applicant requests that the area variance relief be granted to allow the proposed reuse of the existing +/- 1,260 s/f structure along Ridge Road. The Applicant respectfully submits that the zoning nonconformance is a pre-existing nonconforming condition which is not being increased, enlarged, or otherwise expanded to increase any nonconformity. Rather, the Applicant is improving conditions by upgrading the structure and proposing a new vegetated buffer along

⁷ 6 NYCRR § 617.5(c)(16).

⁸ 6 NYCRR § 61.5(a).



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the Ridge Road property line. The benefit to the Applicant of approving the requested relief outweighs any conceivable harm to the community. The proposed relief is the minimum variance relief that meets the Applicant's needs and at the same time fully protects the character of the neighborhood and health, safety, and welfare of the community.

In support of this Application, please find 6 copies of this correspondence with the following Exhibits:

- Exhibit A:** Town of Marlborough Zoning Board of Appeals Application Forms;
- Exhibit B:** Short Environmental Assessment Form;
- Exhibit C:** Bargain & Sale Deed with Covenant Against Grantor's Acts between KBAR Orchards, LLC and Marlborough Resort, LLC dated July 24, 2023 recorded in the Office of the Ulster County Clerk at Book 7250, Page 139 (Instrument # 2023-8363);
- Exhibit D:** Maps and Radius List;
- Exhibit E:** Town of Marlborough Department of Buildings Determination Letter dated June 10, 2024;
- Exhibit F:** Use Description Letter prepared by Cuddy & Feder LLP dated May 8, 2024;
- Exhibit G:** Town of Marlborough Department of Buildings Use Determination Letter dated May 10, 2024;
- Exhibit H:** Photograph of Existing Farm Structure;
- Exhibit I:** Topographic Survey prepared for Marlborough Resort, LLC prepared by Control Point Associate Inc. PC last updated May 10, 2024; and
- Exhibit J:** Site Plans prepared by Passero Associates dated June 25, 2024.

Also included with the submission are 2 checks made payable to the Town of Marlborough: one in the amount of \$300 (representing the area variance application fee) and another in the amount of \$700 (representing the Zoning Board of Appeals escrow deposit).

For all of the reasons set forth herein and in the accompanying documents, it is respectfully submitted that this Application for area variance relief should be granted in its entirety. The Applicant looks forward to appearing at the July 11, 2024 ZBA meeting to answer any questions you may have regarding this matter. In the meantime, should the ZBA or Town Staff have any questions or comments regarding the foregoing, please do not hesitate to contact me.



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Thank you for your time and consideration in reviewing this matter.

Very truly yours,

Anthony B. Gioffre III

Anthony B. Gioffre III
Enclosures

cc: Client
Passero Associates
Daniel Patrick, Esq., Cuddy & Feder LLP

EXHIBIT A:

**TOWN OF MARLBOROUGH
ZONING BOARD OF APPEALS
APPLICATION FORMS**

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 6/25/2024

NAME Marlborough Resort, LLC (c/o Michael Achenbaum)

ADDRESS 100 Ring Road West, Suite 101, Garden City, NY 11530

TELEPHONE 516-248-4920 Ext. 108

REQUEST (DESCRIBE IN DETAIL) See attached narrative.

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

6/21/2024

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

APPLICANT Marlborough Resorts, LLC (c/o Michael Achenbaum) PHONE # 516-248-4920 Ext. 108

ADDRESS 100 Ring Ridge Road West, Suite 101, Garden City, NY ZIP 11530

LOCATION OF PROPERTY 626 Lattintown Road, (CR-11) & 255 Ridge Road, Marlboro, NY 12542

ZONING DISTRICT RAG-1 SECTION 102.4 BLOCK 2 LOT 12, 13 & 29
102.4 3 8.320

APPLICANT IS: OWNER ☒ TENANT ☐ OTHER ☐

ATTORNEY (IF REQUIRED) Anthony B. Gioffre, III / Cuddy + Feder LLP

ADDRESS 445 Hamilton Avenue, 14th Floor, White Plains, NY 10601 PHONE # 914-761-1300

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? 152.55

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES? YES
NUMBER OF DWELLINGS 1 NON-DWELLINGS (GARAGES, SHEDS) 6

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

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? NO
SEASONALLY? N/A YEAR-ROUND? N/A

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

7. WILL PREMISES BE OWNER OCCUPIED? NO

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

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: 155 Attachment 2, Schedule A TITLE: Front Yard Setback (R-Ag-1)

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

See attached narrative.

STATE OF NEW YORK


COUNTY OF NASSAU

SWORN TO ME THIS 21 DAY OF JUNE 2024



NOTARY PUBLIC SIGNATURE

IRIS SCHWARTZ
Notary Public, State of New York
No. 01SC6294193
Qualified in Nassau County
Commission Expires Dec. 16, 2025



SIGNATURE

ZONING VARIANCE AREA/USE

1. AREA MAPS SHOWING THE LOCATION OF THE PROPOSAL

- A. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF EITHER A USGS OR NYS DEPARTMENT OF TRANSPORTATION MAP – 1:2400 SCALE
- B. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE MUNICIPAL ZONING MAP
- C. SUBMIT AN 8 ½" 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).

Michael Achenbaum
APPLICANTS NAME (PRINT)


APPLICANTS SIGNATURE

6/21/2024
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, Michael Achenbaum, residing at
80 John St Apt 15A1B, NY, NY 10038, make
the following statements about interests in the real property which is the subject of this application,
petition or request for a Area 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: 

Date: 6/21/2024

ACKNOWLEDGMENT

State of New York
County of: NASSAU

On 6/21/2024, before me personally appeared

Michael Achenbaum, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that [he/she/they] executed the same in [his/her/their] capacity(ies), and that by [his/her/their] signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary



IRIS SCHWARTZ
Notary Public, State of New York
No. 01SC6294193
Qualified in Nassau County
Commission Expires Dec. 16, 2025

EXHIBIT B:

SHORT ENVIRONMENTAL ASSESSMENT FORM

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

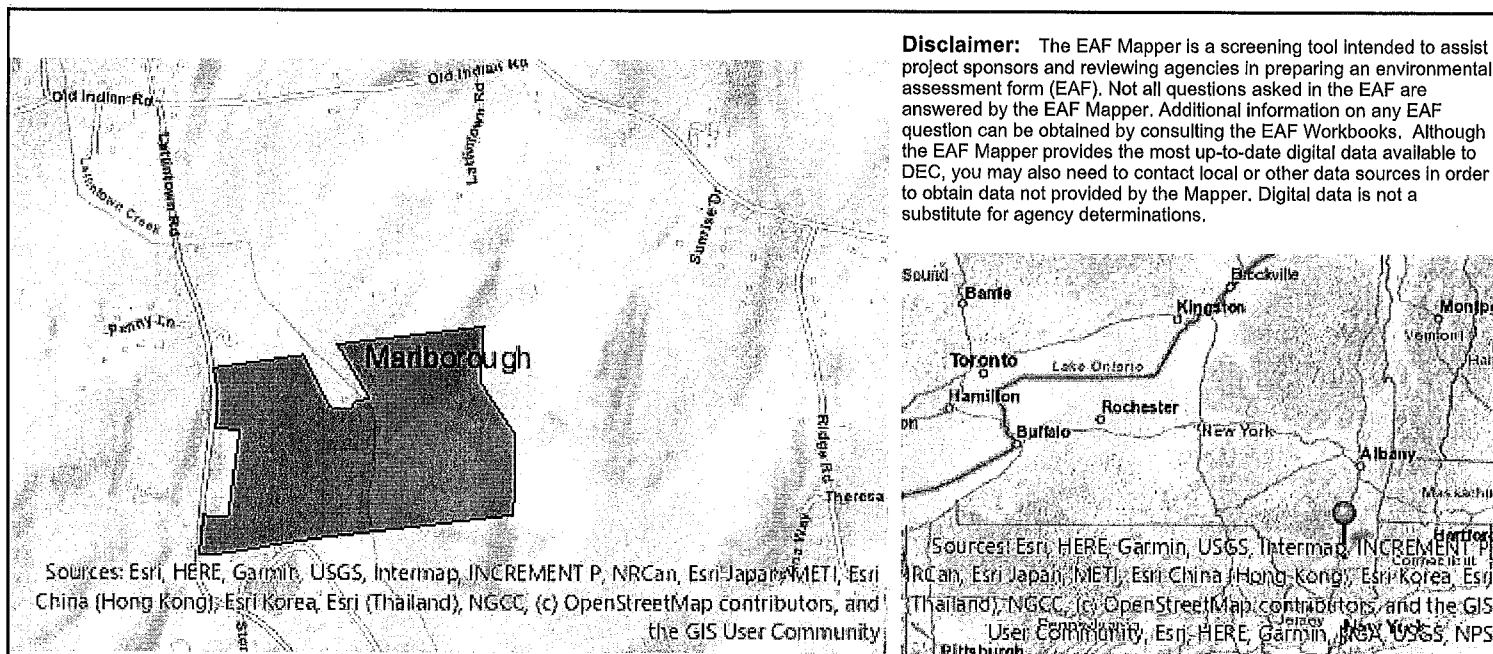
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Marlborough Resort			
Project Location (describe, and attach a location map): 626 Lattintown Road & 255 Ridge Road, Town of Marlborough, Ulster County, NY (Parcel IDs: 102.4-3-8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29)			
Brief Description of Proposed Action: The property located at 626 Lattintown Road is currently the site of the St. Hubert's Lodge & Club, a recreational resort that includes a bed & breakfast, lodge, outdoor commercial recreation facilities, and kennel. The project proposes to develop and expand on the current hospitality use of the property by re-purposing several of the existing structure and renovating the existing lodge. In addition, several new buildings will be constructed to provide sleeping accommodations, recreational amenities, and other hospitality services. Area variance relief is being requested to allow the reuse of the existing +/- 1,260 s/f structure located along Ridge Road for an accessory distillery/tasting room. The existing structure is located approximately 38.62 from the Ridge Road property line. A setback of 50' is required. A variance of 11.38' is therefore requested.			
Name of Applicant or Sponsor: Marlborough Resorts, LLC		Telephone: 516-248-4920 ext 108 E-Mail: iris@thehg.com	
Address: 100 Ring Road West, Suite 101			
City/PO: Garden City		State: NY	Zip Code: 11530
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.		NO <input checked="" type="checkbox"/>	YES <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: Planning Board; Town Board; Zoning Board of Appeals		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		152.5 acres	
b. Total acreage to be physically disturbed?		41.4 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		152.5 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 checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____	<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: _____ _____	<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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ _____		
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:	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Michael Achenbaum</u> Date: <u>6/24/2024</u> Signature: <u>[Signature]</u> Title: <u>member</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
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

EXHIBIT C:

**BARGAIN & SALE DEED WITH COVENANT
AGAINST GRANTOR'S ACTS BETWEEN KBAR
ORCHARDS, LLC AND MARLBOROUGH RESORT,
LLC DATED JULY 24, 2023 RECORDED IN THE
OFFICE OF THE ULSTER COUNTY CLERK AT
BOOK 7250, PAGE 139 (INSTRUMENT # 2023-8363)**



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: 7250 / 139
INSTRUMENT #: 2023-8363

Receipt#: 2023053164
Clerk: SM
Rec Date: 07/26/2023 02:35:43 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 7
Rec'd Frm: FIRST AMERICAN TITLE INSURANCE
CO - NCS NEW YORK

Party1: KBAR ORCHARDS LLC
Party2: MARLBOROUGH RESORT LLC
Town: MARLBOROUGH

Recording:

Cover Page	5.00
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 200.00

Transfer Tax
Transfer Tax - State 3920.00

Sub Total: 3920.00

Total: 4120.00

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

***** Transfer Tax *****
Transfer Tax #: 5821
Transfer Tax
Consideration: 980000.00

Transfer Tax - State 3920.00

Total: 3920.00

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

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.

Nina Postupack
Nina Postupack
Ulster County Clerk

BARGAIN & SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 24th day of July, Two Thousand and Twenty-Three

BETWEEN KBAR ORCHARDS, LLC, a New York limited liability company with an address of 5 Ashlyn Drive, Marlboro, New York 12542, party of the first part, and

MARLBOROUGH RESORT, LLC, a Delaware limited liability company with an address of 100 Ring Road West, Room 101, Garden City, New York 11530 party of the second part

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

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

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

BEING and intended to be the same premises conveyed to the party of the first part in a certain deed dated July 24, 2013, by Martin Ridge, LLC and recorded in the office of the Ulster County Clerk in Liber 5634 of deeds at page 269 on August 23, 2013.

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

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

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

IN PRESENCE OF:

Deery

KBAR ORCHARDS, LLC
By: *Kathleen G. Guarino*
Name: Kathleen G. Guarino
Title: President

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

On the 20th day of July, in the year 2023, before me, the undersigned, a Notary Public in and for the State, personally appeared **Kathleen G. Guarino** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Lorrie A. Turner
Notary Public

ADDRESS: 255 Ridge Road, Marlboro, New York 12542
SBL: 102.4-2-29

LORRIE A. TURNER
Notary Public, State of New York
Qualified in Orange County
No. 01TU6340483
Commission Expires April 18, 2024

RECORD & RETURN BY MAIL TO:

Maureen Hannon, Esq.
Akerman LLP
1251 Avenue of the Americas
37th Floor
New York, NY 10020

SCHEDULE A

Property Description

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, KNOWN AS BLOOMER LOT NO. TWO, BOUNDED ON THE EAST BY LANDS OF F. VAIL AND J. KALEY, ON THE SOUTH BY LANDS OF FOSTER CLARK, ON THE WEST BY LANDS OF A. CHILLURA AND ON THE NORTH BY LANDS OF J. H. CLARKE. THE ABOVE DESCRIBED LAND SITUATE IN TOWN OF MARLBOROUGH, COUNTY OF ULSTER, STATE OF NEW YORK. ALL THAT PARCEL OF LAND KNOWN AS BLOOMER LOT NO. ONE, BOUNDED ON THE EAST BY LANDS OF F. VAIL, ON SOUTH BY LANDS THIS DAY CONVEYED TO HELEN C. TABER, ON WEST BY LANDS OF A. CHILLURA AND NORTH BY LANDS OF E. M. CLARKE. THE ABOVE DESCRIBED LAND SITUATE IN THE TOWN OF MARLBOROUGH, COUNTY OF ULSTER, STATE OF NEW YORK.

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE TOWN OF MARLBOROUGH, COUNTY OF ULSTER, AND STATE OF NEW YORK, BOUNDED AS FOLLOWS: VIZ:-

ON THE EAST BY LANDS OCCUPIED BY JAS. KALEY, ON THE SOUTH BY LANDS OF HEIRS OF EDW. DUBOIS; ON THE WEST BY LANDS FORMERLY OWNED BY C. D. BLOOMER AND ON THE NORTH BY LANDS OF SAID E. M. CLARKE.

THE SAME BEING KNOWN AS BLOOMER LOTS NOS. THREE AND FOUR, AND BEING THE SOUTHERN TWO FIFTHS OF THAT PIECE OF LAND, CONVEYED BY C. D. BLOOMER TO E. M. CLARKE OCTOBER 14, 1895 AND FULLY DESCRIBED AND RECORDED IN BOOK 329 OF DEEDS, PAGE 314 OF ULSTER COUNTY.

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF MARLBOROUGH, COUNTY OF ULSTER AND STATE OF NEW YORK BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER OF TWO WALLS ON THE EAST SIDE OF A FARM ROAD BEING THE SOUTHWEST CORNER OF LANDS OF JAMES R. AND LEONARD M. CLARKE AND THE NORTHWEST CORNER OF THE LANDS HEREIN DESCRIBED; RUNNING THENCE ALONG A STONE WALL AND THE SOUTHERLY BOUNDS ON THE SAID JAMES R. AND LEONARD M. CLARKE AND PAUL MAXWELL SOUTH 68° EAST A DISTANCE OF 2065 FEET TO THE CENTER OF THE RIDGE ROAD;

THENCE ALONG THE CENTER OF THE SAID ROAD SOUTH 11° WEST A DISTANCE OF 210 FEET TO A POINT OPPOSITE THE EASTERLY END OF A WALL;

THENCE ALONG THE WALL AND LANDS OF THE SAID JOHN L. KALEY NORTH 76° 30' WEST A DISTANCE OF 665 FEET, SOUTH 16° 45' WEST A DISTANCE OF 382 FEET, NORTH 71° WEST A DISTANCE OF 190 FEET AND NORTH 78° 45' WEST A DISTANCE OF 846 FEET TO A WALL CORNER AT THE EAST SIDE OF THE FARM ROAD AFORESAID AND;

THENCE ALONG THE EASTERLY SIDE OF THE FARM ROAD NORTH 2° 30' WEST A DISTANCE OF 1117 FEET TO THE POINT OR PLACE OF BEGINNING.

ALL BEARINGS REFER TO THE MAGNETIC NORTH AS IN JUNE 1946.

Also Described As

ALL THAT PARCEL OF LAND SITUATE IN THE TOWN OF MARLBOROUGH, COUNTY OF ULSTER, AND STATE OF NEW YORK BEING THE PREMISES CONVEYED BY MARTIN RIDGE, LLC TO KBAR ORCHARDS, LLC AS RECORDED IN DEED LIBER 5634 AT PAGE 269, SAID PARCEL BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR FOUND SET ON THE WESTERLY SIDE OF RIDGE ROAD AT THE MOST NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND, SAID REBAR BEING ON THE DIVISION LINE WITH LANDS CONVEYED TO THOMAS DRAGISICS AS RECORDED IN DEED LIBER 6706 AT PAGE 168 AND DESIGNATED AS LOT 6 ON MAP #10-175 ON FILE WITH THE OFFICE OF THE ULSTER COUNTY CLERK, AND RUNNING THENCE ALONG THE WESTERLY SIDE OF RIDGE ROAD, SOUTH 04° 29' 21" EAST 216.15 FEET TO AN IRON PIPE FOUND SET ON THE DIVISION LINE WITH LANDS CONVEYED TO ANTHONY SANTELIA AND MADELINE ROCCHIO SANTELIA AS RECORDED IN DEED LIBER 3618 AT PAGE 283 AND DESIGNATED AS LOT 1 ON MAP #12293 ON FILE WITH THE OFFICE OF THE ULSTER COUNTY CLERK, THENCE ALONG THE DIVISION LINE WITH SAID LANDS OF SANTELIA AND GENERALLY ALONG A STONE WALL, NORTH 86° 57' 58" WEST 648.50 FEET TO A POINT, THENCE CONTINUING ALONG A STONE WALL AND LANDS OF SANTELIA, SOUTH 06° 31' 03" WEST 364.74 FEET TO A POINT IN A STONE WALL CORNER ON THE DIVISION LINE WITH LANDS CONVEYED TO ANTHONY SANTELIA AND MADELINE ROCCHIO SANTELIA AS RECORDED IN DEED LIBER 4163 AT PAGE 45 AND DESIGNATED AS LOT 3 ON MAP #04-589 ON FILE WITH THE OFFICE OF THE ULSTER COUNTY CLERK, THENCE ALONG THE DIVISION LINE WITH SAID LANDS OF SANTELIA AND ALONG A STONE WALL, NORTH 84° 05' 09" WEST 174.56 FEET TO A POINT IN THE STONE WALL, THENCE SOUTH 88° 01' 57" WEST 331.12 FEET TO A POINT IN THE STONE WALL, AND THENCE NORTH 89° 10' 55" WEST 515.20 FEET TO AN IRON PIPE FOUND SET IN THE STONE WALL CORNER, THENCE SOUTH 14° 24' 28" EAST 81.95 FEET TO A REBAR FOUND SET IN THE STONE WALL ON THE DIVISION LINE WITH LANDS CONVEYED TO HARLEY RIDGE, LLC AS RECORDED IN DEED LIBER 5456 AT PAGE 261, THENCE ALONG THE DIVISION LINE WITH SAID LANDS OF HARLEY RIDGE AND IN PART ALONG A STONE WALL, SOUTH 83° 57' 53" WEST 255.73 FEET TO A POINT IN THE STONE WALL, THENCE SOUTH 83° 48' 00" WEST 166.22 FEET TO A POINT IN THE STONE WALL AND THENCE SOUTH 82° 41' 39" WEST 580.32 FEET TO A POINT ON THE DIVISION LINE WITH LANDS CONVEYED TO GOOD FRIDAY, LLC AS RECORDED IN DEED LIBER 4936 AT PAGE 41, THENCE ALONG THE DIVISION LINE WITH SAID LANDS OF GOOD FRIDAY, LLC AND ALONG A STONE WALL THE FOLLOWING: NORTH 01° 52' 55" WEST 379.53 FEET TO A POINT IN THE STONE WALL, THENCE NORTH 02° 38' 44" WEST 72.98 FEET TO A POINT IN THE STONE WALL, THENCE NORTH 02° 38' 04" WEST 130.67 FEET TO A POINT IN THE STONE WALL, THENCE NORTH 04° 30' 43" WEST 86.28 FEET TO A POINT IN THE STONE WALL, THENCE NORTH 00° 55' 54" WEST 56.94 FEET TO A POINT IN THE STONE WALL, THENCE LEAVING THE STONE WALL AND RUNNING NORTH 35° 49' 39" WEST 537.90 FEET TO A POINT IN THE END OF ANOTHER STONE WALL, THENCE

ALONG SAID WALL NORTH 01° 00' 21" EAST 465.96 FEET TO A POINT IN A STONE WALL INTERSECTION ON THE DIVISION LINE WITH LANDS CONVEYED TO RICHARD A. AND LORRAINE FINO AS RECORDED IN DEED LIBER 6719 AT PAGE 188, THENCE ALONG THE DIVISION LINE WITH SAID LANDS OF FINO AND ALONG THE STONE WALL, NORTH 82° 35' 36" EAST 583.62 FEET TO A POINT IN A STONE WALL INTERSECTION ON THE DIVISION LINE WITH LANDS CONVEYED TO NORTH RIDGE ORCHARDS, LLC AS RECORDED IN DEED LIBER 5278 AT PAGE 281 AND DESIGNATED ON MAP #09-274 ON FILE WITH THE OFFICE OF THE ULSTER COUNTY CLERK, THENCE ALONG SAID DIVISION LINE AND ALONG THE STONE WALL, NORTH 82° 52' 40" EAST 297.42 FEET TO A POINT IN THE STONE WALL, AND THENCE NORTH 83° 56' 29" EAST 265.46 FEET TO A POINT ON THE EASTERLY SIDE OF A FARM LANE, BEING THE EASTERLY BOUNDS OF A RIGHT OF WAY OUT TO OLD INDIAN ROAD, ON THE DIVISION LINE WITH LANDS CONVEYED TO BRADLEY S. CLARKE AS RECORDED IN DEED LIBER 6725 AT PAGE 322, THENCE ALONG THE DIVISION LINE WITH SAID LANDS OF CLARKE AND ALONG THE EASTERLY SIDE OF A FARM LANE, SOUTH 10° 14' 58" WEST 515.26 FEET TO A POINT IN A STONE WALL CORNER, THENCE CONTINUING ALONG THE DIVISION LINE WITH SAID LANDS OF CLARKE AND ALONG A STONE WALL, SOUTH 74° 42' 16" EAST 383.98 FEET TO A POINT IN A STONE WALL INTERSECTION ON THE DIVISION LINE WITH LANDS CONVEYED TO NICHOLAS AND ANNA GALELLA AS RECORDED IN DEED LIBER 5207 AT PAGE 49 AND DESIGNATED AS LOT 1 ON MAP #20-279 ON FILE WITH THE OFFICE OF THE ULSTER COUNTY CLERK, THENCE IN PART ALONG THE DIVISION LINE WITH SAID LANDS OF GALELLA, IN PART ALONG THE DIVISION LINE WITH LANDS CONVEYED TO MICHAEL AND JENNA MANNING AS RECORDED IN DEED LIBER 6222 AT PAGE 131 AND DESIGNATED AS LOT 7 ON AFOREMENTIONED FILED MAP #10-175, AND IN PART ALONG THE DIVISION LINE WITH AFOREMENTIONED LANDS OF DRAGISICS, SAID LINE RUNNING GENERALLY AND IN PART ALONG A STONE WALL, SOUTH 74° 46' 04" EAST 1643.98 FEET TO THE PLACE OF BEGINNING.

BEARINGS ARE WITH REFERENCE TO NAD 83 STATE PLANE COORDINATE SYSTEM, NY NORTH EAST DATUM.

FOR COUNTY USE ONLY

Swis Code # 513600
Date Deed Recorded 07/26/2023
Bk # 7250 Pg # 139 Instr # 2023-8363

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property Location	255	Ridge Road
	* STREET NUMBER	* STREET NAME
	Marlboro	12542
	* CITY OR TOWN	* ZIP CODE
2. Buyer Name	MARLBOROUGH RESORT, LLC	
	* LAST NAME/COMPANY	FIRST NAME
	LAST NAME/COMPANY	FIRST NAME
3. Tax Billing Address	Indicate where future Tax Bills are to be sent if other than buyer address(at bottom of form)	
	LAST NAME/COMPANY	FIRST NAME
	STREET NUMBER AND NAME	CITY OR TOWN
		STATE
		ZIP CODE
4. Indicate the number of Assessment Roll parcels transferred on the deed	1	# of Parcels
	OR	<input type="checkbox"/> Part of a Parcel
5. Deed Property Size	X	61.00
	* FRONT FEET	* DEPTH
		* ACRES
6. Seller Name	KBAR ORCHARDS, LLC	
	* LAST NAME/COMPANY	FIRST NAME
	LAST NAME/COMPANY	FIRST NAME
*7. Select the description which most accurately describes the use of the property at the time of sale:	Check the boxes below as they apply:	
E. Agricultural	8. Ownership Type is Condominium <input type="checkbox"/>	
	9. New Construction on a Vacant Land <input type="checkbox"/>	
	10A. Property Located within an Agricultural District <input type="checkbox"/>	
	10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District <input type="checkbox"/>	

SALE INFORMATION

11. Sale Contract Date	07/18/2023
* 12. Date of Sale/Transfer	07/24/2023
*13. Full Sale Price	980,000.00
(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.	
14. Indicate the value of personal property included in the sale	0.00
15. Check one or more of these conditions as applicable to transfer:	
<input type="checkbox"/> A. Sale Between Relatives or Former Relatives	
<input type="checkbox"/> B. Sale between Related Companies or Partners in Business.	
<input type="checkbox"/> C. One of the Buyers is also a Seller	
<input type="checkbox"/> D. Buyer or Seller is Government Agency or Lending Institution	
<input type="checkbox"/> E. Deed Type not Warranty or Bargain and Sale (Specify Below)	
<input type="checkbox"/> F. Sale of Fractional or Less than Fee Interest (Specify Below)	
<input type="checkbox"/> G. Significant Change in Property Between Taxable Status and Sale Dates	
<input type="checkbox"/> H. Sale of Business is included in Sale Price	
<input type="checkbox"/> I. Other Unusual Factors Affecting Sale Price (Specify Below)	
<input checked="" type="checkbox"/> J. None	
*Comment(s) on Condition:	

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY)	23	*17. Total Assessed Value	193,000
*18. Property Class	151	*19. School District Name	Marlboro
*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))			
102.4-2-29			

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

KBAR ORCHARDS, LLC
by Katha G. G. Pres 7/24/23
SELLER SIGNATURE DATE

BUYER SIGNATURE

BUYER SIGNATURE DATE 7/25/2023

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

Achenbaum	Michael
* LAST NAME	FIRST NAME
(516)	248-4920
* AREA CODE	* TELEPHONE NUMBER (Ex: 9999999)
100	Ridge Road West, Room 10
* STREET NUMBER	* STREET NAME
Garden City	NY
* CITY OR TOWN	* STATE
	11530
	* ZIP CODE
BUYER'S ATTORNEY	
Kornreich	Ronald S.
LAST NAME	FIRST NAME
(212)	259-6481
AREA CODE	TELEPHONE NUMBER (Ex: 9999999)

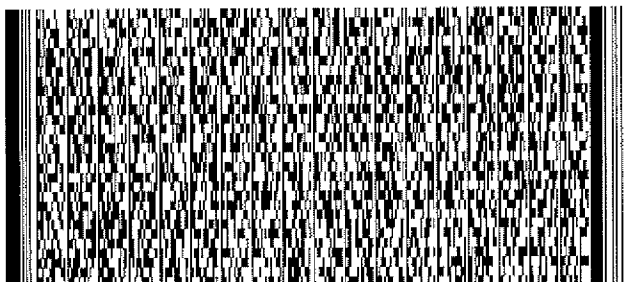


EXHIBIT D:

MAPS AND RADIUS LIST



PREPARED BY
**ULSTER COUNTY REAL PROPERTY
TAX SERVICE AGENCY**

PREPARED FOR
ULSTER COUNTY LEGISLATURE
KINGSTON, NEW YORK

THIS MAP WAS PREPARED FOR TAX ADMINISTRATION PURPOSES ONLY. NOT INTENDED FOR USE IN CONVEYANCE OF LAND. ABSOLUTE NO WARRANTY OF COMPLETENESS OR ACCURACY IS MADE. ALL INFORMATION ON THIS MAP IS AS SHOWN. NO WARRANTIES OR CORRECTIONS ARE MADE. ANY INFORMATION ON THIS MAP IS AS SHOWN. NO WARRANTIES OR CORRECTIONS ARE MADE.

MAP CONVERTED TO ARCADINO DIGITAL FORMAT - SEPTEMBER 1999
MAP DIGITALLY CONVERTED - SEPTEMBER 2005
BY WELER MAPPING, A DIVISION OF JAMES W. SERRALL

REVISION TABLE		DATE	CHANGES OR ADDITIONS
4/29/2022	BLK 4 Lots 1, 3, 11 & 33 LTR Per FM#19-1M	9/30/2019	BLK 1 Lot 2 100 S & 26 S 210 LTR Per FM#19-1M
2/14/2019	BLK 2 Lot 32 810 Subdv Per FM# 19-30A9	2/14/2019	BLK 2 Lot 32 810 Subdv Per FM# 19-30A9
6/7/2021	BLK 1 Lot 10 3 & 10 4 LTR Per FM#21-47	1/17/2019	BLK 1 Lots 2, 27, 28 2 Subdv Per FM#17-243
4/20/2021	BLK 2 Lots 30 & 32 813 LTR Per FM#20-279	10/31/2016	BLK 1 Lot 28 Sub. Per FM 16-202
4/12/2021	BLK 3 Lot 13 Subdv Per FM #21-104	3/14/2016	BLK 3 Lot 3 1 split per FM 15-184
4/10/2021	BLK 2 Lot 15, 113 Subdv. BLK 5 L1213 FM#21-43	2/20/2014	BLK 2 32 81 (mrg w/32 31, 32 2 & 32 3) #14017

SPECIAL DISTRICTS		UNPAID WATER
2022 PRO-RATED TAX		
MARLBOROUGH FIRE		
MARLBOROUGH WATER		
MILTON FIRE		
OAKWOOD MILLS DIST 4		
SUNRISE RIDGE DR DIS		

PROPERTY LINE	BLOCK LIMIT	TOWN VILLAGE CITY	COUNTY LINE	GREAT LOT LINE
---	---	---	---	---
---	---	---	---	---
---	---	---	---	---
---	---	---	---	---

U.S. HIGHWAY	INTERSTATE HIGHWAY	STATE HIGHWAY	COUNTY HIGHWAY	STREET OR TOWN ROAD
---	---	---	---	---
---	---	---	---	---
---	---	---	---	---
---	---	---	---	---

SCHOOL DISTRICT LINE	FIRE DISTRICT LINE	WATER DISTRICT LINE	SEWER DISTRICT LINE	LIGHT DISTRICT LINE	RAILROAD
---	---	---	---	---	---
---	---	---	---	---	---
---	---	---	---	---	---
---	---	---	---	---	---

GREAT LOT NUMBER	SUBDIVISION LOT NUMBER	TAX MAP PARCEL NUMBER	LOT LINE	WATER LINE
9	9	88.10-1.5	---	---
---	---	---	---	---
---	---	---	---	---
---	---	---	---	---

CALCULATED ACREAGE	DEED ACREAGE	SCALED DIMENSION	COORDINATE LOCATOR	DENOTES COMMON OWNER
9.5A (C)	9.5A	150 (S)	---	---
---	---	---	---	---
---	---	---	---	---
---	---	---	---	---

SHEET INDEX

NORTH

TAX MAP
TOWN OF MARLBOROUGH
ULSTER COUNTY
NEW YORK

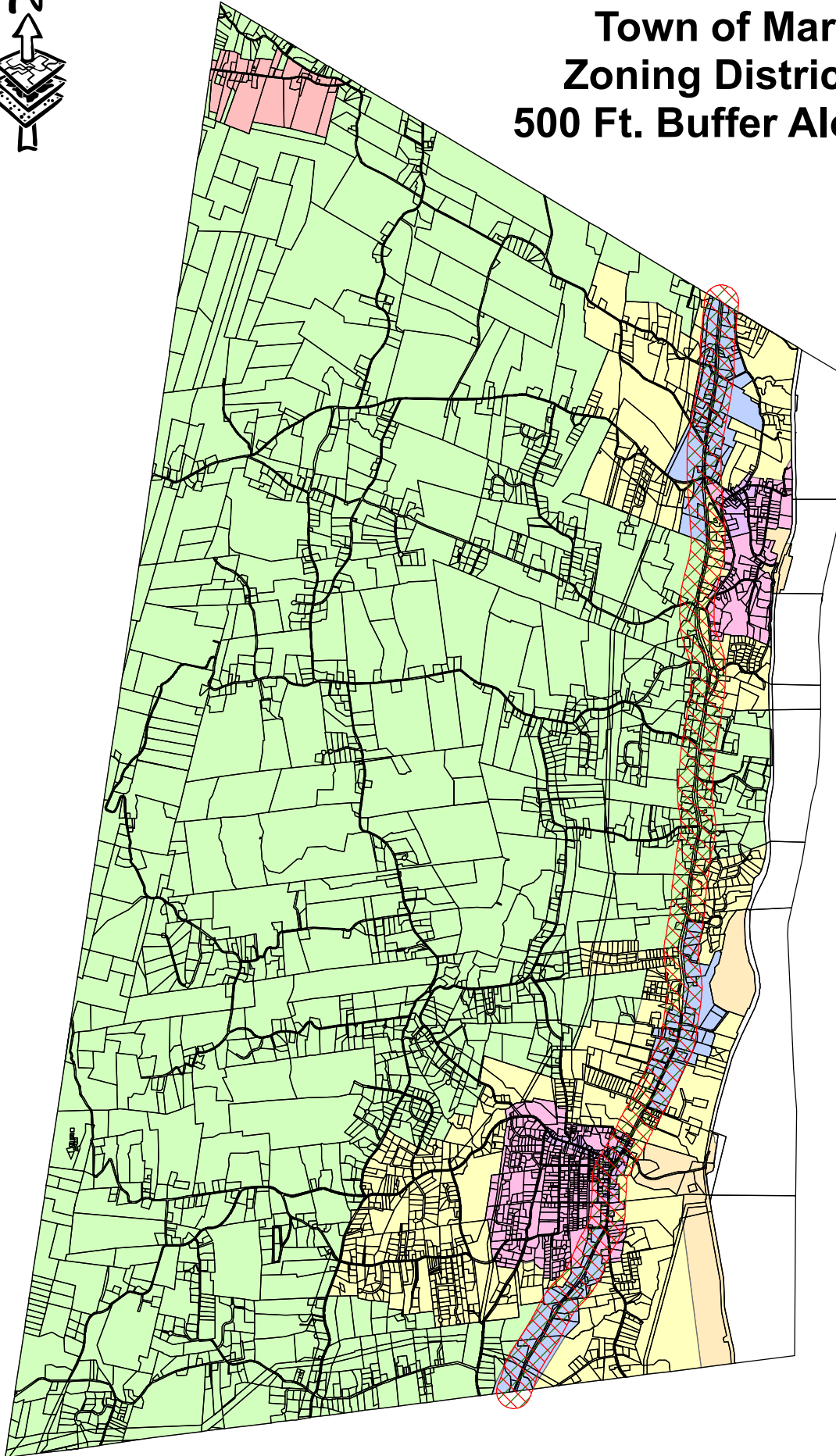
102.004
As of May 2024

500' Abutters List: (SBL: 102.4-3-8.320, 102.4-2-12, 102.4-2-13 and 102.4-2-29)


Parcel	Owner	Secondary Owner	Parcel Address	Parcel City	Mailing Address	Mailing 2	Mailing City	Mailing State	Mailing Zip
102.4-2-1	Bradley S Clarke		Old Indian Rd	Marlboro	6 Clarkes Lane		Milton	NY	12547
102.4-2-12	null	null	null	null	null		null	NY	null
102.4-2-13	null	null	null	null	null		null	NY	null
102.4-2-14.160	Kieu D Stephens		264 Ridge Rd	Marlboro	264 Ridge Rd		Milton	NY	12547
102.4-2-14.170	Thomas L Volpe	Michelle N Volpe	260 Ridge Rd	Marlboro	260 Ridge Rd		Milton	NY	12547
102.4-2-14.180	Robert J Richardson	Sherri L Richrsdson	254 Ridge Rd	Milton	254 Ridge Rd		Milton	NY	12547
102.4-2-16	Kathleen Scaffidi Family Trust	Kathleen Scaffidi	246 Ridge Rd	Marlboro	240 Ridge Road		Milton	NY	12547
102.4-2-17	Wilton Witter	Marcia McKane Witter	250 Ridge Rd	Marlboro	250 Ridge Rd		Milton	NY	12547
102.4-2-19.100	Robert Scaffidi as Trustee	Anne Sccaffidi as Trustee	238 Ridge Rd	Marlboro	4227 Woodmill Ct		Cedar Rapids	IA	52411
102.4-2-20.100	Avellino Joint Family Trust	Ralph & Gabriel Avellino	232 Ridge Rd	Marlboro	232 Ridge Rd		Milton	NY	12547
102.4-2-20.200	Paul P Lobdell	Donna M Lobdell	8 Theresa Pl	Marlboro	8 Theresa Pl		Milton	NY	12547
102.4-2-20.300	Dianna Livingston	Keith Livingston	12 Theresa Pl	Marlboro	10 Theresa Pl		Milton	NY	12547
102.4-2-20.400	Paul P Lobdell		18-20 Theresa Pl	Marlboro	8 Theresa Pl		Milton	NY	12547
102.4-2-21	Peter J Quartironi	Ann Marie Quartironi	220 Ridge Rd	Marlboro	1968 Clove Rd		Lagrangeville	NY	12540
102.4-2-27	Claus Dieter Kormannshaus		249 Ridge Rd	Marlboro	249 Ridge Rd		Marlboro	NY	12542
102.4-2-28.100	Anthony Santelia	Madeline Rocchio Santelia	Ridge Rd	Marlboro	145 Anderson Hill Rd		Purchase	NY	10577
102.4-2-28.200	Anthony Santelia	Madeline Rocchio Santelia	4 Christina Way	Milton	145 Anderson Hill Rd		Purchase	NY	10577
102.4-2-28.310	Anthony Santelia	Madeline Rocchio Santelia	6 Christina Way	Milton	145 Anderson Hill Rd		Purchase	NY	10577
102.4-2-28.400	Anthony Santelia	Madeline Rocchio Santelia	239 Ridge Rd	Milton	145 Anderson Hill Rd		Purchase	NY	10577
102.4-2-28.511	Naji Wassaf	Samieh G Sleilati	10 Christina Way	Marlboro	10 Christina Way		Milton	NY	12547
102.4-2-28.512	Nicodemo Nigro	Maria Nigro	14 Christina Way	Marlboro	14 Christina Way		Milton	NY	12547
102.4-2-28.513	Filip Nonkovic	Elina Bolokhova	16 Christina Way	Marlboro	16 Christina Way		Milton	NY	12547
102.4-2-28.514	Michael Consoli	Sheryl Consoli	18 Christina Way	Marlboro	18 Christina Way		Milton	NY	12547
102.4-2-28.519	Albret Lettera		22 Christina Way	Marlboro	22 Christina Way		Milton	NY	12547
102.4-2-29	Marlborough Resort LLC		255 Ridge Rd	Marlboro	100 Ring Rd W	Rm 101	Garden City	NY	11530
102.4-2-31	Kathleen Scaffidi Family Trust	Kathleen Scaffidi	240-242 Ridge Rd	Marlboro	240 Ridge Road		Milton	NY	12547
102.4-2-32.500	Ramon Marrero Jr		265 Ridge Rd	Marlboro	265 Ridge Rd		Milton	NY	12547
102.4-2-32.600	Thomas Dragisics		261 Ridge Rd	Marlboro	261 Ridge Rd		Milton	NY	12547
102.4-2-32.700	Michael Manning	Jenna K Manning	263 Ridge Rd	Marlboro	263 Ridge Road		Marlboro	NY	12542
102.4-2-32.814	Nicholas Galella	Anna Galella	17 Sunrise Dr	Marlboro	17 Sunrise Dr		Milton	NY	12547
102.4-3-3.110	Clara Werba Trust		Old Indian Rd	Marlboro	82 Highland Ave		Marlboro	NY	12542
102.4-3-3.120	Werba Farms, LLC		338 Old Indian Rd	Marlboro	302 Mt. Zion Rd		Marlboro	NY	12542
102.4-3-5	Richard A Fino	Lorraine Fino	295-303 Old Indian Rd	Marlboro	303 Old Indian Road		Milton	NY	12547
102.4-3-7.241	North Ridge Orchards. LLC		Old Indian Rd	Marlboro	214 Old Indian Rd		Milton	NY	12547
102.4-3-8.100	Javier Fernandez	Abigail Lorick	628 Lattintown Rd	Marlboro	628 Lattintown Rd		Marlboro	NY	12542
102.4-3-8.200	Steven Graulau	Evelyn Graulau	624 Lattintown Rd	Marlboro	134 Innis Ave Apt H5		Poughkeepsie	NY	12601
102.4-3-8.310	Brett Tudico	Suzanne Tudico	610 Lattintown Rd	Marlboro	610 Lattintown Rd		Marlboro	NY	12542
102.4-3-8.320	Marlborough Resort LLC		626 Lattintown Rd	Marlboro	100 Ring Road West	Rm 101	Garden City	NY	11530
102.4-3-9	Harley Ridge LLC		562 Lattintown Rd	Marlboro	P.O. Box 395		Highland	NY	12528
102.4-3-10.111	Lukasz R Gorz		580-586 Lattintown Rd	Marlboro	580 Lattintown Road		Marlboro	NY	12542
102.4-3-12	Lukasz R Gorz		Lattintown Rd	Marlboro	580 Lattintown Road		Marlboro	NY	12542
102.4-3-13.100	Alle-Chris LLC		636 Lattintown Rd	Marlboro	5 Ashlyn Dr		Marlboro	NY	12542
102.4-3-13.200	Alan Guarino	Kathleen G Guarino	634 Lattintown Rd	Marlboro	5 Ashlyn Dr		Marlboro	NY	12542
102.4-3-13.300	Jennifer Martino		632 Lattintown Rd	Marlboro	33 Prospect St		Marlboro	NY	12542
102.4-3-14	George W Decker	Anna Decker	638 Lattintown Rd	Marlboro	638 Lattintown Rd		Marlboro	NY	12542
102.4-3-17.110	Copart of Connecticut Inc		572-578 Lattintown Rd	Marlboro	14185 Dallas Parkway	Ste 300	Dallas	TX	75254
102.4-4-11	John Bride	Mary Ellen Bride	2 Penny Ln	Marlboro	2 Penny Ln		Marlboro	NY	12542
102.4-4-12	John F Yeager	Patricia A Yeager	3 Penny Ln	Marlboro	14 Northern Ave	Unit G7	Cold Springs	NY	10516
102.4-4-13	Pauline M Walker		627 Lattintown Rd	Marlboro	482 Rt 32N		New Paltz	NY	12561
102.4-4-14	Roger C Zuidema		5 Penny Ln	Marlboro	5 Penny Lane		Marlboro	NY	12542
102.4-4-15	Master Funding Trust REO Towd		7 Penny Ln	Marlboro	3217 S Decker Lake Dr		Salt Lake City	UT	84119
102.4-4-19	Anthony J Porpiglia		605-607 Lattintown Rd	Marlboro	507 Lattintown Rd		Marlboro	NY	12542
102.4-4-20.100	Lori DiLorenzo		625 Lattintown Rd	Marlboro	625 Lattintown Rd		Marlboro	NY	12542
102.4-4-21.100	Anthony Porpiglia	Rosalee B H&W Porpiglia	Lattintown Rd	Marlboro	507 Lattintown Rd		Marlboro	NY	12542
102.4-4-22	David Hagen	Jennifer Hagen	615 Lattintown Rd	Marlboro	615 Lattintown Rd		Marlboro	NY	12542
102.4-4-23	Vincent Naccarato	Stephanie Naccarato	611 Lattintown Rd	Marlboro	103 Grant Street		Kingston	NY	12401
102.4-4-24	Arlene Vanacore		609 Lattintown Rd	Marlboro	P.O. Box 845		Marlboro	NY	12542
102.4-4-25	Timothy E Higgins	Sara Higgins	601 Lattintown Rd	Marlboro	601 Lattintown Rd		Marlboro	NY	12542
102.4-4-26	Domenic Porpiglia	Rosalee Porpiglia	597 Lattintown Rd	Marlboro	507 Lattintown Rd		Marlboro	NY	12542
102.4-4-27.100	Jerramia Laubenbier		1 Stone Hill Rd	Marlboro	1 Stone Hill Rd		Marlboro	NY	12542
102.4-4-28	Sunset Valley Farm LLC		583 Lattintown Rd	Marlboro	507 Lattintown Road		Marlboro	NY	12542
102.4-4-29.100	Porpiglia Family Farms, LLC		593 Lattintown Rd	Marlboro	507 Lattintown Road		Marlboro	NY	12542




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

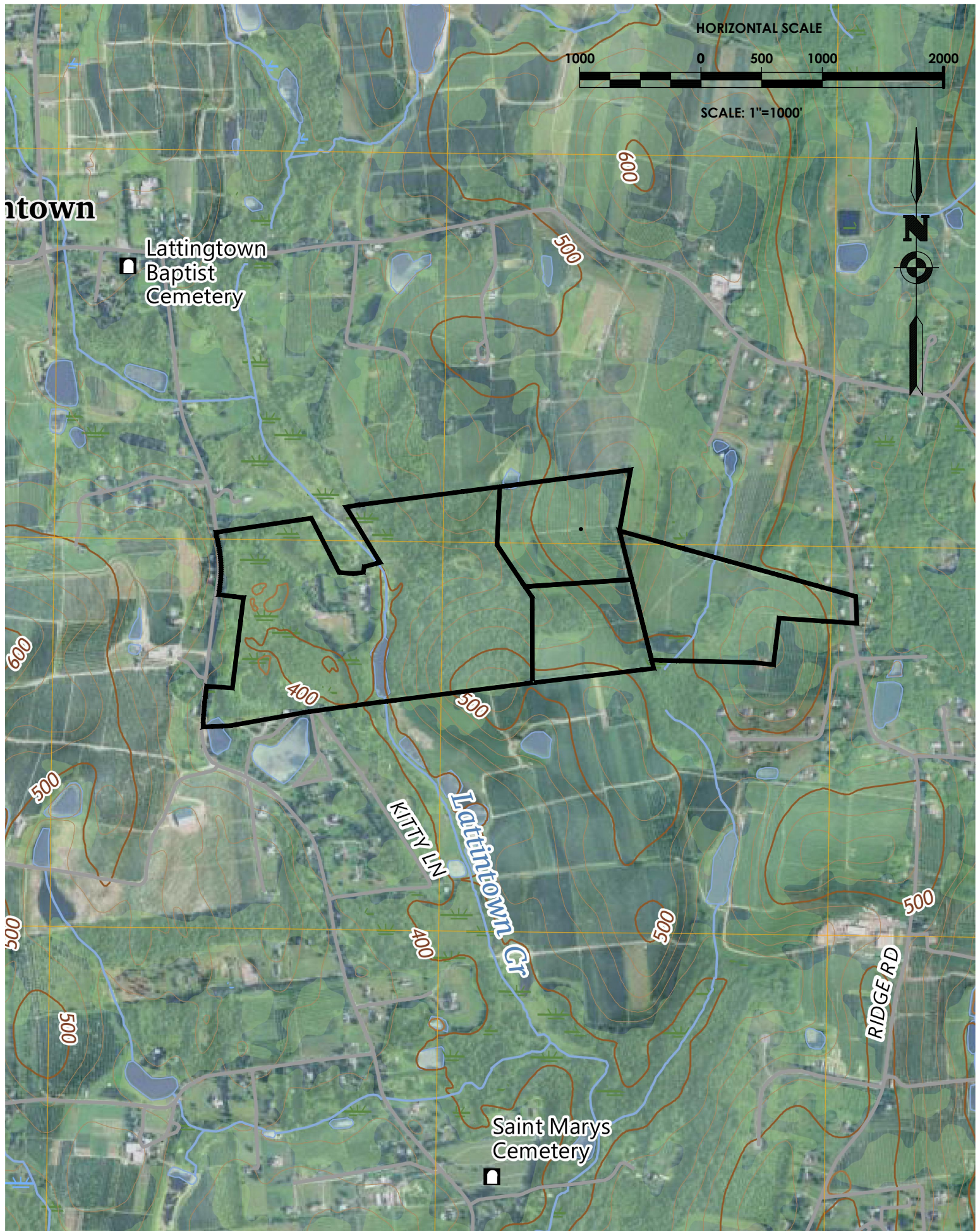


EXHIBIT E:

**TOWN OF MARLBOROUGH DEPARTMENT
OF
BUILDINGS DETERMINATION LETTER
DATED JUNE 10, 2024**

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.

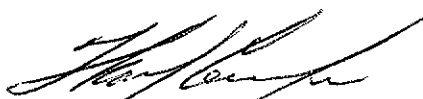
I will use the existing cottage, off Lattintown Road entry, as my starting structure for front yard setbacks.

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

EXHIBIT F:

**USE DESCRIPTION LETTER PREPARED
BY CUDDY & FEDER LLP DATED MAY 8, 2024**



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

Anthony B. Gioffre III
agioffre@cuddyfeder.com

May 8, 2024

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.



May 8, 2024

Page 2

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 thereof 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.””



May 8, 2024
Page 3

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



May 8, 2024

Page 4

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 Barbecue 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).



May 8, 2024

Page 5

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



May 8, 2024
Page 6

(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.



May 8, 2024

Page 7

Thank you for your time and consideration in this matter.

Very truly yours,

Anthony B. Gioffre III

Anthony B. Gioffre III

Enclosures

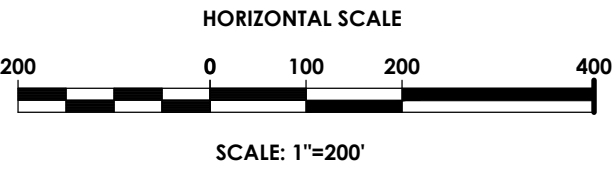
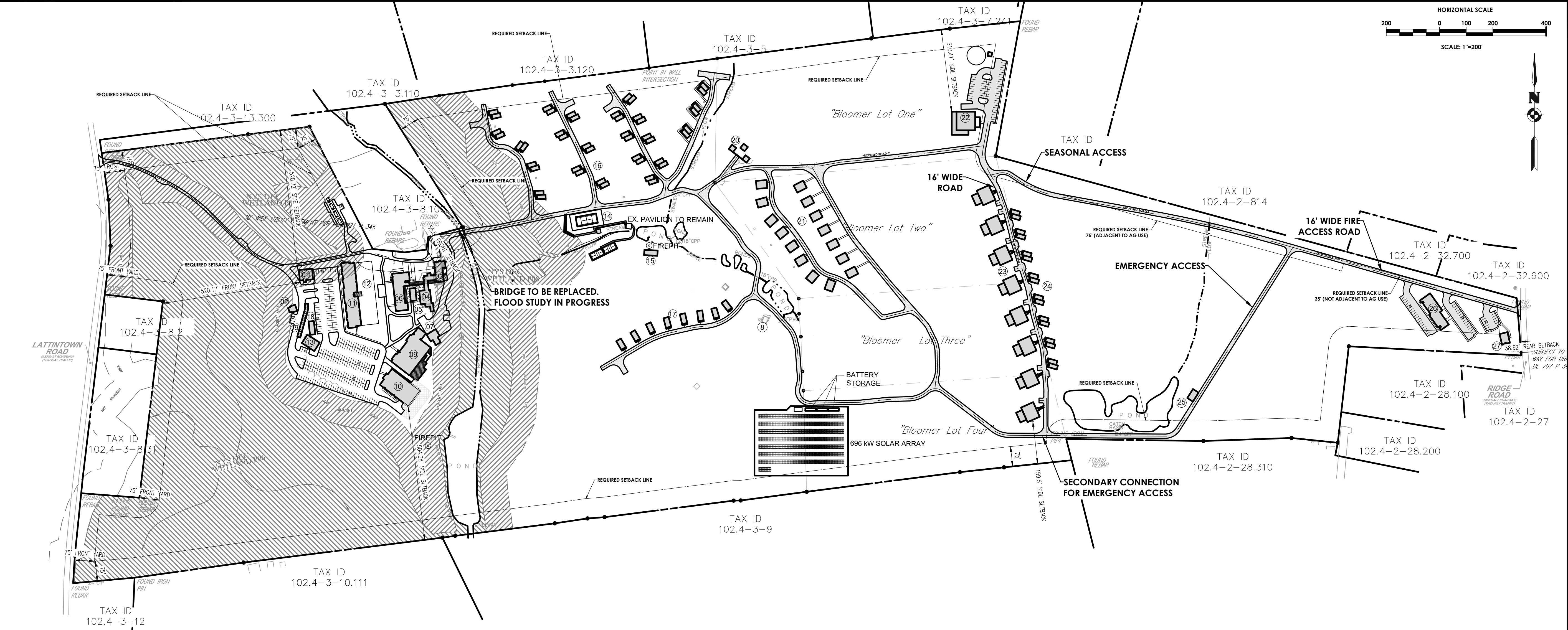
Cc: Client
Tinkelman Architecture PLLC
Passero Associates
Control Point Associates, Inc.
Daniel Patrick, Esq., Cuddy & Feder LLP

Y:\PROJECTS-NEW\2023\20233707\20233707.001 - MARLBOROUGH RESORT\01_CAD-BIM-MODELS\CIVIL\C130-SITE.DWG 5/8/2024 11:32 AM Patrick Mitchell

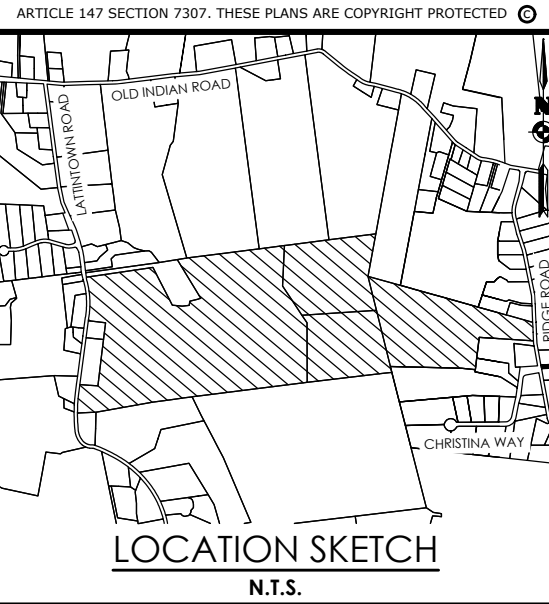
SITE DATA - PHASE 01				
BUILDING NAME	BUILDING NUMBER	No. of BUILDINGS	BUILDING AREA (S.F.)	TOTAL BUILDING AREA (S.F.)
WELCOME BUILDING	1	1	2077	2077
ENTRY COTTAGE - EXISTING CABIN	2	1	648	648
RENOVATED MAIN LODGE WITH 2 GUESTROOMS, A PRIVATE DINING AREA, AND SALOON	3	1	7223	7223
ORANGERIE - SMALL EVENTS CENTER	4	1	3168	3168
CABIN BAR	5	1	1022	1022
CLUBHOUSE DINING ROOM 1	6	1	8897	8897
FARM MARKET & BARBEQUE	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
---	--------



PASSERO
engineering architecture



Client:

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 7309 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

EXHIBIT G:

**TOWN OF MARLBOROUGH DEPARTMENT OF
BUILDINGS USE DETERMINATION LETTER
DATED MAY 10, 2024**

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

EXHIBIT H:

PHOTOGRAPH OF EXISTING FARM STRUCTURE

Photographs of Existing Accessory Farm Structure



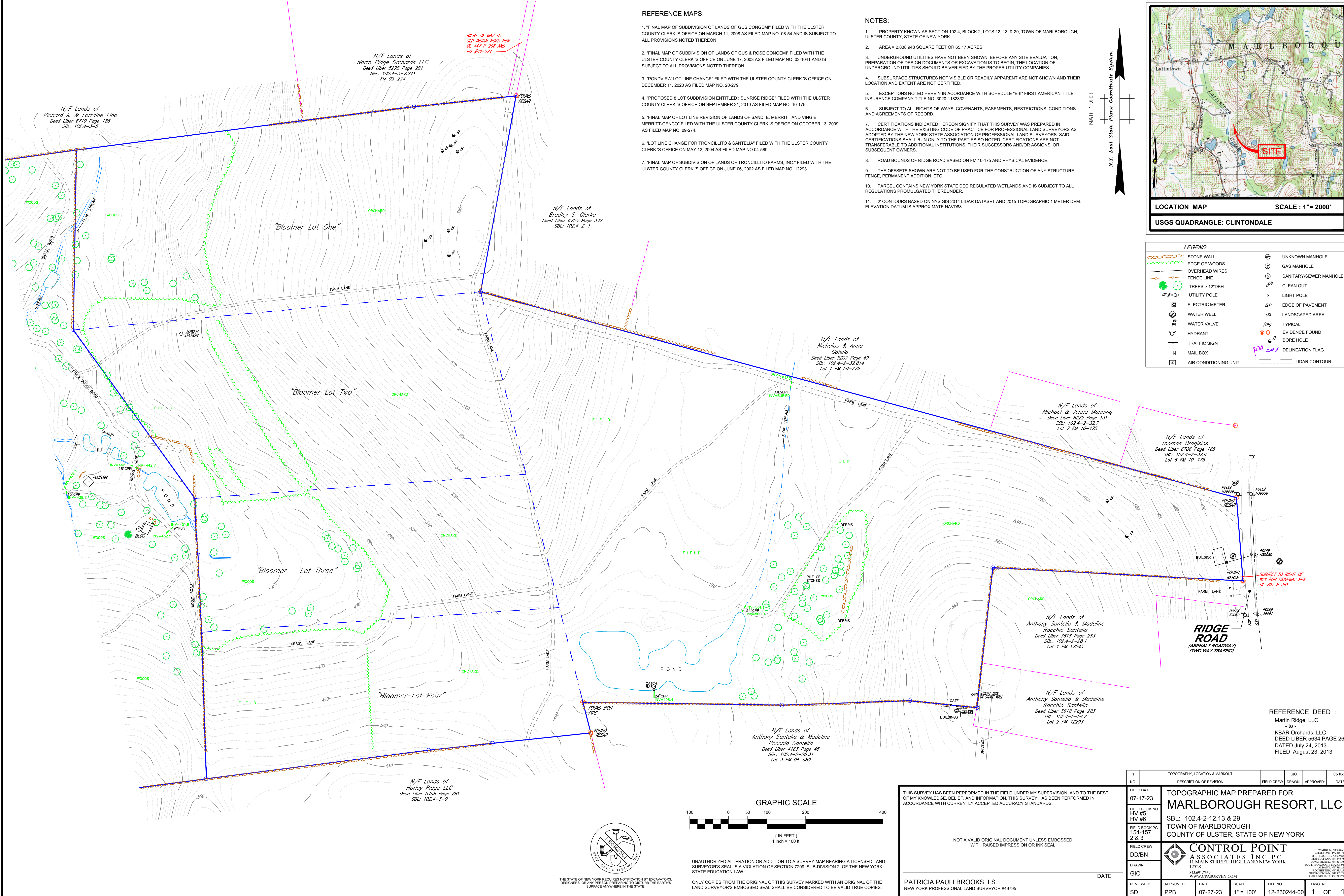
Photographs of Existing Accessory Farm Structure



EXHIBIT I:

**TOPOGRAPHIC SURVEY PREPARED FOR
MARLBOROUGH RESORT, LLC
PREPARED BY CONTROL POINT ASSOCIATE
INC. PC LAST UPDATED MAY 10, 2024**

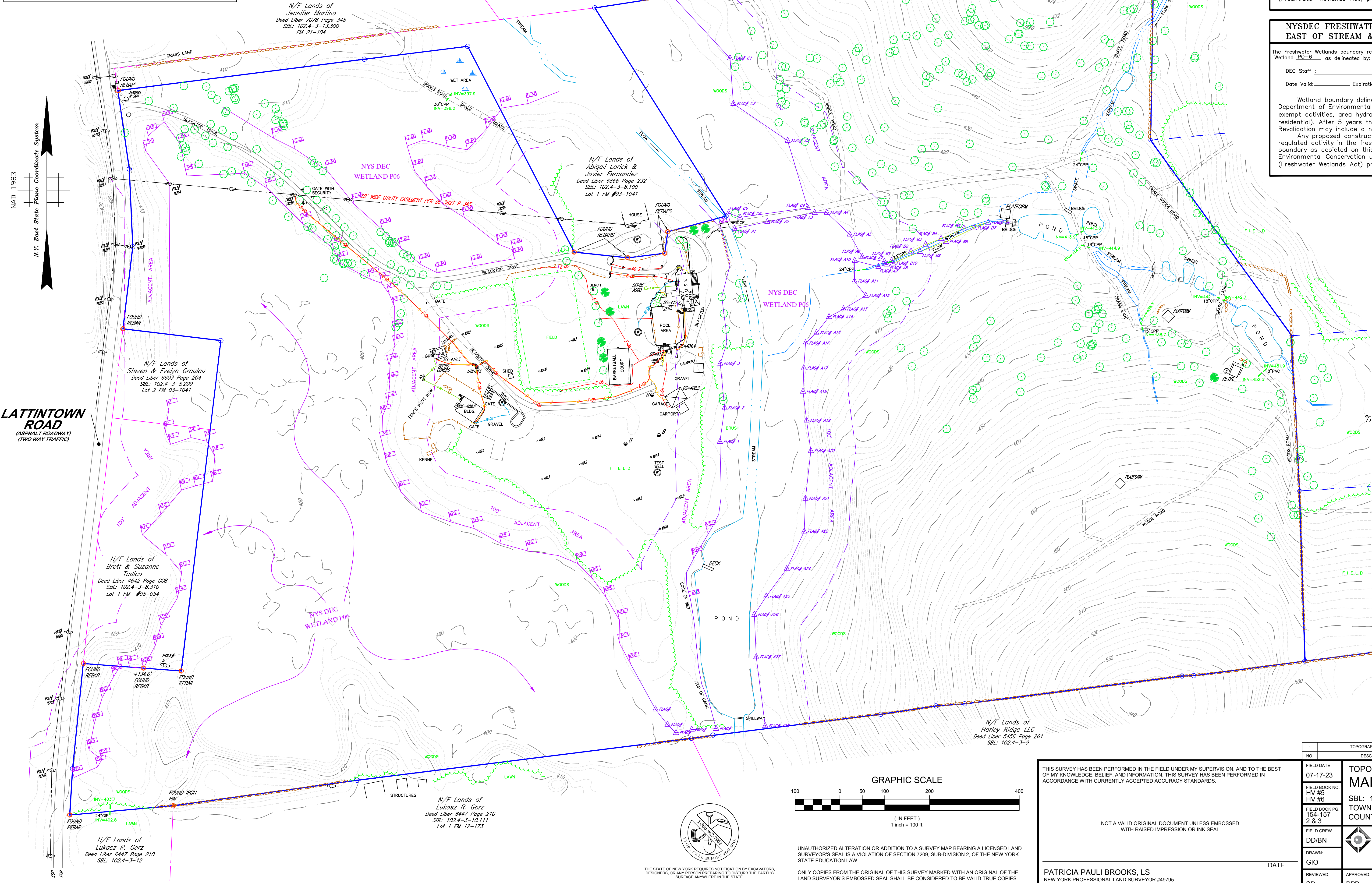
CONTROL POINT ASSOCIATES INC. PC - ALL RIGHTS RESERVED.
THE COPYING OR REUSE OF THIS DOCUMENT OR PORTIONS THEREOF FOR OTHER THAN THE ORIGINAL PROJECT OR PROJECTS FOR WHICH IT WAS PREPARED IS PROHIBITED.
THIS SURVEY WAS PERFORMED IN THE FIELD UNDER THE SUPERVISION OF A LICENSED LAND SURVEYOR.



LEGEND	
	STONE WALL
	EDGE OF WOODS
	OVERHEAD WIRES
	FENCE LINE
	TREES > 12"DBH
	UTILITY POLE
	ELECTRIC METER
	WATER WELL
	WATER VALVE
	HYDRANT
	TRAFFIC SIGN
	MAIL BOX
	AIR CONDITIONING UNIT
	UNKNOWN MANHOLE
	GAS MANHOLE
	SANITARY/SEWER MANHOLE
	CLEAN OUT
	LIGHT POLE
	EDGE OF PAVEMENT
	LANDSCAPED AREA
	TYPICAL
	EVIDENCE FOUND
	BORE HOLE
	DELINEATION FLAG
	LIDAR CONTOUR

UTILITY MARKOUT LEGEND	
	SUBSURFACE COMM QUALITY LEVEL B
	SUBSURFACE ELECTRIC QUALITY LEVEL B
	SUBSURFACE WATER QUALITY LEVEL B
	SUBSURFACE GAS QUALITY LEVEL B
	SUBSURFACE SANITARY QUALITY LEVEL B

REFERENCE DEED :
Gus Congemi
- to -
Good Friday, LLC
DEED LIBER 4936 PAGE 41
DATED April 30, 2010
FILED May 25, 2010



**NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION
WEST OF STREAM & POND**

The Freshwater Wetlands boundary represented on these plans accurately depicts the limits of Freshwater Wetland P0-6 as delineated by: Mike Clancy 12/07/2004 AND Paige Lewandowski 9/23/2023

DEC Staff : _____ Surveyor / Engineer : Patricia Pauli Brooks, L.S.

Date Valid: _____ Expiration Date: _____ SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for 5 years unless existing exempt activities, area hydrology, or land use practices change (e.g. agricultural to residential). After 5 years the boundary must be revalidated by DEC staff. Revalidation may include a new delineation and survey of the wetland boundary. Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

**NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION
EAST OF STREAM & POND**

The Freshwater Wetlands boundary represented on these plans accurately depicts the limits of Freshwater Wetland P0-6 as delineated by: Mike Nowicki on 7/07/2023

DEC Staff : _____ Surveyor / Engineer : Patricia Pauli Brooks, L.S.

Date Valid: _____ Expiration Date: _____ SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for 5 years unless existing exempt activities, area hydrology, or land use practices change (e.g. agricultural to residential). After 5 years the boundary must be revalidated by DEC staff. Revalidation may include a new delineation and survey of the wetland boundary. Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

- NOTES:**
- PROPERTY KNOWN AS SECTION 102.4, BLOCK 3, LOT 8.320, TOWN OF MARLBOROUGH, ULSTER COUNTY, STATE OF NEW YORK.
 - AREA = 3,806,070 SQUARE FEET OR 87.38 ACRES.
 - UNDERGROUND UTILITIES HAVE NOT BEEN SHOWN. BEFORE ANY EXCAVATION, PREPARATION OF DESIGN DOCUMENTS OR EXCAVATION IS TO BEGIN, THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE VERIFIED BY THE PROPER UTILITY COMPANIES.
 - SUBSURFACE STRUCTURES NOT VISIBLE OR READILY APPARENT ARE NOT SHOWN AND THEIR LOCATION AND EXTENT ARE NOT CERTIFIED.
 - PARCEL TOGETHER WITH AND SUBJECT TO THE PROVISION OF A DECLARATION OF COMMON DRIVEWAY EASEMENT AND OVERHEAD UTILITY LINE EASEMENT AS RECORDED IN DEED LIBER 3692 AT PAGE 249.
 - SUBJECT TO ALL RIGHTS OF WAYS, COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.
 - CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PARTIES SO NOTED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.
 - ROAD BOUNDS OF LATTINTOWN ROAD BASED ON FM #08-54.
 - THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.
 - PARCEL CONTAINS NEW YORK STATE DEC REGULATED WETLANDS AND IS SUBJECT TO ALL REGULATIONS PROMULGATED THEREUNDER.
 - EXCEPTIONS SHOWN HEREIN IN ACCORDANCE WITH SCHEDULE "B-I" FIRST AMERICAN TITLE INSURANCE COMPANY TITLE NO. 3020-1182332.
 - 2' CONTOURS BASED ON NYS GIS 2014 LIDAR DATASET AND 2015 TOPOGRAPHIC 1 METER DEM. ELEVATION DATUM IS APPROXIMATE NAVD88.

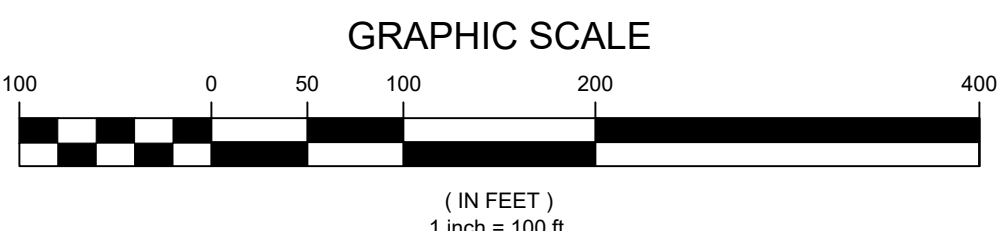
- REFERENCE MAPS:**
- PARCEL BEING LOT 2 AS DESIGNATED ON A MAP ENTITLED "FINAL MAP OF SUBDIVISION OF LANDS OF GUS CONGEMI" FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON MARCH 11, 2008 AS FILED MAP NO. 08-54 AND IS SUBJECT TO ALL PROVISIONS NOTED THEREON.
 - PARCEL BEING A PORTION OF LOT 3 AS DESIGNATED ON A MAP ENTITLED "FINAL MAP OF SUBDIVISION OF LANDS OF GUS & ROSE CONGEMI" FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON JUNE 17, 2003 AS FILED MAP NO. 03-1041 AND IS SUBJECT TO ALL PROVISIONS NOTED THEREON.
 - "SUBDIVISION PLAN FOR GUARINO" FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON APRIL 16, 2021 AS FILED MAP NO. 21-104.
 - "PONDVIEW LOT LINE CHANGE" FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON DECEMBER 11, 2020 AS FILED MAP NO. 20-279.
 - "FINAL MAP OF LOT LINE REVISION BETWEEN LANDS OF THE ESTATE OF CLARA WERBA AND LANDS OF MICHAEL C. WERBA" FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON NOVEMBER 09, 2015 AS FILED MAP NO. 15-184.
 - "LOT LINE CHANGE FOR TRONCILLITO" FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON OCTOBER 04, 2012 AS FILED MAP NO. 12-173.

TOPOGRAPHY, LOCATION & MARKOUT		GIO	05-10-24
NO.	DESCRIPTION OF REVISION	FIELD CREW	DATE
1	FIELD DATE 07-17-23		
2	FIELD BOOK NO. HV #5		
3	FIELD BOOK PG. 154-157		
4	FIELD BOOK PG. 2 & 3		
5	FIELD CREW DD/BN		
6	DRAWN: GIO		
7	REVIEWED: SD		
8	APPROVED: PPB		
9	DATE 07-27-2023		
10	SCALE 1" = 100'		
11	FILE NO. 12-230244-00		
12	DWG. NO. 1		

THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION OR INK SEAL

PATRICIA PAULI BROOKS, LS
NEW YORK PROFESSIONAL LAND SURVEYOR #49795



UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

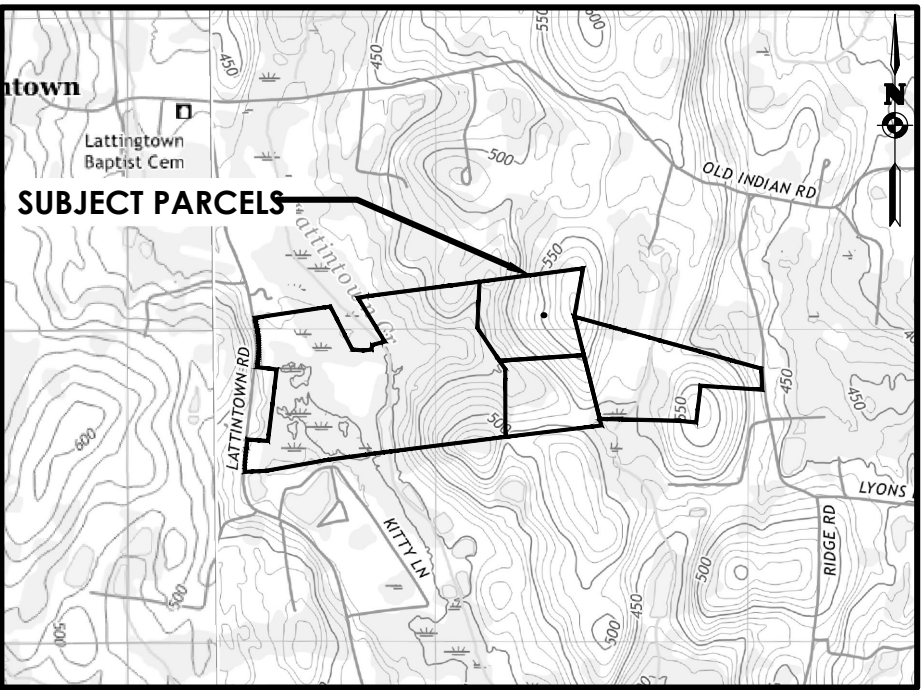
ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

CONTROL POINT ASSOCIATES INC. PC - ALL RIGHTS RESERVED. THE COPYING OR REUSE OF THIS DOCUMENT OR PORTIONS THEREOF FOR OTHER THAN THE ORIGINAL PROJECT OR PROJECTS SPECIFICALLY AUTHORIZED BY CONTROL POINT ASSOCIATES INC. IS PROHIBITED.

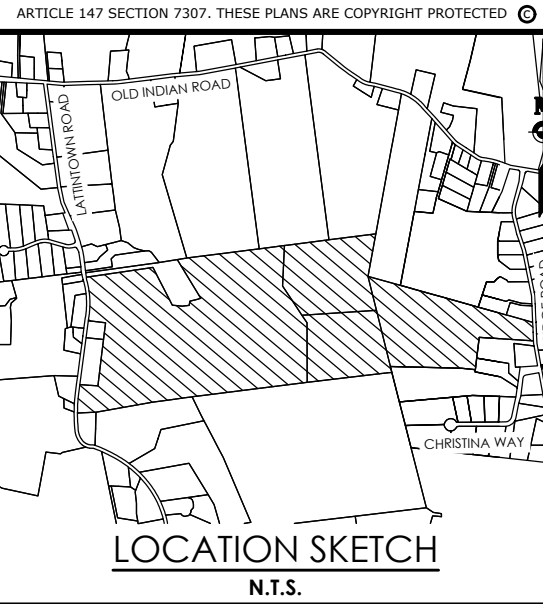
EXHIBIT J:

SITE PLANS PREPARED BY PASSERO ASSOCIATES

SITE PLAN
MARLBOROUGH RESORT
TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK
P.N. 20233707.0001



LOCATION MAP
SCALE: 1" = 2000'



Client:
Marlborough Resort, LLC
100 Ring Rd West
Garden City, NY 11530
SUITE 101

PASSERO ASSOCIATES
242 West Main Street Suite 100
Rochester, New York 14614
(585) 325-1000
Fax: (585) 325-1691
Principal-in-Charge: Jess D. Sudol, P.E.
Project Manager: Chris LaPorta, P.E.
Designed by: Marvin Pinkrah

Revisions			
No.	Date	By	Description
1			

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COVER SHEET

MARLBOROUGH
RESORT

Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.
20233707.0001

Drawing No.
G 001

Scale:
N.T.S.

Date
JUNE 25, 2024

NOT FOR CONSTRUCTION

SITE DATA - PHASE 01

BUILDING NAME	BUILDING NUMBER	TOTAL BUILDING AREA (S.F.)
WELCOME BUILDING	1	2077
ENTRY COTTAGE - EXISTING CABIN	2	648
RENOVATED MAIN LODGE WITH 2 GUESTROOMS, A PRIVATE DINING AREA, AND SALOON	3	7223
ORANGERIE - SMALL EVENTS CENTER	4	3168
CABIN BAR	5	1022
CLUBHOUSE DINING ROOM 1	6	8897
FARM MARKET & BARBEQUE	7	1656
POND CABIN - EXISTING CABIN	8	695
SPA AND GYM	9	19701
EVENTS CENTER	10	15870
28 ROOM HOTEL	11	17244
WALLED GARDEN	12	15340
BACK-OF-HOUSE OPERATION	13	2106
POND PAVILION	14	1000
TREE HOUSE -2 GUESTROOM CABINS	15	25542
TREE HOUSE -1 GUESTROOM CABINS	16	6192
STORAGE/GENERATOR BUILDING	17	1000
COVERED PARKING (ELEC. VEHICLES)	18	1550
STAFF DORM & LOCKER ROOM	19	14672
WASTEWATER MECHANICAL BLDG	20	576
ANIMAL PLANET - PETTING ZOO (BARN)	21	1200
TOTAL BUILDING AREA (S.F.)		147604

SITE DATA - PHASE 02

BUILDING NAME	BUILDING NUMBER	TOTAL BUILDING AREA (S.F.)
HILLSIDE - 2 GUESTROOM CABINS	22	18000
5-BEDROOM GUEST HOUSES	23	32000
ORCHARD - 2 GUESTROOM CABINS	24	9600
TOTAL BUILDING AREA (S.F.)		59600

SITE DATA - PHASE 03

BUILDING NAME	BUILDING NUMBER	TOTAL BUILDING AREA (S.F.)
CLUBHOUSE DINING ROOM 2	25	5000
ORCHARD POND PAVILION	26	1000
DISTILLERY WITH TASTING ROOM	27	1260
TOTAL BUILDING AREA (S.F.)		7260

GRAND TOTAL BUILDING AREA-ALL PHASES (S.F.)	214239
---	--------

SPDES GENERAL PERMIT GP-0-20-001 COMPLIANCE NOTES:

THIS PLAN SET AND THE ACCOMPANYING SWPPP ENTITLED "MARLBOROUGH RESORT FINAL DEVELOPMENT PLAN SET" HAVE BEEN SUBMITTED AS A SET. THESE ENGINEERING DRAWINGS ARE CONSIDERED AN INTEGRAL PART OF THE SWPPP. THEREFORE THE PLAN SET IS NOT CONSIDERED COMPLETE WITHOUT THE SWPPP.

DRAWING INDEX		
1 OF 7	G 001	COVER SHEET
2 OF 7	C 110	KEY PLAN
3 OF 7	C 120	OVERALL EXISTING CONDITIONS & DEMOLITION PLAN
4 OF 7	C 130	OVERALL SITE PLAN
5 OF 7	C139	SITE PLAN
6 OF 7	L 100	LANDSCAPE & LIGHTING OVERALL CONCEPT
7 OF 7	L 101	LANDSCAPE & LIGHTING CLOSE UPS

TOTAL LOD = 43.81 ACRES

CONSTRUCTION PHASE 1 LOD = XXX ACRES

CONSTRUCTION PHASE 2 LOD = XXX ACRES

CONSTRUCTION PHASE 3 LOD = XXX ACRES

SITE DATA

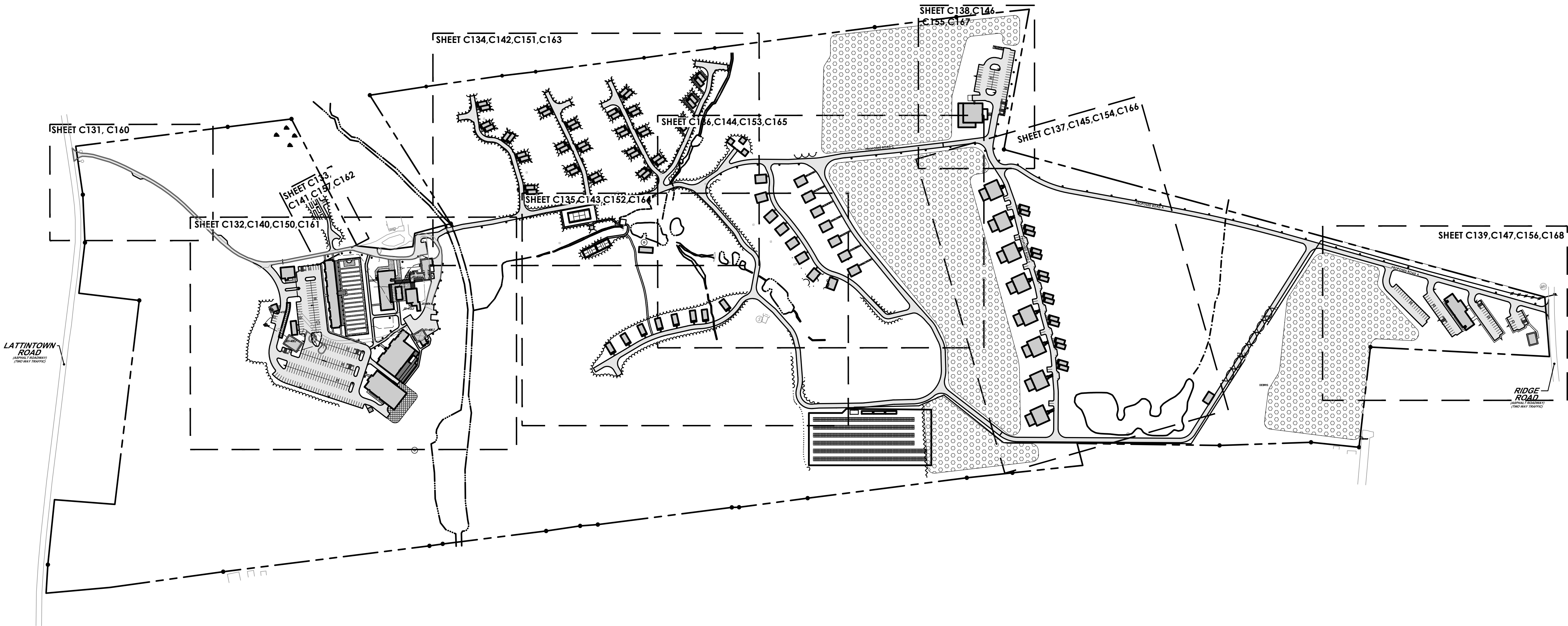
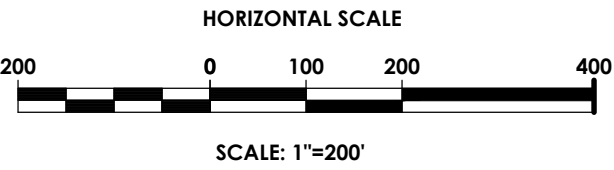
- TAX ACCOUNT NUMBER: 102.4-3-8.320, 102.4-2-12, 102.4-2-13, 102.4-2-29
- PARCEL ADDRESS: 626 LATTINTOWN RD.
255 RIDGE RD.
MUNICIPALITY: MARLBOROUGH
COUNTY: ULSTER
- TOTAL PARCEL AREA: 152.55 ACRES
AREA OF DISTURBANCE: 40.8 ACRES
- EXISTING ZONING: R-AG-1 (RURAL AGRICULTURAL DISTRICT)
PROPOSED ZONING:
- EXISTING USE: LODGE/INN, FRUIT CROP
- PROPOSED USE: RESORT HOTEL
- AREA REQUIREMENTS:

ZONING DISTRICT: R-Ag-1 (Rural Agricultural District)

	REQUIRED	PROPOSED
LOT		
WIDTH	150 FT	1,594 FT
DEPTH	200 FT	3,168 FT
AREA 1	1 ACRE	152.55 ACRES
COVERAGE	20%	2.30%
SETBACK 2		
FRONT	75 FT	525.23 FT
SIDE (ONE/BOTH)	75 FT/150 FT	N/A
FRONT (RIDGE RD.)	50 FT	38.62 FT (*)
BUILDING		
HEIGHT	35 FT	31.27 FT
DENSITY	1 UNIT PER 2000S.F.	1 UNIT PER39089 S.F.
UNIT QTY	20 MINIMUM	101 UNITS
PARKING		
STALLS QTY	170	453
NOTES:	1 MINIMUM LOT SIZES IN R-1 AND R-AG-1 ARE SUBJECT TO PERCOLATION TESTS REQUIRED UNDER § 155-42, BUT IN NO EVENT ARE LESS THAN ONE (1) ACRE. 2 MINIMUM SETBACKS ARE SUBJECT TO § 155-52 IN R-AG-1, R-1, AND HD ZONES THAT ARE NEXT TO ACTIVATE AGRICULTURAL LANDS IN EFFORTS TO PRESERVE AND PROTECT AGRICULTURAL PRACTICES. THIS MINIMUM SETBACK OF 75 FEET FROM THE PROPERTY LINE WILL SUPERSEDE OTHER MINIMUM SETBACKS IDENTIFIED IN SCHEDULE I.	

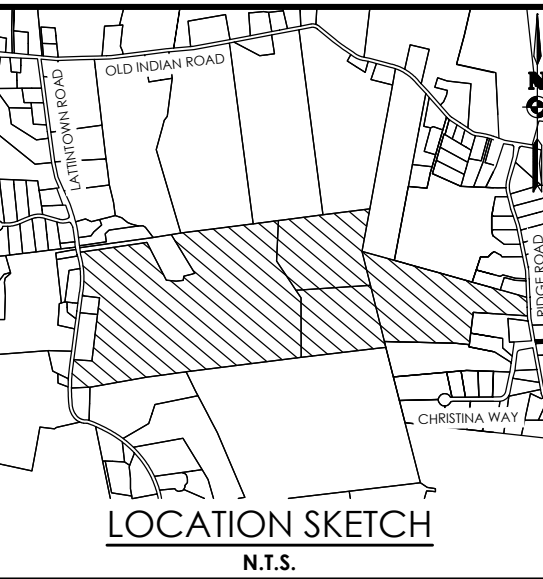
(*) - EXISTING NON-CONFORMING, SEEKING RELIEF OF 22.76%

- | | | |
|--|---------------------------------|-----|
| | NO | YES |
| 8. STATE REGULATED WETLANDS (NYSDEC ERM): | | X |
| 9. FEDERALLY REGULATED WETLANDS (USFWS NWI): | | X |
| 10. FLOOD PLAIN (FEMA NFHL):
FIRM PANEL: 36111C0790E
DATED: 09/25/2009 | X | |
| 11. PUBLIC WATER PROVIDED BY: | TOWN OF MARLBOROUGH | |
| 12. ELECTRIC SERVICE PROVIDED BY: | CENTRAL HUDSON GAS AND ELECTRIC | |
| 13. GAS SERVICE SUPPLIED BY: | | |
| 14. SANITARY SEWER PROVIDED BY: | PRIVATE | |
| 15. STORM SEWER & DRAINAGE WILL BE: (MAINTAINED BY THE OWNER) | PRIVATE | |
| 16. PROJECT BOUNDARIES ARE WITHIN THE MARLBORO CENTRAL SCHOOL DISTRICT. | | |
| 17. ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE CURRENT DEVELOPMENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY | | |



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engineering architecture

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Client:
Marlborough Resort, LLC
100 Ring Rd West
Garden City, NY 11530
SUITE 101

PASSERO ASSOCIATES

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Fax: (585) 325-1691
Principal-in-Charge: Jess D. Sudol, P.E.
Project Manager: Chris LaPorta, P.E.
Designed by: Marvin Pinkrah

Revisions			
No.	Date	By	Description
1			

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KEY PLAN

MARLBOROUGH
RESORT

Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.
20233707.0001

Drawing No.
C 110

Scale:
1" = 200'

Date
JUNE 25, 2024

NOT FOR CONSTRUCTION

DEMOLITION KEY:

- A

SAWCUT EXISTING ASPHALT PAVEMENT.
- B

REMOVE AND DISPOSE OF EXISTING ASPHALT PAVEMENT AND SUBBASE.
- C

REMOVE EXISTING SANITARY STRUCTURES, PIPING, CLEANOUTS, AND SYSTEM. TO BE DECOMMISSIONED IN ACCORDANCE WITH ULSTER COUNTY STANDARDS.
- D

PROTECT EXISTING UTILITY PEDESTAL.
- E

PROTECT EXISTING MONITORING WELL.
- F

REMOVE EXISTING WATER LINE.
- G

REMOVE EXISTING GAS LINE AND STRUCTURE.
- H

REMOVE EXISTING SKEET STAND.
- I

REMOVE EXISTING BENCH.
- J

REMOVE EXISTING FENCE.
- K

REMOVE EXISTING TREELINE TO REFLECT PROPOSED TREELINE.
- L

REMOVE ASPHALT AT FULL DEPTH.
- M

REMOVE EXISTING SHED.
- N

REMOVE EXISTING GRAVEL.
- O

REMOVE EXISTING WALL.
- P

REMOVE EXISTING BASKETBALL HOOP.
- Q

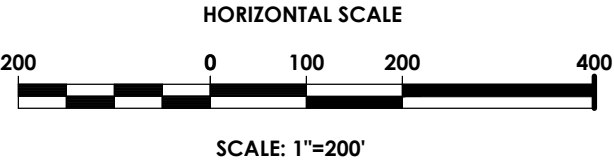
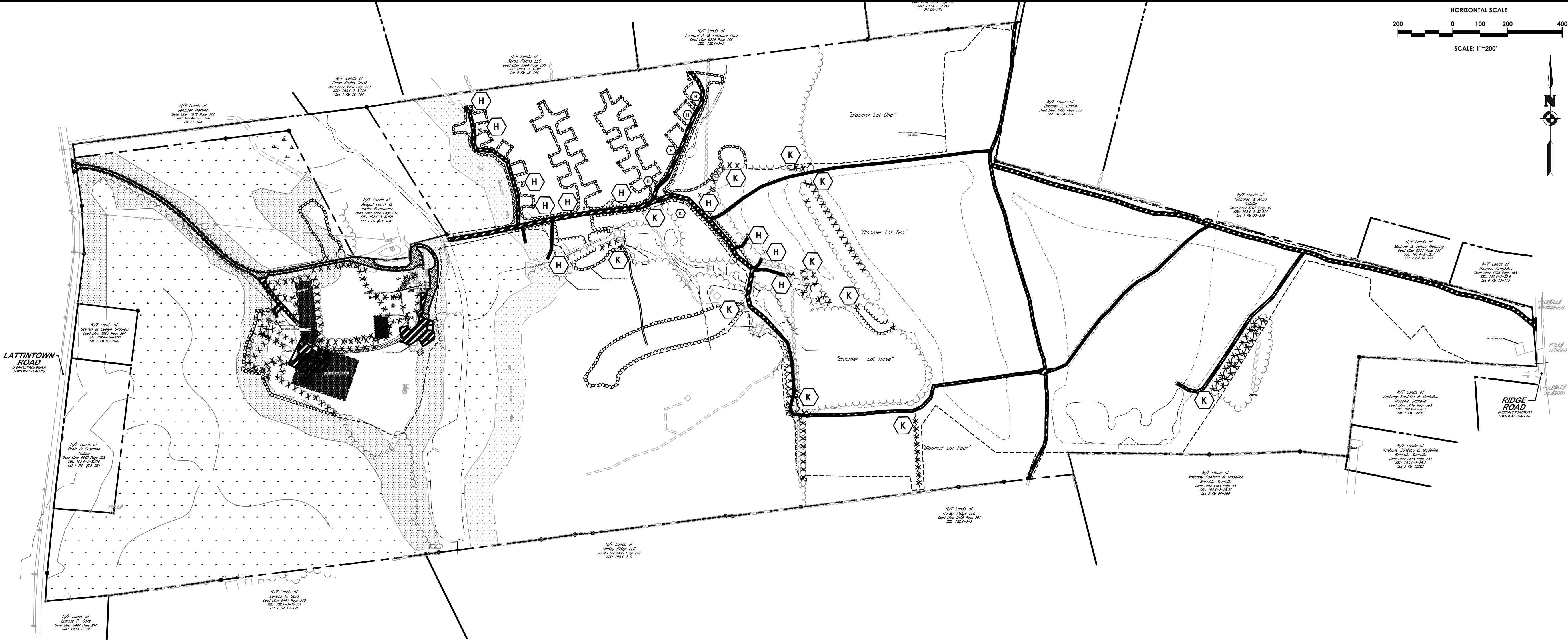
EXISTING WELL TO BE DECOMMISSIONED IN ACCORDANCE WITH ULSTER COUNTY STANDARDS.
- R

DEMOLISH EXISTING CARPORT.
- S

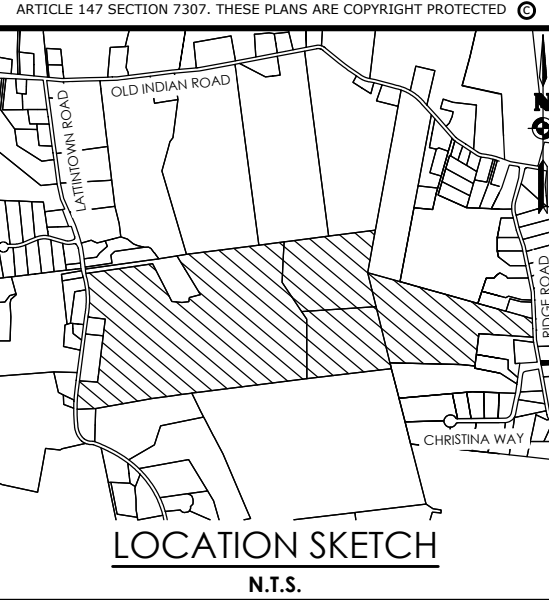
REMOVE EXISTING GARDEN VEGETATION.
- T

REMOVE EXISTING LIGHT POLE AND LINES.

NOTE:
SEE SHEET C121 FOR DETAILED PLAN OF THE RESORT AREA.



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EXISTING CONDITIONS
& DEMOLITION PLAN
MARLBOROUGH
RESORT

Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.
20233707.0001

Drawing No.
C 120

Scale:
1" = 200'

Date
JUNE 25, 2024

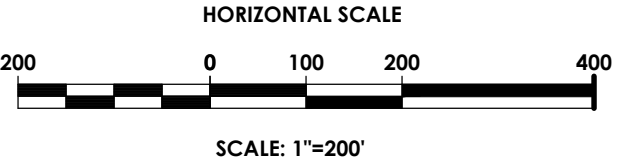
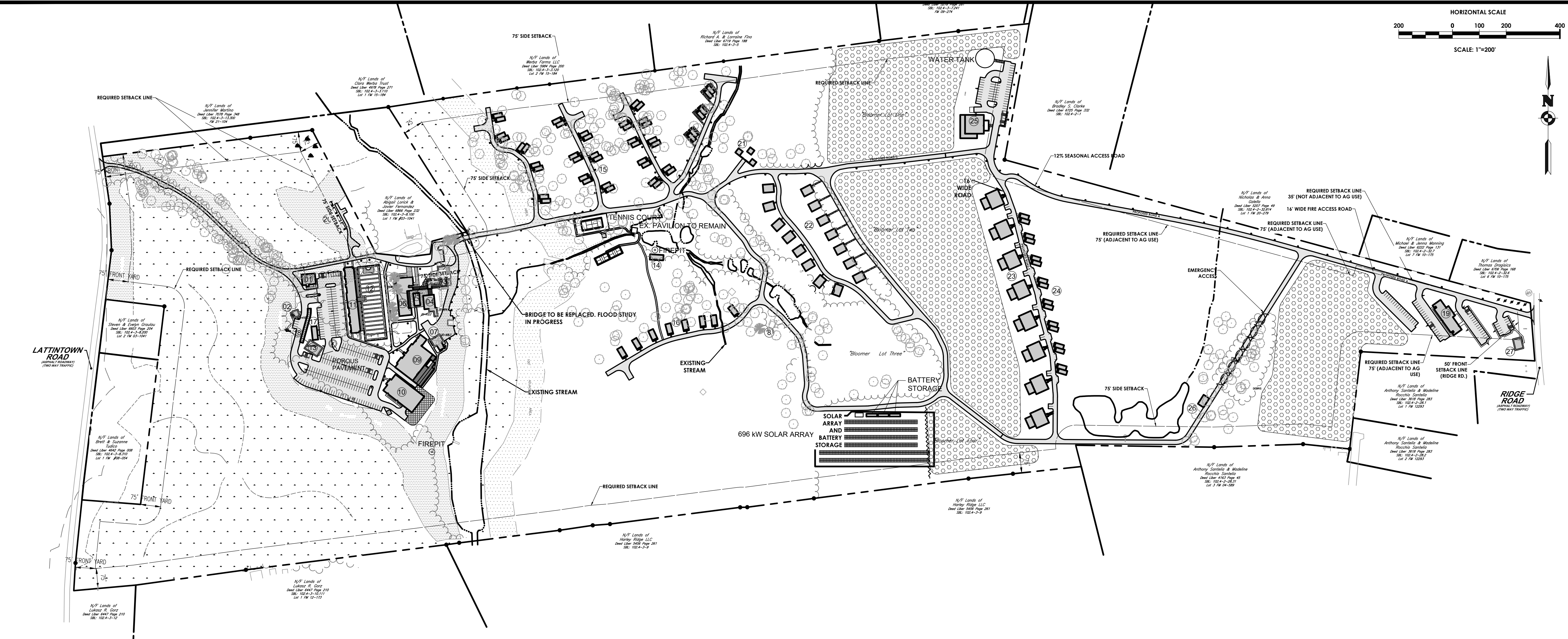
NOT FOR CONSTRUCTION

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 & BARBEQUE	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
POND PAVILION	14	1	1000	1000
TREE HOUSE -2 GUESTROOM CABINS	15	22	1161	25542
TREE HOUSE -1 GUESTROOM CABINS	16	8	774	6192
STORAGE/GENERATOR BUILDING	17	1	1000	1000
COVERED PARKING (ELEC. VEHICLES)	18	1	1550	1550
STAFF DORM & LOCKER ROOM	19	1	14672	14672
WASTEWATER MECHANICAL BLDG	20	2	288	576
ANIMAL PLANET - PETTING ZOO (BARN)	21	3	400	1200
TOTAL BUILDING AREA (S.F.)				147604

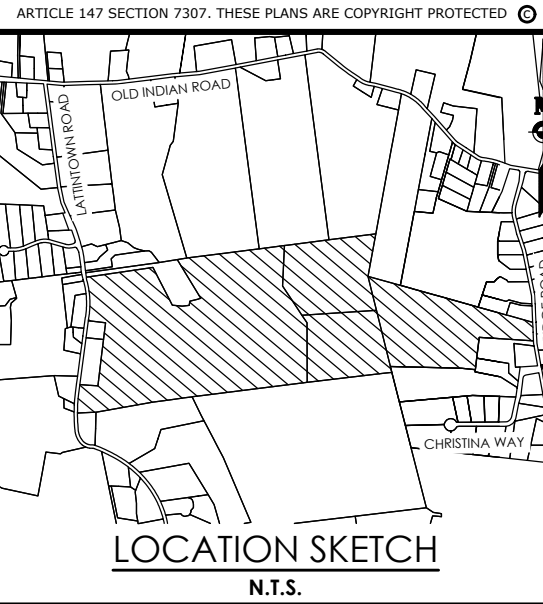
SITE DATA - PHASE 02				
BUILDING NAME	BUILDING NUMBER	No. of BUILDINGS	BUILDING AREA (S.F.)	TOTAL BUILDING AREA (S.F.)
HILLSIDE - 2 GUESTROOM CABINS	22	15	1200	18000
5-BEDROOM GUEST HOUSES	23	8	4000	32000
ORCHARD - 2 GUESTROOM CABINS	24	8	1200	9600
TOTAL BUILDING AREA (S.F.)				59600

SITE DATA - PHASE 03				
BUILDING NAME	BUILDING NUMBER	No. of BUILDINGS	BUILDING AREA (S.F.)	TOTAL BUILDING AREA (S.F.)
CLUBHOUSE DINING ROOM 2	25	1	5000	5000
ORCHARD POND PAVILION	26	1	1000	1000
DISTILLERY WITH TASTING ROOM	27	1	1260	1260
TOTAL BUILDING AREA (S.F.)				7260

GRAND TOTAL BUILDING AREA-ALL PHASES (S.F.)	214239
---	--------



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**OVERALL
SITE PLAN
MARLBOROUGH
RESORT**

Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.
20233707.0001

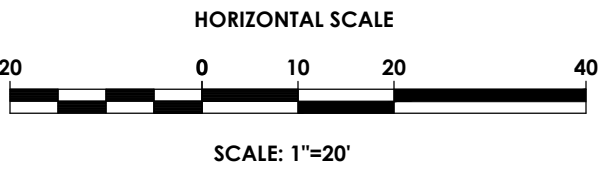
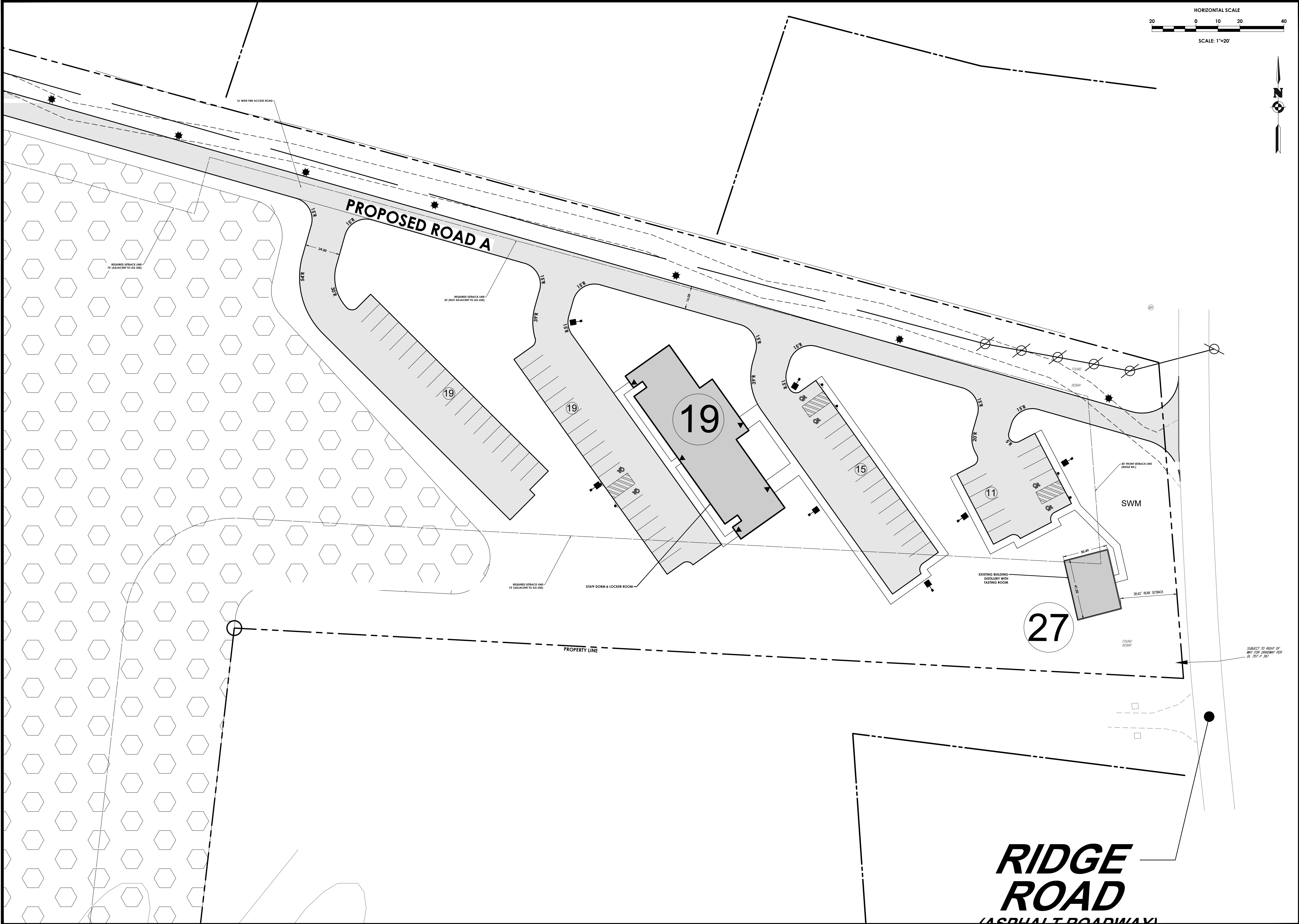
Drawing No.
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1" = 200'

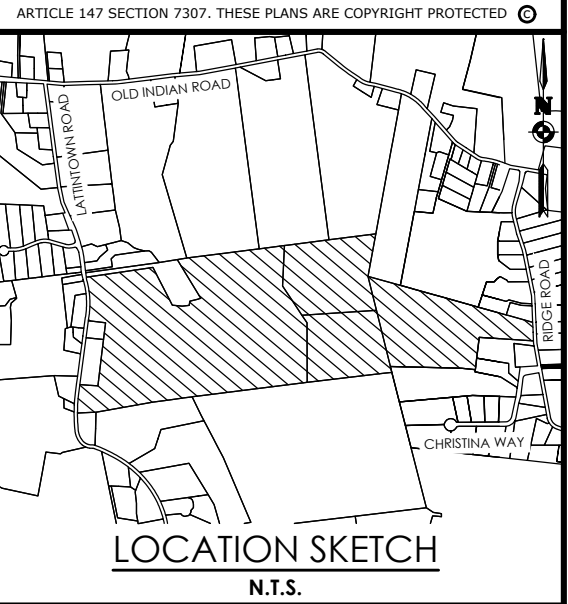
Date
JUNE 25, 2024

NOT FOR CONSTRUCTION

Y:\PROJECTS-NEW, 2023, 20233707, 20233707.0001 - MARLBOROUGH RESORT, 01_CAD-BIM-MODELS\CIVIL\CT30-SITE.DWG 6/25/2024 11:25 AM Monserrat Rios



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Client:
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100 Ring Rd West
Garden City, NY 11530
SUITE 101

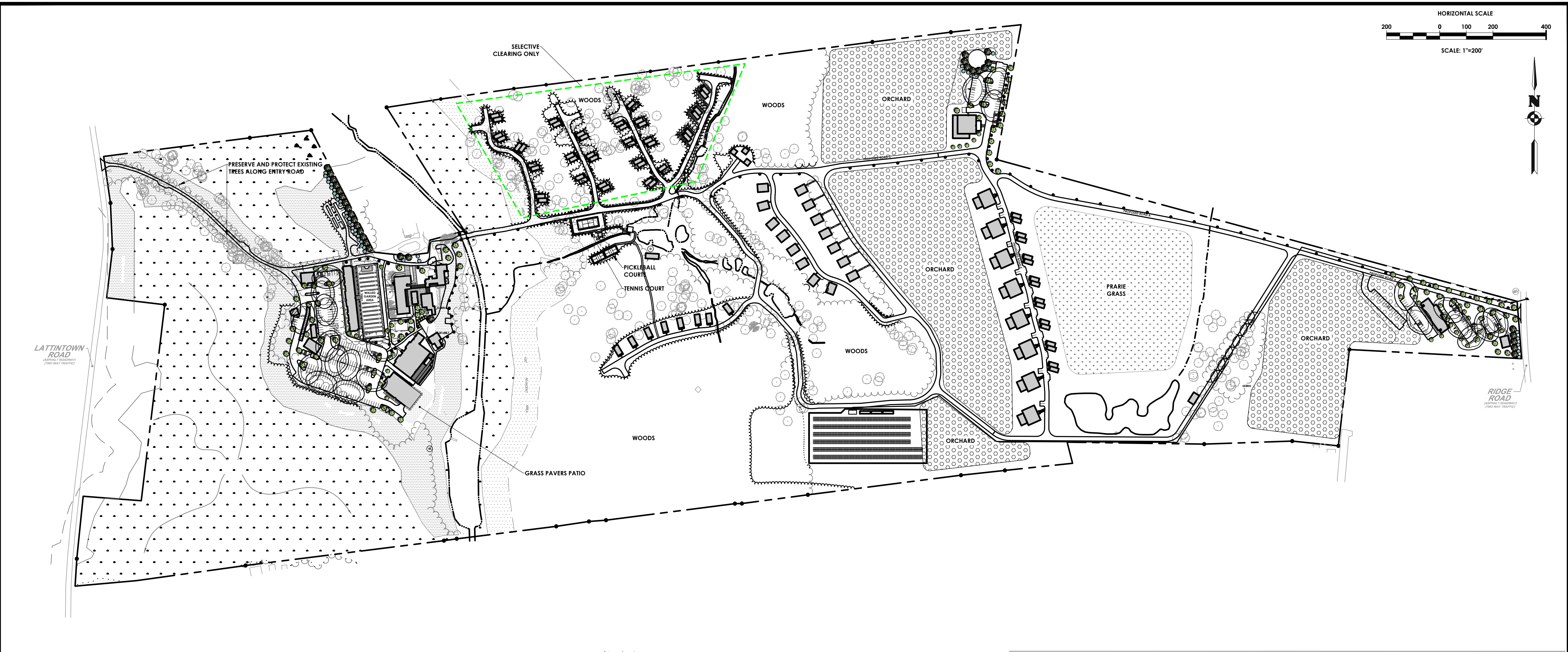
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SITE PLAN
MARLBOROUGH RESORT
Municipality: MARLBOROUGH
County: ULSTER State: NY
Project No. 20233707.0001
Drawing No. C 139
Scale: 1" = 30'
Date JUNE 25, 2024

NOT FOR CONSTRUCTION



PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	MATURE HT	REMARKS
DECIDUOUS TREES								
	PA	79	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	CAL. - 2.5-3"	B&B		
	QRP	6	QUERCUS RUBRA 'REGAL PRINCE'	REGAL PRINCE ENGLISH OAK	CAL. - 2-2.5"	B&B		COLUMNAR GROWTH
	ZSV	43	ZELKOVA SERRATA 'VILLAGE GREEN'	JAPANESE ZELKOVA	CAL. - 2.5-3"	B&B	40-60'	FALL HAZARD
EVERGREEN TREES								
	JC	7	JUNIPERUS CHINENSIS 'BLUE POINT'	BLUE POINT JUNIPER	HT. - 5-6'	#5		
	PP	43	PICEA PUNGENS	COLORADO SPRUCE	CAL. - 2.5-3"	B&B		
	PS	31	PINUS STROBUS	EASTERN WHITE PINE	CAL. - 2.5-3"	B&B		
	TGG	7	THUJA X 'GREEN GIANT'	GREEN GIANT ARBORVITAE	CAL. - 2.5-3"	B&B		

*Seed Mix B only when you have wet-occasional wet locations.

TOPSOIL AND SEEDING NOTES:

- THE EARTHWORK CONTRACTOR IS RESPONSIBLE FOR ROUGH GRADING AND RE-SPREADING TOPSOIL IN ALL TURF AND LANDSCAPE AREAS (BEDS AND ISLANDS).
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE GRADING AND PREPARATION OF ALL LAWN AND LANDSCAPE AREAS.
- REMOVE ALL EXISTING VEGETATION DURING GRADING PROCESS.
- APPLY MINIMUM OF SIX (6) INCHES OF CLEAN TOPSOIL (IMPORTED OR SCREEN ON-SITE) AND FINE GRADE, LEAVING TOPSOIL IN A LOOSE AND FRABLE CONDITION FOR SEEDING.
- LIME SOIL OR ADD OTHER ORGANIC AMENDMENTS AS NECESSARY TO ACHIEVE A SOIL pH BETWEEN 5.5 - 7.0.
- LANDSCAPE CONTRACTOR SHALL WORK OVER LAWN AREAS THAT HAVE REMAINED PARTIALLY INTACT, TOP DRESSING WITH SOIL, SCARIFYING, AND SEEDING TO FORM A SMOOTH, FULL, EVEN LAWN, FREE OF BARE SPOTS, INDENTATIONS, AND WEEDS.
- SEEDING SHOULD BEGIN IMMEDIATELY UPON COMPLETION OF FINE GRADING. SEED SHOULD BE PRESSED INTO THE SOIL TO CREATE GOOD SEED-TO-SOIL CONTACT, NO DEEPER THAN THE THICKNESS OF THE SEED.
- FERTILIZING, APPLY 10-0-10 FERTILIZER EVENLY AT THE RATE OF 20 POUNDS PER 1000 SQ FT. NO FERTILIZER CONTAINING PHOSPHORUS IS PERMITTED ON SITE.
- SEED SHOULD BE APPLIED EITHER BY HAND BROADCASTING OR HYDRO SEEDING. TWO PASSES SHALL BE MADE IN PERPENDICULAR DIRECTIONS TO INSURE PROPER COVERAGE.
- LAWN SEED MIX

MIX A: SEEDING RATE: 6 LBS./1,000 SQ.FT
LOW MAINTENANCE FESCUE LAWN
PREFERRED SEED : LOW MAINTENANCE GRASS SEED MIX OR APPROVED EQUAL

25% FIRELY HARD FESCUE
25% BIG HORN GT HARD/SHEEP
20% INTRIGUE CHEWINGS FESCUE
20% QUATRO SHEEP FESCUE
10% MINOTAUR HARD FESCUE

MIX B: SEEDING RATE: 4LBS./1,000 SQ.FT
OCCASIONAL WET - WET LOCATIONS:
20% RED TOP
20% VIRGINIA WILD RYEGRASS
20% ALKALI GRASS
20% FOX SEDGE
10% AUTUMN BENTGRASS
10% FOWL BLUEGRASS




11. DRY APPLICATION MULCH
A. STRAW MULCH SHOULD BE APPLIED TO NEWLY SEEDED AREAS WITHIN 12 HOURS IF HYDRO MULCH IS NOT UTILIZED.
B. DRY APPLICATION, STRAW: STALKS OF OATS, WHEAT, RYE OR OTHER APPROVED CROPS WHICH ARE FREE OF NOXIOUS WEEDS. WEIGHT SHALL BE BASED ON A 15 PERCENT MOISTURE CONTENT.
C. DRY APPLICATION: WITHIN ONE DAY AFTER SEEDING, COVER THE SEEDED AREAS WITH A UNIFORM BLANKET OF STRAW MULCH AT THE RATE OF 100 POUNDS PER 1000 SQ FT OF SEEDED AREA.
12. HYDRO APPLICATION: APPLY APPROVED MULCH IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN INSTRUCTIONS AND RECOMMENDED RATES OF APPLICATION. APPLY SEEDING MATERIALS WITH AN APPROVED HYDRO SEEDER.

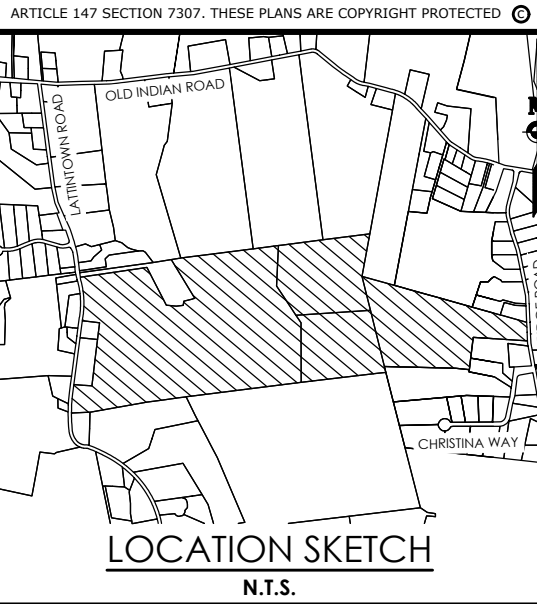
A.COLORED WOOD CELLULOSE FIBER PRODUCT SPECIFICALLY DESIGNED FOR USE AS A
HYDRO-MECHANICAL APPLIED MULCH. ACCEPTABLE PRODUCT: CONWED HYDRO
MULCH, CONWED FIBERS, 231 4TH STREET SW, HICKORY, NC

13. FILL TANK WITH WATER AND AGITATE WHILE ADDING SEEDING MATERIALS. USE SUFFICIENT FERTILIZER, MULCH, AND SEED TO OBTAIN THE SPECIFIED APPLICATION RATE. ADD SEED TO THE TANK AFTER THE FERTILIZER AND MULCH HAVE BEEN ADDED. MAINTAIN CONSTANT AGITATION TO KEEP CONTENTS IN HOMOGENEOUS SUSPENSION. PROLONGED DELAYS IN APPLICATION OR AGITATION THAT MAY BE INJURIOUS TO THE SEED WILL BE THE BASIS OF REJECTION OF MATERIAL REMAINING IN TANK.

14. DISTRIBUTE UNIFORMLY A SLURRY MIXTURE OF WATER, SEED, FERTILIZER, AND MULCH AT A MINIMUM RATE OF 57 GALLONS PER 1000 SQ FT (2500 GALLONS PER ACRE). THE OWNER AND PROJECT REPRESENTATIVE MAY ORDER THE AMOUNT OF WATER INCREASED IF DISTRIBUTION OF SEEDING MATERIALS IS NOT UNIFORM.

SCHEDULE:

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage	MOUNTING HEIGHT
	S1	19	ARCHITECTURAL AREA LIGHTING	A17-4170N	SINGLE POLE MOUNTED AREA LIGHT	1	9938	0.9	69.8	18'
	S2	108	ALCON LIGHTING	N/A	BOLLARD PATHWAY LIGHT	1	2086	0.9	35.3	3.5'
	S3	1	ARCHITECTURAL AREA LIGHTING	A17-5170N	DOUBLE POLE MOUNTED AREA LIGHT	2	9385	0.9	141.6	22'



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Chris LaPorta, P.E.
Marvin Pinkrah

Revisions			
No.	Date	By	Description
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LANDSCAPE & LIGHTING
OVERALL CONCEPT

MARLBOROUGH
RESORT

Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.
20233707.0001

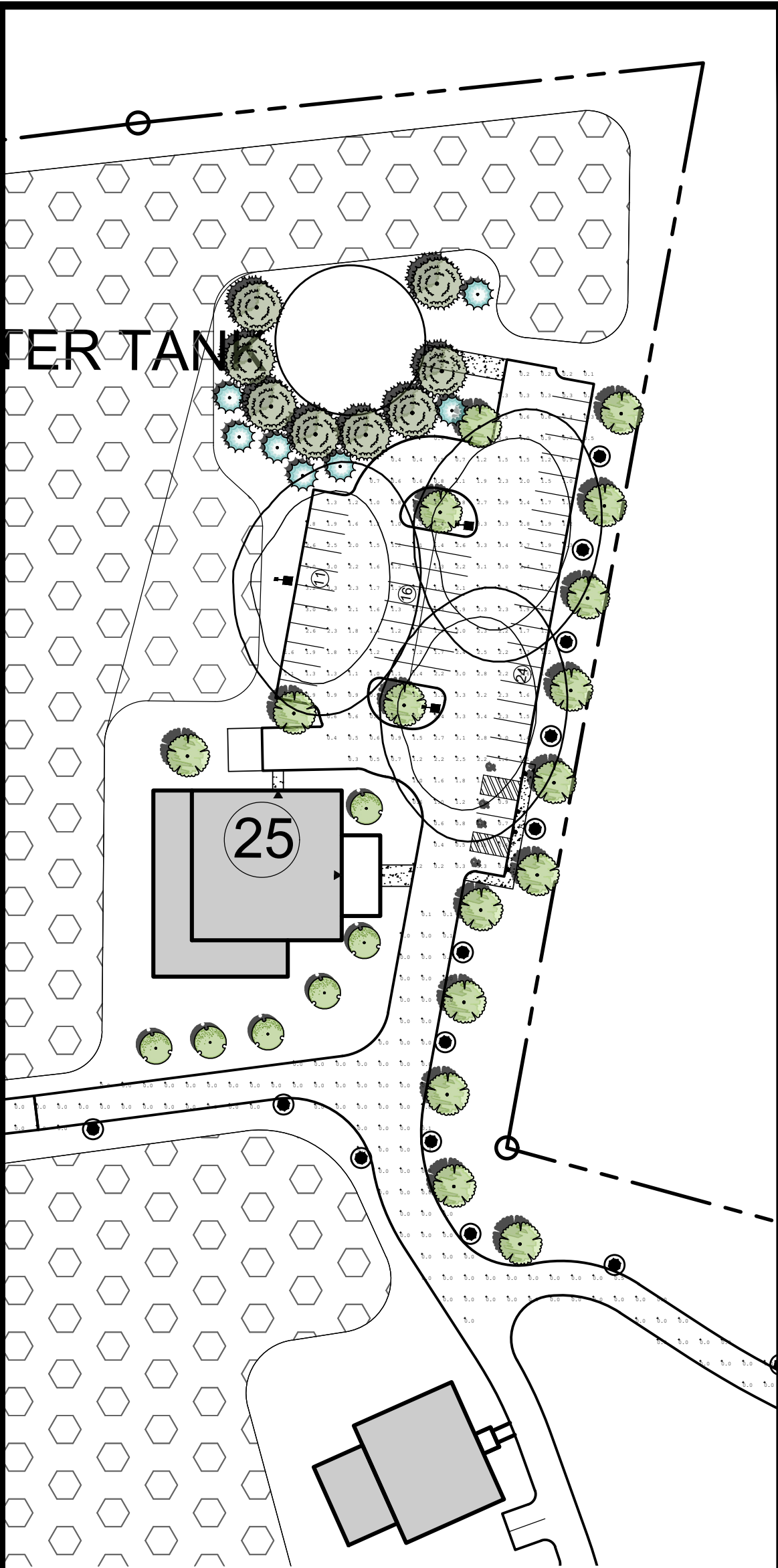
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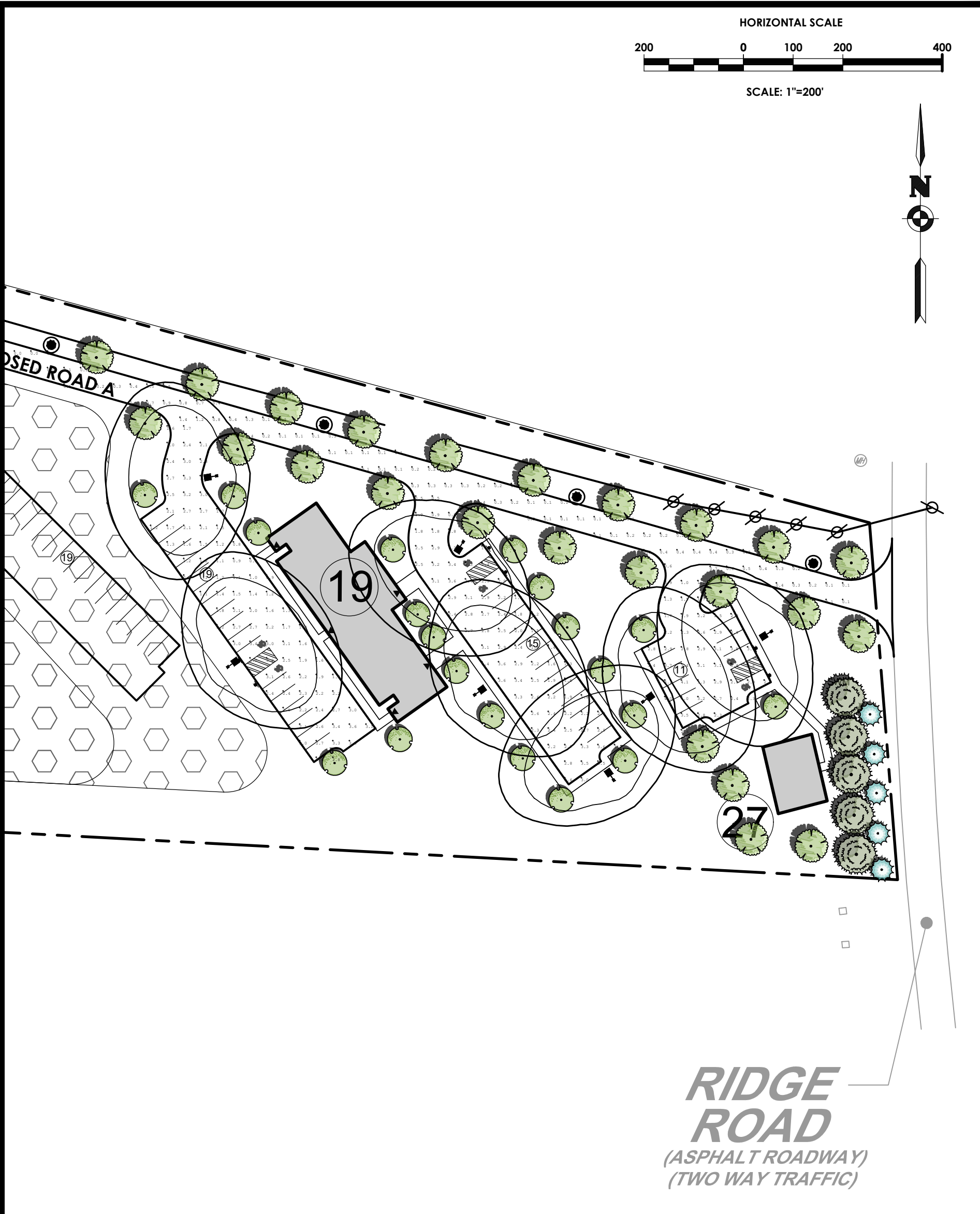
Date
JUNE 25, 2024



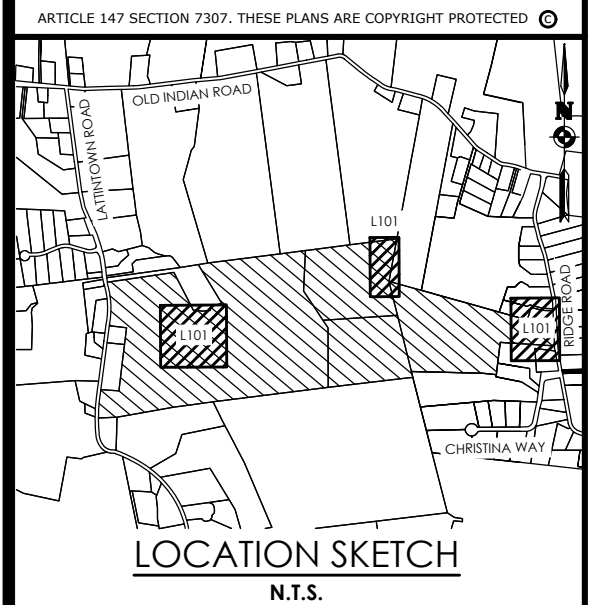
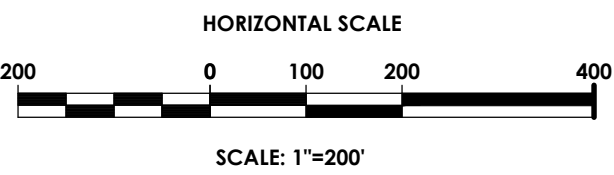
MAIN RESORT CAMPUS



CLUBHOUSE DINING ROOM 2



STAFF DORM & LOCKER ROOM

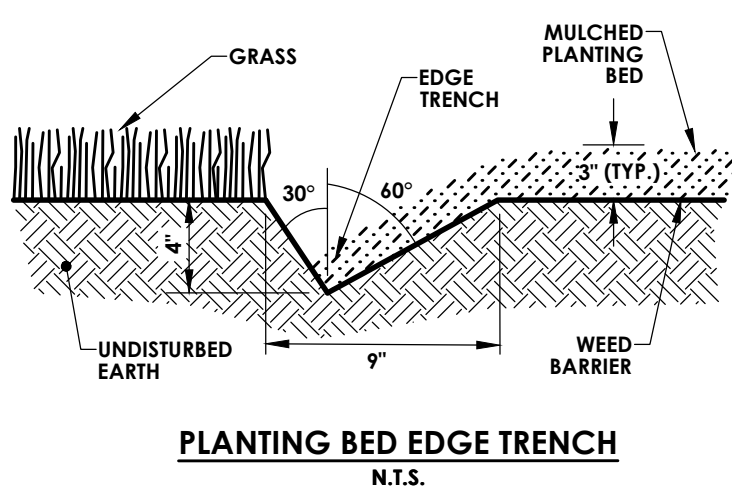
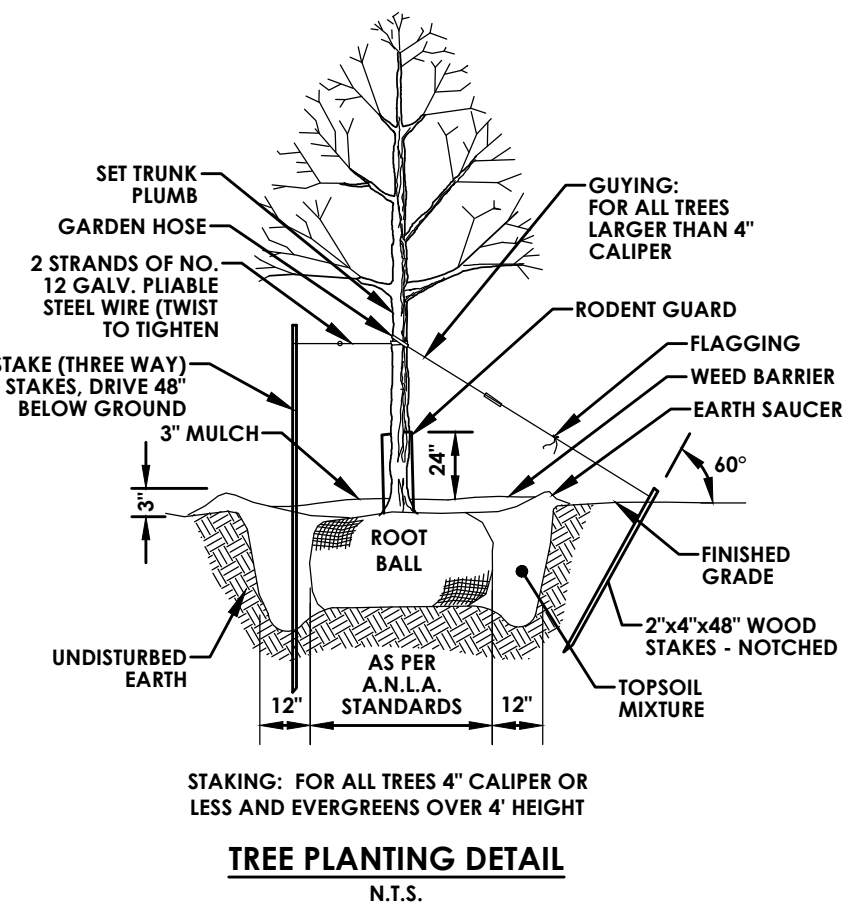
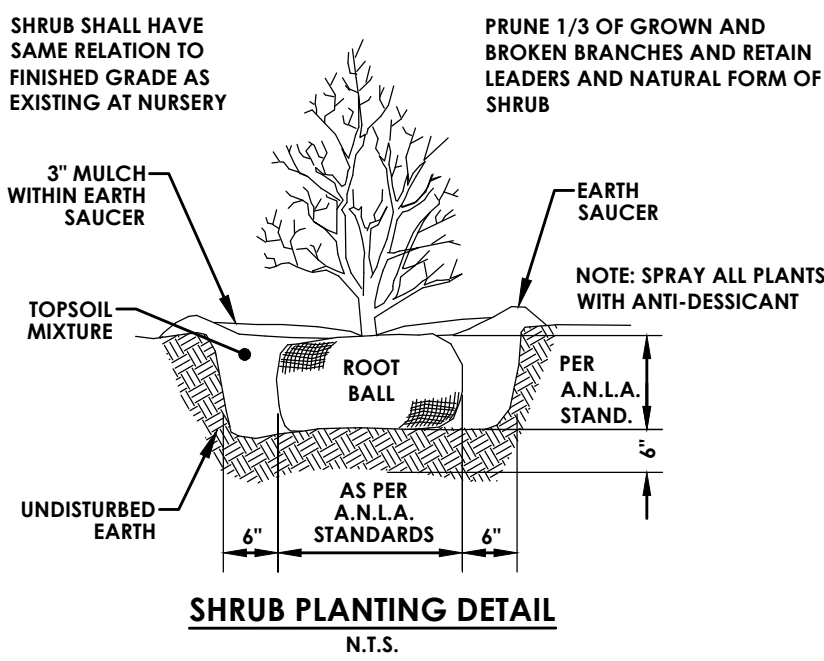


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PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	MATURE HT	REMARKS
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	ZSV	41	ZELKOVA SERRATA 'VILLAGE GREEN'	JAPANESE ZELKOVA	CAL. - 2.5-3"	B&B	40-60'	FALL HAZARD
EVERGREEN TREES								
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	PP	41	PICEA PUNGENS	COLORADO SPRUCE	CAL. - 2.5-3"	B&B		
	PS	31	PINUS STROBUS	EASTERN WHITE PINE	CAL. - 2.5-3"	B&B		
	TGG	7	THUJA X 'GREEN GIANT'	GREEN GIANT ARBORVITAE	CAL. - 2.5-3"	B&B		



LANDSCAPING NOTES:

- CONTRACTOR SHALL OBTAIN ALL NECESSARY STATE AND LOCAL PERMITS REQUIRED. ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE TOWN AND STATE DESIGN STANDARDS AND CODES.
- IT IS THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO VISIT THE SITE PRIOR TO BID SUBMITTAL, TO BECOME FAMILIAR WITH EXISTING CONDITIONS AT THE SITE.
- STANDARDS SET FORTH IN THE "AMERICAN STANDARD FOR NURSERY STOCK", ANSI Z60.1 (LATEST EDITION) REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE THE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIALS DELIVERED AND INSTALLED ON THIS PROJECT.
- ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
- ALL PLANTS MUST BE HARDY UNDER CLIMATE CONDITIONS THAT EXIST AT THE PROJECT SITE AND GROWN AT A NURSERY IN THE SAME HARDINESS ZONE AS THE PROJECT LOCATION.
- ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AN MEET SIZE REQUIREMENTS AS INDICATED ON THE PLANT LIST.
- ALL TREES MUST BE STRAIGHT-TRUNKED, INJURY FREE, HAVE A FULL, SYMMETRICAL CROWN (HEAD) AND MEET ALL REQUIREMENTS SPECIFIED (E.G. SINGLE STEM, MULTI-STEM, HEAVY BRANCHED, ETC.).
- ANY PROPOSED DEVIATION TO THE LANDSCAPE PLAN MUST FIRST BE REVIEWED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO THE INSTALLATION OF THE PROPOSED LANDSCAPING CHANGES.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS. THE BID PRICE SUBMITTED WILL ASSUME THAT ALL PLANT MATERIALS DELINEATED WILL BE SUPPLIED AND INSTALLED. ANY DISCREPANCIES IN THE QUANTITIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND/OR DESIGN LANDSCAPE ARCHITECT (OWNER'S REPRESENTATIVE) PRIOR TO COMPLETING A BID PRICE.
- ALL GRADING AND UTILITY WORK SHALL BE COMPLETED PRIOR TO INSTALLATION OF PLANT MATERIAL AND LANDSCAPE MULCH.
- THE FINAL LOCATION OF TREES AND OTHER LANDSCAPING SHALL BE DETERMINED IN THE FIELD BASED ON UTILITY STAKEOUT AND SHALL NOT CONFLICT WITH TRAFFIC SIGNS AND/OR UTILITIES. STAKE OUT SHALL BE APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
- ANY CONCERNS RELATED TO SITE CONDITIONS AND/OR PLANT LOCATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
- PLANTING BACKFILL MIXTURE: 4 PARTS TOPSOIL (ON-SITE OR IMPORTED), 1 PART PEAT MOSS, 1/2 PART WELL ROTTED MANURE AND 10 LBS. 5-0-5 PLANTING FERTILIZER, MIXED THOROUGHLY PER CUBIC YARD.
- MULCH ALL PLANT BEDS, AND INDIVIDUAL TREES IN LAWN AREAS WITH SHREDED HARDWOOD BARK MULCH TO A DEPTH OF THREE (3") INCHES UNLESS OTHERWISE SPECIFIED ON PLANTING DETAILS, OR AS DIRECTED BY THE LANDSCAPE ARCHITECT DUE TO SITE CONDITIONS.
- ANY PLANT WHICH TURNS BROWN, DEFOOLIATES OR DIES PRIOR TO FINAL ACCEPTANCE BY THE OWNER, OR DESIGN LANDSCAPE ARCHITECT, SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH THE SAME PLANT (SPECIES, VARIETY AND SIZE) AS SPECIFIED ON THE PLANT SCHEDULE (LIST).
- THE CONTRACTOR SHALL MAINTAIN ALL PLANT MATERIALS AND LAWN AREAS UNTIL THE PROJECT HAS RECEIVED FINAL ACCEPTANCE BY THE OWNER OR OWNER'S REPRESENTATIVE. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, MULCHING, FERTILIZING, SPRAYING (FUNGICIDE, PESTICIDE, ANTI-DESSICANT), AS WELL AS RAISING PLANTS THAT HAVE SETTLED TOO DEEP OR REQUIRE STRAIGHTENING.
- UPON COMPLETION AND ACCEPTANCE OF THE LANDSCAPING, THE LANDSCAPE MATERIALS SHALL BE GUARANTEED FOR TWO (2) YEARS. THE GUARANTEE SHALL BE INCLUSIVE OF ALL MATERIAL AND LABOR COSTS. AT THE END OF THE GUARANTEE PERIOD THE OWNERS REPRESENTATIVE WILL INSPECT ALL PLANT MATERIALS. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REQUIRED REPLACEMENTS WITH PLANT MATERIALS MEETING THE SPECIFICATIONS (E.G. SPECIES, SIZE AND CHARACTER).
- ALL AREAS DISTURBED BY SITE GRADING AND/OR UTILITY INSTALLATION SHALL RECEIVE APPROVED TOPSOIL (BASED ON APPROVED SAMPLES SUBMITTED BY THE CONTRACTOR) AND SPREAD TO A DEPTH NOT LESS THAN SIX (6") INCHES AFTER COMPACTION. TOPSOIL PLACED FOR LAWNS SHALL BE FINE GRADED, SEEDED, MULCHED AND WATERED UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED. THIS IS EXCLUDING FOUNDATION PLANT BEDS, AND ENTRANCE AREAS.
- LOCATIONS OF EXISTING BURIED UTILITIES SHOWN ON THE SITE PLAN ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. THE CONTRACTOR IS RESPONSIBLE TO CALL FOR A UTILITY STAKEOUT PRIOR TO COMMENCING PLANT INSTALLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, AND SITE APPURTENANCES WHICH OCCURS AS A RESULT OF LANDSCAPE INSTALLATION OPERATIONS.
- EXISTING TREES INDICATED TO BE REMOVED SHALL OCCUR UNDER THE SITE CONTRACT FOR THIS PROJECT. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR NEW PLANTINGS OR RESTORATION OF THE DISTURBED AREA (LAWNS, PLANT BEDS, ISLANDS).
- PRE-EMERGENT HERBICIDE SHALL BE USED UNDER MULCH IN ALL TREE AND PLANT BED AREAS.
- ALL SHRUB BEDS ADJACENT TO LAWN AREAS SHALL HAVE A SPADED EDGE BORDER, UNLESS METAL EDGE, CONCRETE, OR OTHER BORDER IS SPECIFIED.

Revisions			
No.	Date	By	Description
1			

LANDSCAPE & LIGHTING
CLOSE UPS

MARLBOROUGH
RESORT

Municipality: MARLBOROUGH
County: ULSTER State: NY

Project No.
20233707.0001

Drawing No.
L101

Scale:
1" = 60'

Date
JUNE 25, 2024