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October 21, 2024

VIA Email
MarlboroughPlanning@marlboroughny.us

Town of Marlborough
Planning Board
21 Milton Turnpike
Suite 200
Milton, NY 12547

Re: Marlborough Resort Lattintown Public Hearing

Dear Planning Board,

I represent Kelley Hartmann and Thomas Dragisics (the “Residents”), landowners and residents of property adjacent to the proposed Marlborough Resort Lattintown project (the “Project”) and submit this letter in connection with the Public Hearing, to be held at 7:00pm on October 21, 2024, regarding the Project. The Residents appreciate the Planning Board’s diligence in its review of the Project to date, and this opportunity to submit public comment.

Together with the Residents, I have reviewed the latest Site Plan for the Project submitted to the Planning Board and the applicable zoning laws and regulations. First at issue is the location of Road K, as designated in the Site Plan, which runs adjacent to the Residents’ property. Pursuant to Section 155-18(B)(1)(d) of the Town of Marlborough General Legislation, with respect to tourist and vacation buildings, which includes “resort hotels,” “no structure in

such use shall be within 50 feet of any property line.” It is my understanding that the Project has been designated a Resort Hotel. The Town of Marlborough Zoning Code (Section 155-1) defines “structure” broadly as “a combination of materials assembled, constructed or erected at a fixed location...the use of which requires location on the ground or attachment to something having location on the ground.” Under this definition, Road K is a “structure” because it is made of a combination of materials, in a fixed location, attached to the ground. I note that the above-described rule does not use the defined term “setback,” which refers to the location of any “enclosed structure,” but rather states explicitly that no “structure” of any kind may be within 50 feet of the property line. Therefore, Road K may not be within 50 feet of the property line.

Despite this regulation, the Project Site Plan (excerpt attached hereto as Exhibit A) includes a reference to a “required setback” of 35 feet from the property line. Furthermore, the Residents believe that the existing road that will become Road K in the Site Plan is in fact approximately 15 feet from their property line. The Residents request that the Planning Board require that Road K be located at least 50 feet away from the property line to comply with the Town of Marlborough Zoning Code. The Residents additionally request that the Planning Board ensure that the proposed Site Plan measurements accurately reflect the existing location of the relevant property lines and existing roadways.

The second issue, also with respect to Road K, is the lack of clarity regarding the purpose and expected usage of Road K by Project employees and guests and the impact on Ridge Road traffic and safety. I note that extensive traffic reports have been conducted with respect to the main entrance of the Project, located on Lattintown Road, but am not aware of any similar studies or considerations given with respect to the entrance on Ridge Road. Ridge Road is a relatively narrow residential road with limited sightlines in some areas. With the location of employee parking and housing on the Ridge Road side of the Site Plan, near the intersection of Road K and Ridge Road, it is likely that employees will utilize the Ridge Road entrance on a daily basis. The Site Plan is not clear as to whether guests of the Project will also be permitted to enter or exit via Road K. The Residents request that the Planning Board conduct appropriate reviews of traffic impacts on Ridge Road and require that, in the absence of emergencies, Road K only be used as an entrance or exit by Project employees. The Residents request that the Project be required to install signage within the Project property that indicates Road K as it

approaches the employee housing area is for “staff only” or similar, and directs guests to use the Lattintown entrance and exit.

The third issue is the clearing of the existing orchard along Ridge Road, where the employee housing is now proposed. While Residents acknowledge clearing is permitted by the Town of Marlborough General Legislation when it is done in connection with a site plan review, we request that the Planning Board consider this aspect of the Site Plan in more detail. Rather than placing employee housing and extensive parking on an interior portion of the Project property, the Project has chosen to place such structures immediately adjacent to Ridge Road. This proposal would significantly alter the character and natural beauty of Ridge Road. We request that the Planning Board limit its consent to the clearing of the existing orchard to an interior portion of the property, and require the Project to leave a buffer of historical orchard along Ridge Road.

Finally, the fourth issue relates to drainage in connection with the clearing of the orchard along Ridge Road and the revisions to the Site Plan to add additional parking for employees in the segment of the Project adjacent to Ridge Road. We recognize that environmental and engineering studies have been submitted that include a review of drainage issues caused by the Project, but request that these issues be reconsidered in light of recent changes to the Site Plan. The removal of orchard land and paving of a larger surface area adjacent to Ridge Road, coupled with the natural slope of the area, has the potential to cause significant runoff and drainage issues impacting the Residents’ property. We request that the Planning Board consider the impact of any revisions that have been made to the Site Plan since the initial environmental and engineering reports and require the Project to take such revisions into account in their planning for adequate drainage on the site.

Thank you for your time and consideration.

Respectfully,

Anna Greig, Esq.

EXHIBIT A

