

**Town of Marlborough Planning Board**  
**Minor Site Plan Application**  
**Short Term Rentals, Home Occupations, and**  
**Bed and Breakfasts**

Application # 24-2018

Please refer to the Town of Marlborough Town Code including but not limited to Sections 155-31 O and 155-32.3 on short term rentals, 155-23 on Home Occupations, 155-32 special use permits, and <https://www.ecode360.com/8667578#8667578> to review all relevant local legislation with regards to Site Plan Review.

Failure to accurately complete this application in its entirety may result in delays and additional review costs. Application requirements include but are not limited to the following materials: (155-31 O 4 for short term rentals)

**Project Narrative**

Date of Initial Submission and Latest Revision	October 10, 2024
Name of Proposed Business and/or nature (if applicable) 155-31 O 4 (b) (iv)	Short Term Rental
Address of Project Site 155-31 O 4 (b) (i)	351 Old Post Road, Marlboro, NY 12542
Tax Section, Block, and Lot Number(s)	108.4-5-11
Zoning District(s) 155-31 O 4 (b) (iii), 155-12	R Residential District, R-1 Residential District, R-Ag-1 Rural Agricultural District, indicate ( )
Gross Square Footage of Each Building 155-31 O 4 (b) (ix)	<b>Short term rentals not permitted in multifamily houses</b>
Number of Bedrooms to be Rented for Short term rentals and bed and breakfast	7 (6 bdr & attic) <b>No increase in bedrooms permitted</b>
Number of Parking spaces 155-31 O 4 (b) (x)	6
Number of Employees 155-31 O 4 (b) (xi)	0
Proposed days and hours of operation are indicated. 155-31 O 4 (b) (xii)	N/A

**Project Description Narrative (see checklist item 2)**

Short term rental with 6 bedrooms and finished attic acting as seventh bedroom. Existing site does not require any development or modification. No impact on water or septic. No impact to surrounding areas.

## Contacts

Name of Property Owner 155-31 O 4 (b) (ii), 155-1	Mathew Bernhardt
Address of Property Owner	351 Old Post Road, Marlboro, NY 12542
Telephone Number of Property Owner:	9173018868
Email of Property Owner	mbernhardt212@gmail.com
Name of Applicant (if different)	
Address of Applicant	
Telephone Number of Applicant	
Email Address of Applicant	

## Professional contacts if applicable

Name of Surveyor	N/A
Address of Surveyor	
Telephone Number of Surveyor	
Email Address of Surveyor	
Name of Engineer	N/A
Address of Engineer	
Telephone Number of Engineer	
Email Address of Engineer	
Name of Attorney	N/A
Address of Attorney	
Telephone Number of Attorney	
Email Address of Attorney	
Name & Profession of Other Involved Personnel	N/A
Address of Other Involved Personnel	
Telephone Number of Other Involved Personnel	
Email of Other Involved Personnel	

## Town of Marlborough Planning Board

### Checklist for Minor Site Plan Application

The following items shall be submitted for a Planning Board Minor Site Plan Application to be considered complete.

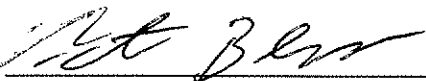
Please check each required item. Use the separate page attached explaining any waivers requested from the checklist. After final approval is given by the Planning Board, the Building Department should be contacted for further guidance regarding permit requirements 155-32.2.

Y / N	Required Items To Be Submitted
1 Y	Twelve (12) copies of all maps, plans, reports, and a PDF file of all documentation submitted. Any plan sets must be submitted in collated packages.
2 Y	Complete Narrative Description Page 1 use additional pages if need 155-31 O 4 (b) A description of the existing site and use 155-31 O 4 (b) (v) A description of the intended site development and use 155-31 O 4 (b) (vi) Anticipated impacts on services (i.e. traffic, water, sewer) 155-31 O 4 (b) (vii) 155-23 D The impact on adjoining property (i.e. noise, visual, drainage, other) 155-31 O 4 (b) (viii) 155-23 D An analysis of how the project complies with the requirements contained within this Chapter 155, Zoning, is included. Any waivers or variances needed have been identified.
3 Y	Completed Minor Site Plan Application (Pages 1 and 2) and Disclaimer page 10.
4 Y	Site Plan Application Checklist Complete (Automatic application rejection without checklist) pages 3 to 4
5 Y	Home Occupation 155-23 D – “There shall be no structural alteration to the principal building in order to accommodate the home occupation. Home occupations shall generate no noise, odor, vibration, smoke, dust, traffic or other objectionable effects.” Short term rentals and home occupations are classified as Type 2 SEQRA action (No Environmental Assessment Form is required).
6 N/A	Letter of Agent Statement Page 11 if applicable. Notice of Disclosure or Interest pages 6-8 if applicable.
7 Y	Application Fee Paid (Separate check from Escrow Fee) see page 9
8 Y	Initial Escrow Fee Paid (Separate check from Application Fee) see page 9
9 Y	A copy of the deed to the property as most recently filed and/or a copy of the executed contract of sale is included 155-31 E (aa) (1).
10 Y	A copy of each covenant, easement or deed restriction in effect or intended to cover all or part of the tract is included 155-31 E (aa) (2).
11 N/A	Agricultural Data Statement (If applicable).
12 N/A	Photographs of the site and buildings and/or aerials thereon are included. They are encouraged, not required by Planning Board. See <a href="https://ulstercountyny.gov/maps/parcel-viewer/">https://ulstercountyny.gov/maps/parcel-viewer/</a>
13 N/A	Show signing proposed for Home Occupation see 155-27 and 155-28. No signing is permitted for short term rentals.155-32.3 l.

	MINOR PLAN REQUIREMENTS
14 <sup>Y</sup>	Outline the proposed design showing Title of the drawing, including the name and address of the owner of record 155-31 O (c) (i).
15 <sup>Y</sup>	Outline the proposed design showing boundary lines of the property. 155-31 O (c) (ii).
16 <sup>Y</sup>	Outline the proposed design North arrow, scale and date. 155-31 D (4) (b).
17 <sup>Y</sup>	Outline the proposed design showing names and uses of all owners of record adjacent to the applicant's property. 155-31 O 4 (c) (iii).
18 <sup>Y</sup>	Outline the proposed design showing existing zoning district 155-31 O 4 (c) (v).
19 <sup>Y</sup>	Outline the proposed design showing location of all existing and proposed buildings and other improvements. 155-31 O 4 (c) (vi).
20 <sup>Y</sup>	Outline the proposed design depicts floor plans, A table indicating square footage of building areas to be used for a particular use, such as home Occupation 155-23 A bed and breakfast 155-1 definition: maximum number of employees 155-23 E.
21 <sup>Y</sup>	Outline the proposed design showing existing and proposed parking, number of parking spaces and analysis of parking requirement. 155-31 O 4 (c) (vii) (viii). Number of off-street parking spaces. short term rental 55-31 O 4 (b) (x) Bed and breakfast 155-27 (minimum of 200 square feet each. See 155-27 A (1) (a)).
22 <sup>Y</sup>	Outline the proposed design showing the names of existing streets, other access ways and site ingress and egress. 155-31 O 4 (c) (iv) and 155-31 O 4 (c) (ix).

The proposed Site Plan has been prepared in accordance with this checklist.

APPROVAL BY THE PLANNING BOARD IS NOT PERMISSION TO START OPERATION. CONTACT THE BUILDING DEPT. FOR SHORT TERM RENTALS ALSO SEE SECTION 155-32.3 FOR PERMIT AND SAFETY INSPECTION REQUIREMENTS.

By:  Date OCT, 22<sup>nd</sup>, 2024

## **Town of Marlborough Planning Board**

### **Legal Notices for Public Hearing**

#### **Procedure for Legal Notices:**

1. The Town of Marlborough Planning Board will schedule Public Hearings during a regularly scheduled meeting after approval for the Public Hearing has been granted.
2. Applicants are required to obtain surrounding property owner names and addresses from the Ulster County Parcel viewer for 500 feet from the parcel. See <https://ulstercountyny.gov/maps/parcel-viewer/>.
3. Applicants are required to send a Public Notice Letter, obtained from the Town of Marlborough Planning Board Office, via Certified Mail to property owners no less than 10 days prior to Public Hearing.
4. The Town of Marlborough Planning Board Office will send notification to the Town's official newspaper.
5. All Certified Mail receipts, in addition to a copy of the Ulster County Parcel viewer's listing of names and addresses, must be submitted at the Public Hearing.

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

Phone: 845-795-6167

Email: [marlboroughplanning@marlboroughny.us](mailto:marlboroughplanning@marlboroughny.us)

# Ethics Code

## TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

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

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

- A. An immediate family member. Immediate family member is defined as: 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, Mathew Bernhardt, residing at 351 Old Post Road, Marlboro, NY, make the following statements about interests in the real property which is the subject of this

application, petition or request for a Short Term Rental Approval,

before the Planning Board of The Town of Marlborough.

**PART I:** Except as otherwise set forth in Part II below:

**A. Individuals with an interest in the property.**

1. No individual, having an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person having an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

**B. Corporations or other entities with an interest in the property.**

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity, which has an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

**C. Stockholder or controlling interest**

1. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

**D. Party to an agreement with the applicant**

1. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application; petition or request for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent, or contingent upon the favorable approval of such application, petition or request for the subject property is 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:

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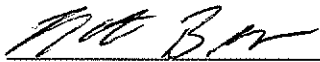
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**PART III:** This completed notice is to be submitted to the Board, Agency or Department that is authorized to review and render a decision on the application, petition or request. Further, the submittal must be made prior to any review of the application, 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: OCT 22nd, 2024

**ACKNOWLEDGMENT**

State of New York  
County of: Ulster

On October 22, 2024, before me personally appeared Matthew Bernhardt, 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

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



**Town of Marlborough Planning Board  
Planning Board Fees Minor Site Plan  
5-18-2021**

**Please make checks payable to: Town of Marlborough**

**Application Fees**

Minor Site Plan Reviews- \$350.00 for short term rentals and home occupations including bed and breakfasts.

**Escrow Fees**

Escrow fee is \$750.00.

Escrow Deposit are to be replenished to 75% of original escrow when level drops to 25% remaining in account.

Contact the Building Department for safety inspection, permit, and other applicable fees.

## Disclaimer

The applicant is advised that the Town of Marlborough Town Code, which contains the Town's Zoning Regulations, is subject to amendment. Submission of an application to the Planning Board does not grant the applicant any right to continued review under the code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new code requirements made while the application is pending.

An approval by the Planning Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer or water. It is the applicant's responsibility to apply for and obtain Town of Marlborough and other agency approvals not within this Board's authority to grant.

AFTER FINAL APPROVAL IS GIVEN BY THE PLANNING BOARD, THE BUILDING DEPT. MUST BE CONTACTED FOR FURTHER GUIDANCE.

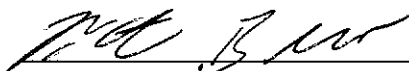
The Town of Marlborough Town Board sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgment of responsibility for payment of these fees to the Planning Board for review of this application including, but not limited to, fees for professional services (Planners/Consultants, Engineers, Attorneys,) public hearings and site inspections. Applicant's submissions and re-submissions that are not complete will not be considered by the Planning Board or placed upon its agenda unless all outstanding fees have been paid.

The undersigned applies for subdivision, site plan, or lot line approval as described above under the rules and procedures of the Town of Marlborough, New York as duly authorized by the Town Board of Marlborough, New York.

The undersigned also acknowledges receipt of the "Disclaimer" above.

Mathew Bernhardt

Applicant's Name (Print): \_\_\_\_\_

Applicant's Signature:  \_\_\_\_\_

Date: **Oct, 10th, 2024** \_\_\_\_\_

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

**Town of Marlborough Planning Board**  
**Letter of Agent**

I (We), \_\_\_\_\_ am (are) the owner(s) of  
a parcel of land located  
on \_\_\_\_\_ in the Town

of Marlborough, Tax Map Designation: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_.

I (We) hereby authorize \_\_\_\_\_ to act as my (our) agent  
to represent my (our) interest in applying to the Town of Marlborough Planning Board for  
a ☐ Lot Subdivision ☐ Site Plan ☐ Minor Site Plan ☐ Lot Line Revision Application. (check one)

Signature:

Date:

\_\_\_\_\_

\_\_\_\_\_

Signature:

Date:

\_\_\_\_\_

\_\_\_\_\_

State Of New York

County of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, a Notary Public in and for said

State, personally appeared \_\_\_\_\_,

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

\_\_\_\_\_  
Notary Public

# TOWN OF MARLBOROUGH

*Building Department*  
*PO BOX 305 - MILTON N.Y. 12547*  
*( 845 ) 795-2406 Ext # 7*

## APPLICATION FOR SHORT TERM RENTAL CERTIFICATION

\* This application must be filled out completely and a approval letter from the Town of Marlborough Planning board must be attached.

### Property Owner Contact Information :

Owners Name : Mathew Bernhardt  
Address : 351 Old Post Road, Marlboro, NY 12542  
Phone : 9173018868  
Cell Phone :  
Email : mbernhardt212@gmail.com  
Section-Block-Lot

### Property Information :

Section-Block-Lot 108.4-5-11

Address : 351 Old Post Road, Marlboro, NY 12542

District Location : ☐R ☐R-1 ☐RAG-1

Is this a : ☐Single Family Home ☐Detached Dwelling ☐Bed & Breakfast

Is this property ☐directly next door ☐across the street ☒same property to the OWNER

Number of bedrooms : 6 bdr plus Attic Number of bathrooms : 4.5

WATER ☐Private ☒Municipal SEWER ☐Private ☐Municipal

Number of parking spaces available : 6

Maximum Occupancy for overnight guest : 14

Any other structures on the property ? Yes

Is approval from the Town of Marlborough Planning Board attached ☐YES ☐NO

## CHECKLIST FOR SHORT TERM RENTAL CERTIFICATION

I. The following shall be submitted to the Building Department for a Annual Short Term Rental Certification

1. ☐ Completed Application
2. ☐ Application Fee ( \$500.00 Payable to Town of Marlborough - waived first year )  
\* Plus \$50.00 per bedroom over one bedroom
3. ☐ Fire Inspection Fee ( \$100.00 Payable to the Town of Marlborough )
4. ☐ Copy of deed ( Proof of Ownership )
5. ☐ Copy of Tax Bill ( Proof of address )
6. ☐ Planning Board approval letter ( attached )

II. The following items shall be required with submittal for Short Term Rental Certificate :

1. ☐ Exterior Plot Plan Showing all existing structures on the property including :
  - a. ☐ Property Boundaries
  - b. ☐ Parking Layout
2. ☐ Floor Plan of Home - all floors including basement
3. ☐ Copy of Safety Egress Plan - To be posted in rental unit on back of each bedroom door
4. ☐ Emergency Contact Information and 911 Address - To be posted in rental unit
5. ☐ Proof of registration of the Short Term rental with Ulster County

**Notice :** Only those structures and uses that have received a Certificate of Occupancy may be legally occupied pursuant to the Marlborough Town Code. The issuance of the Short Term Certificate does not mean that ALL structures , or portions thereof, on said property may be legally occupied. Only structures permitted by this application shall be deemed legally occupied.

**Acknowledgment :** This Short Term Rental Certificate application is a annual application and is subject to a annual renewal fee set forth by the Town of Marlborough and listed in the town fee schedule. This application is also subject to revocation or non-renewal if applicant fails to adhere to the Codes of the Town of Marlborough (examples but not limited to : noise, property maintenance, parking, signs, snow removal etc.)

Under penalties of perjury, I declare that I have completed this application and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have the authority to sign this application and that I am the owner of the said property.

Print Name Mathew Bernhardt

Date \_\_\_\_\_

Signature of Owner \_\_\_\_\_

## SHORT TERM RENTAL CERTIFICATION FIRE INSPECTION CHECKLIST

The following inspection of items shall meet Town Code requirements prior to Certificate being issued

### EXTERIOR OF HOME

1. ☐ House number is posted in numerals at a minimum of 4 inches tall
2. ☐ House number is visual from the street
3. ☐ Property free of all physical and fire hazards
4. ☐ All refuse-rubbish is regularly removed from property
5. ☐ All egress exits are free from obstruction
6. ☐ Parking spaces clearly marked

### INTERIOR OF HOUSE

1. ☐ Are there handrails on all stairways
2. ☐ The electrical panel is properly marked
3. ☐ Smoke detectors & carbon monoxide detectors installed and working on every level
4. ☐ Smoke detectors are installed and working in every bedroom
5. ☐ Smoke / Carbon monoxide detector installed and working within 12 feet of every bedroom
6. ☐ Burglar / Fire alarm system installed and connected to a central station
7. ☐ Is the Safety egress plan posted on the back of every bedroom door
8. ☐ Is the Emergency contact information and 911 address posted
9. ☐ Is there a \*fire extinguisher ( ABC ) installed and maintained on every floor
10. ☐ Is there a \*fire extinguisher ( K ) installed in the kitchen

Under penalties of perjury, I declare that I have completed and met all requirements listed above and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have the authority to sign this application and that I am the owner of the said property.

Print Name Mathew Bernhardt

Date \_\_\_\_\_

Signature of Owner \_\_\_\_\_

\* We recommend all fire extinguishers in the structure be a minimum of 5 pounds each

# TOWN OF MARLBOROUGH

*Building Department*  
*PO BOX 305 - MILTON N.Y. 12547*  
*( 845 ) 795-2406 Ext. # 7*

## PLANNING BOARD – SHORT TERM RENTAL CERTIFICATION

### Property Owner Contact Information :

Owners Name : Mathew Bernhardt  
Address : 351 Old Post Road, Marlboro, NY 12542  
Phone : 9173018868  
Cell Phone :  
Email : mbernhardt212@gmail.com  
Section-Block-Lot

### Property Information :

Section-Block-Lot 108.4-5-11  
Address : 351 Old Post Road, Marlboro, NY 12542

Please be advised the Town of Marlborough Planning Board has approved the above application  
for short term rental on \_\_\_\_\_ 20 \_\_\_\_\_

At this time it can be presented to the Town of Marlborough Building Department for review  
and annual application for short term rental certification and certificate.

*\* First year application fee will be waived but the annual fire inspection fee will be required*

\_\_\_\_\_  
Planning Board Chairman

*STAMP*