



Michael A. Moriello, Esq.

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October 7, 2024

Town of Marlborough Planning Board
Mr. Chris Brand, Chairman
Town Hall
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547

RE: Buttermilk Falls Hotel and Resort: Negative
Declaration Draft and Related Procedures

[VIA E-MAIL]

Dear Chairman Brand and Planning Board Members:

Enclosed please find updated and revised draft SEQRA
Negative Declaration, same in connection with the above
referenced matter.

This version of the proposed document incorporates all
revisions/additions by:

- a.) Gerard Comatos, Esq. [October 2, 2024].
- b.) Patrick Hines [October 2, 2024].
- c.) Caleb Carr, PE [October 4, 2024].

In addition, copies of Messrs. Hines and Carr inclusions in
revised form, are provided herewith. In this regard, I used the
red-lined version from Gerry, as previously provided to the
Planning Board, as a template.

Following Planning Board consideration at the October 7,
2024 meeting and the incorporation of any additional revisions,
I would request that the Negative Declaration be issued by the
Planning Board.

My office will assist with all filing/distribution required
under 6 NYCRR Part 617.12, if the Planning Board so desires. We
will also provide an Affidavit of Mailing/Filing for the
Planning Board Record.

(Handwritten signature)
I have discussed the Kitteredge Decision with Gerry and based upon application of it's holding to projects within Ulster County, I am requesting that a public hearing be scheduled for a future Planning Board meeting for consideration of the Site Plan, Special Use Permit and Lot Line Revision. [See, Kitteredge v. Town of Liberty, 57 AD3d 1336 (3rd Dept, 2008)].

Of course, it is the Planning board's determination as to when a public hearing should occur in association with further consideration of the project plans.

We will be in attendance at tonight's Planning Board meeting in order to discuss the foregoing matters.

Should you have any questions, do not hesitate to contact me.

Very truly yours,

(Handwritten signature)
Michael A. Morello

MAM:mrb

Enclosures

cc: Robert Pollock
Caleb Carr, PE
Barry Medenbach, PE
Gerard Comatos, Esq.
Patrick Hines
Marlborough Planning Board
[all via e-mail]