

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
APRIL 8, 2024 7:00 PM
MINUTES OF MEETING

Present: Supervisor Corcoran
Councilman Molinelli (Arrived at 7:10 p.m.)
Councilman Zambito
Councilwoman Sessa
Councilman Cauchi

Colleen Corcoran, Town Clerk

Also Present: Darren Stridiron, Surveyor
James Mullen, MYB&S Director of Rookies

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Councilwoman Sessa made a motion to approve the agenda. Motion seconded by Councilman Cauchi.

Yea: 4 Nays: 0 Carried

ITEM #4 Motion to approve minutes

A). Motion to approve minutes from the March 25, 2024 Town Board Meeting

Councilman Cauchi made a motion to approve minutes from the March 25, 2024 Town Board Meeting. Motion seconded by Councilman Zambito.

Yea: 4 Nays: 0 Carried

ITEM #5 Authorize payment of bills

Councilman Cauchi made a motion to authorize payment of the abstract in the amount of \$143,815.45. Motion seconded by Councilwoman Sessa.

Yea: 4 Nays: 0 Carried

ITEM #6 Comments on the agenda

No comments on the agenda.

ITEM #7 Report of Departments and Boards

THOMAS CORCORAN - BUILDING INSPECTOR
MONTHLY REPORT - BUILDING DEPARTMENT
MONTH OF: MARCH 2024

CERTIFICATE OF OCCUPANCY	4	STOP WORK ORDER	1
REQUEST FOR INFORMATION	11	FIRE CALLS	1
TRAILER PARK RENEWALS	0	ORDER TO REMEDY	12
BUILDING EXTENSIONS	8	COMPLAINTS	32
FIRE INSPECTIONS	21	CLOTHING BIN RENEWALS	0
 TOTAL MILEAGE	 1,416	 TOTAL GAS USAGE	 82 GALS

BUILDING PERMITS

ADDITION / RENOVATION	2	POOL / HOT TUB	1
BARN	0	ROOF	8
BURNING	13	SHED	1
CARPORT/GARAGE	0	SIGNS	0
COMMERCIAL	0	SINGLE FAMILY	4
DECK/STAIRS	3	SOLAR PANELS	5
DEMOLITION	1	TANK INSTALL / REMOVAL	4
ELECTRICAL / HVAC	4	WIRELESS COMMUNICATION	0
FURNACE / BOILER	1	WOOD / PELLET STOVE	0
 TOTAL PERMITS	 47	 EST. COST OF BUILDINGS	 \$2,224,068.00

FEES COLLECTED

CERTIFICATE OF OCCUPANCY	\$700.00
PERMIT EXTENSIONS	\$18,360.70
BUILDING PERMITS	\$9,206.39
REQUEST FOR INFORMATION	\$2,200.00
TOTAL BUILDING FEES	\$30,467.09
 FIRE INSPECTIONS	 \$3,840.00
TRAILER PARK RENEWALS	\$0.00
TOTAL FIRE FEES	\$3,840.00
 BURNING FEES	 \$10.00
 TOTAL FEES	 \$34,317.09

Supervisor Corcoran read the Highway Department report because he wanted to let the public know about all the work they are doing around our town.

SUPERINTENDENT OF HIGHWAYS

*Town of Marlborough
1650 Route 9W, P.O. Box 305
Milton, New York 12547*



John Alonge
Highway Superintendent

Phone: 845-795-2272 x 6
Fax: 845-795-6037
Cell: 845-849-5549

Supervisor Corcoran
Town Clerk Colleen Corcoran
Town Board Members

Monthly Report for March 2024

We spent several days ditching and cutting trees at the intersection of Willow Tree Rd. and 9W and at the baseball fields on New Rd. Two days were spent with DiLorenzo Tree Care removing trees at the intersection of Bloom St. and West St., on Bingham Rd., Willow Tree Rd. and on the upper part of Old Indian Rd. Our flail, over the rail mower was out mowing throughout the month.

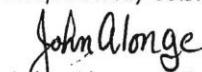
During the month we spent several days working at various Town owned sites. At the Community Center we had a crew working on the parking lot with KEM Excavation again. We installed gutter drains into existing catch basins and installed 4 new catch basins and 300' x 12" PVC pipe, unloaded block purchased for retaining wall, prepared site and poured concrete pad for a soon to be installed flagpole. On 3/6 we picked up and placed a sea box container in the Highway yard, installed shelves and lights that the Town Court needs for storage. On 3/14 the floating dock and the kayak launch were placed in the river at the Milton Train Station for the season. We also assisted Lenny from Scaturro Landscaping, with installing a new door between the Highway garages and a new one from the garage to the outside.

This month we sent men to workshops put on by the Cornell Local Roads Program. Three attended "Running your Highway Department" in Kingston and 6 attended "Roadway and Roadside Drainage" in Carmel.

On 3/25 we had a storm that started as rain and ended with a quick freeze. Our trucks were out to salt all Town roads.

Fuel Usage: Gas: NA gal. Diesel: NA gal.

Respectfully submitted,


John Alonge, Highway Superintendent

JA/cm

WATER SUPERINTENDENT
TOWN OF MARLBOROUGH
1650 ROUTE 9W, PO BOX 305
MILTON, NY 12547

CHARLES MUGGEO
WATER SUPERINTENDENT

FAX (845) 795-2031
PHONE (845) 795-5100

DATE: 4/08/2024

TO: SUPERVISOR SCOTT CORCORAN
TOWN BOARD MEMBERS
TOWN CLERK

RE: MONTHLY REPORT FOR MARCH

Water consumption totaled 13,076,000 gallons, which is a daily usage of 421,806.
Compared to last month 13,487,000 gallons, which is a daily usage of 465,068.
Compared to a year ago water consumption was 15,666,000 gallons for the month, which
is a daily usage of 505,354.

SUMMARY FOR THE MONTH

BILLING: Had to alleviate calls for high bills.

CURB BOXES: We had to repair curb boxes on Paula Dr. and also on Senica Dr.

HYDRANTS: We had to repair a hydrant on Riverview Dr. and Lattintown Rd. that were
hit by cars.

METERS: We also had to replace ten meters because of battery failure.

SERVICE LINES: Repaired service line on Reservoir Rd.

SEWER: We had to repair sewer riser on Maple Ave. We worked down at Sewer Plant in
Milton on trunk lines.

VALVES: We had to repair a valve in the road on Mahoney Rd. in Milton.

Cliff and I also attended classes in Wallkill and Poughkeepsie. One for DEC updates, Lab
Class and The Drinking Water Protection Program.

SEWER LINE INSPECTIONS: 0

SERVICE LINE INSPECTIONS: 0

CLOSINGS: 2

MARKOUTS: 50

Gallons of Gas: 200

Gallons of Diesel:

Mileage for the month: 1,700

Account Description	Fee Description	Account#	Qty	Local Share
building Dept/ Burn permits	Burn Permits	00-2110	1	45.00
				Sub-Total: \$45.00
Conservation	Conservation	A1255	2	1.66
				Sub-Total: \$1.66
Dog Licensing	Female, Spayed	A2544	5	25.00
Dog Licensing	Male, Neutered	A2544	3	15.00
Dog Licensing	Male, Unneutered	A2544	1	10.00
				Sub-Total: \$50.00
General Fund	Water Service	2144SW	1	3,000.00
				Sub-Total: \$3,000.00
LANDFILL FEES	T/s Permits	00-2130	1	18.00
LANDFILL FEES	T/s Punch Cards	00-2130	11	960.00
				Sub-Total: \$978.00
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	1	17.50
				Sub-Total: \$17.50
Misc Fees	Building Fees\Building Dept	00-2110	1	9,419.00
Misc Fees	Fire Fees/Building Dept	00-2110	1	690.00
				Sub-Total: \$10,109.00
MISC. FEES	Accident Reports	00-1255	3	15.00
MISC. FEES	Bank Fees (NSF)	00-1256	1	25.00
MISC. FEES	Certified Copies	00-1255	16	290.00
MISC. FEES	Foi Requests	00-1255	5	14.50
MISC. FEES	Junkyard Licenses	00-2590	1	300.00
MISC. FEES	Park Fees	00-2001	1	450.00
				Sub-Total: \$1,094.50
Permit Fees	Sewer	00-212255	1	250.00
				Sub-Total: \$250.00
				Total Local Shares Remitted: \$15,545.66
Amount paid to: NYS Ag. & Markets for spay/neuter program				11.00
Amount paid to: NYS Environmental Conservation				28.34
Amount paid to: State Health Dept. For Marriage Licenses				22.50
Total State, County & Local Revenues:	\$15,607.50			Total Non-Local Revenues: \$61.84

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Colleen Corcoran Town Clerk, Town of Marlborough during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor _____ Date _____ Town Clerk _____ Date _____

Water Quality Management, Inc.
P.O. Box 733
Marlboro, NY 12542

April 5, 2024

For the month of March 2024, both the Marlboro and Milton Wastewater Treatment Plants did NOT comply with all of the SPDES requirements. The following are monthly statistics for both plants;

Marlboro WWTP

- Average Daily Flow = **176,000** gallons per day.
 - (>100% of design capacity.)
- Average BOD removal = **96%**
- Average Suspended Solids removal = **92%**

Milton WWTP

- Average Daily flow = **49,000** gallons per day.
 - (About 89% of design capacity)
- Average BOD removal = **99%**
- Average Suspended Solids removal = **92%**

Both the Marlboro and Milton Treatment Plants operated normally during the month of March without any major changes or events. Please take note that the flow to the Marlboro Facility exceeded our design capacity. We did not experience any issues with treatment during the high flows. This was due to several storm events causing excess rain water to infiltrate into the collection system. We need to seriously begin to mitigate any sources of rainwater flowing into the system. We would be happy to assist the Highway or Water department with evaluating the system and find any potential sources of inflow. This issue will only get worse and we already have limited capacity. We also received the DEC inspection reports for both Marlboro and Milton. They were both Satisfactory with no violations. Overall, both wastewater treatment plants are in good working order but are getting older. If you need any additional information, please do not hesitate to contact me.

Thank you,
Julian Falco
Water Quality Management, Inc.

March 2024

TOWN OF MARLBOROUGH PLANNING BOARD REVIEW

CHAIR: Chris Brand, MEMBERS: Fred Callo, James Garofalo, Steve Jennison, Cindy Lanzetta, Joe Lofaro, Bob Troncillito,

March 2024 Financial Report	
Application Fees	\$0
Escrow Fees	\$3,100
Recreation Fees	\$4,000
Invoices	\$6,111.68

March 4, 2024
Regular Meeting 7:30 PM

Approval of Minutes

The minutes for the February 5, 2024, meeting were approved unanimously

Announcements

Members Garafalo, Lofaro, and Troncillito each earned one hour of training credits.

Communications

None

Public Hearings

None

Ongoing Application Review

SLUTSKY AND BOWDREN STR
79 Ridge Rd, Marlboro

23-1028
108.2-3-28.110

FINAL

MINOR SITE PLAN

Technical Comments

None

Board Actions

The Board approved the SEQRA Negative Declaration and Notice of Determination of Non-Significance unanimously. The Board also approved a Resolution of Approval unanimously.

STRALOW FARM
551 Lattintown Road, Marlboro

23-1023
108.2-2-45

FINAL

SITE PLAN

Technical Comments

None

Board Actions

The Board approved the SEQRA Negative Declaration and Notice of Determination of Non-Significance unanimously. The Board also approved a Resolution of Approval 6-1.

DEBORAH JONES SD
98 Orange Street, Marlboro

23-1017 **PRELIMINARY** **SUBDIVISION**
108.4-4-29.110

Technical Comments

1. The applicant's representative addressed previous comments. All water and sewer has been depicted.
2. This office would recommend a Negative Declaration for this Unlisted Action.
3. The Planning Board Attorney should review the Access and Maintenance Agreement for the common driveway to evaluate if the utilities proposed to be crossing lot lines are included in that or a separate shared Utility Agreement/Easement should be provided.

Board Actions

The Board authorized their attorney to prepare a Resolution of Approval for the next meeting.

SUMMIT DRIVE PROPERTIES
Summit Drive, Marlboro

23-1004
108.2-3-2 47

SKETCH

SITE PLAN

Technical Comments

1. The applicants are requested to further evaluate the Highway Superintendent's comments regarding snow plowing issues at the cul-de-sac with the access drive location.
2. The applicants were to attend a meeting with the Water and Sewer Department on 29 February 2024. Numerous issues regarding water and sewer on the site were to be addressed. The applicant's representatives are requested to follow up with the Planning Board with the results of this meeting. Specific comments from the Water and Sewer Superintendent should be received.
3. This office has no record of circulating for Lead Agency. Lead Agency circulation should be undertaken at this time. It is noted that SHPO'S response has not been received.
4. The revised SWPPP is under review by this office. We continue to have a concern regarding the discharge location of the detention pond being located on a steep slope.
5. Initial SWPPP comment regarding the use of the level spreader identifies that "the receiving area shall have topography regular enough to prevent undo flow concentration before entering a stable water course but shall have a slope of less than 10%." Downgradient slopes from the level spreader greater than 10% and will result in concentrated flow.
6. We continue to have a concern regarding lighting at the access drive as well as landscaping to reduce impacts to adjoining residential properties.

7. The sanitary sewer system has been designed to utilize drop manholes to reduce velocity. Slopes have now been designed at a maximum of 10% utilizing drop manholes. Detail of the drop manholes should be provided in accordance with 10 States Standards.
8. The manhole located on Grand Street should have the downgradient discharge invert labeled.
9. Provisions for water metering and backflow prevention must be designed into the proposed water system. As appropriate for the sprinkler connections to the buildings should be identified. Sprinkler feed lines should be valves such that potable water to the structure is terminated when fire protection systems are terminated. Sprinkler valve must be ahead of the potable water valve. Typical detail recommended is attached.
10. The concrete washout area should be added to the plans.

Board Actions

The Board ascertained Lead Agency Circulation was completed in October, 2023. The Board discussed storm water mitigation, water meters proposed, sprinkler systems, parking signage, and the probable impacts of increased traffic the project will bring to the immediate area. The applicant's representative stated he believed the units [4 buildings with units in each] would all be rentals when questioned. The Board will require a vegetative buffer as required by local law.

VITO TRIOLO PIZZA TOWN
1326 Route 9W, Marlboro

23-1024
108.4-3-28

SKETCH

SITE PLAN

Technical Comments

1. The applicants have provided cut sheets for the slats to be provided at the dumpster enclosure.
2. Zoning Board of Appeals (ZBA) has issued necessary variances for the subject project dated 11 January 2024.
3. The Fire Department connection has been depicted.
4. The fire escape to be removed has been labeled on the plans.
5. Ulster County Planning referral is required.

Board Actions

The Board discussed parking for the project and scheduled a Public Hearing for April 15, 2024. The project will be referred to the Ulster County Planning Board's next meeting.

New Application Review

FENNEY 2 LOT SD
Plattekill Road, Marlboro

24-2002
108.3-3-1.100

SUBDIVISION

Technical Comments

1. The subdivision Map prepared by a licensed surveyor must be submitted.
2. Subsurface sanitary sewer disposal systems must be approved by the Ulster County Health Department.
3. Both driveway accesses should be approved by the Jurisdictional agency.
4. Reference to the Code Section regarding the 75-foot agricultural buffer depicted on the southerly property line should be provided on the map.
5. Applicant's representatives were asked to evaluate the lot lines which depict access to the cul-de-sac on the westerly most portion of the site should be evaluated.
6. Topography should be provided for the areas of disturbance at a minimum. The applicant may request a waiver for topography outside areas proposed for disturbance. Two-foot topographic features are required.
7. Sight distance at driveways should be depicted.

Board Actions

The applicant clarified he was not seeking waivers for topography on the site and that the Ulster County Health Department granted approval for the proposed sewer system.

Special Topics Discussion

DOCK ROAD 103-137 Dock Road, Marlboro	24-2003	DISCUSSION	SITE PLAN
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Technical Comments

None

Board Actions

The Board reviewed the applicant's proposal for a 103 unit subdivision on 25 acres. The proposal's main access will be via Dock Road. There will be three dwelling classifications: Cottages [32], Type A Townhouses [18], and Type B Townhouses [53]. The Board discussed proposed access, existing wetlands, proximity to the sewage treatment plant, onsite sidewalks and pedestrian traffic, and the ramifications the project will have on the Falcon. The Board recommended the applicant seek a Gateway Meeting with Ulster County Planning.

ELP SOLAR TRUNCALI 335 Bingham Road, Marlboro	24-2004 108.3-3-21	DISCUSSION	SITE PLAN
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Technical Comments

The following are Preliminary Comments based on a Concept Submission made for the project.

1. Lot coverage is identified as 13.2%, while 28 acres is identified for the solar facility, which is greater than the lot coverage identified.
2. An existing structure on the site is proposed to remain. Use of this structure should be identified.
3. Two access points are depicted for the project. The reason for the two access points should be discussed with the applicant's representative and approval for any access point should be received from the Highway Superintendent.
4. Side yard setback is depicted at 35 feet, while the Zoning Bulk Table identifies it as 50 feet.
5. A full survey of the parcel must be presented, stamped by a licensed surveyor.
6. A Stormwater Pollution Prevention Plan (SWPPP) is required. SWPPP should be prepared with the site in the disturbed condition. Permanent water quantity control must be identified in the SWPPP.
7. The project is a Type I Action under SEQRA, disturbing greater than 2.5 acres in an AG District.
8. Comments from the Jurisdictional Fire Department should be received regarding access.
9. A determination from the public utility that the power can be accepted should be received. Any improvements required to the public utility should be identified.
10. Ulster County Planning comments are required.
11. The project is located on the municipal boundary line with Orange County and the Town of Newburgh.
12. The document labeled Truncali Application is a section of the Town Code for 9W Corridor Building Guidelines.
13. Planning Board should discuss whether a visual assessment is required, Photo simulations and/or line of sight drawings.
14. The EAF identifies 46.5 acres of agricultural to be changed in use.
15. Soil type percentages are inconsistent with the drainage status of the project site located in the EAF.
16. Project site is located in an area with potential historic resources. Coordination with the Office of Parks, Recreation and Historic Preservation will be required.
17. Large scale solar systems are a special use in the R-AG-1 Zone.

18. All components of Chapter 155-32.2I must be complied with.
19. The area used for large scale solar energy systems shall be a maximum of 20 acres. It appears the footprint of the solar facility is greater than 20 acres.
20. The applicant's are identifying a 7 foot high fence. The Planning Board should discuss fence height.
21. A de-commissioning Plan will be required.
22. The Planning Board should determine if security for decommissioning should be part of the Special Use Permit requirements.

Board Actions

The Board reviewed the above comments for the proposed 5 megawatt project and discussed the placement of the proposed storage batteries, lot coverage, fencing, slopes, and fire access. The project will require a Public Hearing at a date TBD.

Adjournment

NEXT SCHEDULED MEETING: Monday, March 18, 2024

March 18, 2024
Regular Meeting 7:30 PM

Approval of Minutes

None

Announcements

None

Communications

None

Public Hearings

None

Ongoing Application Review

DEBORAH JONES SD
98 Orange Street, Marlboro

23-1017 FINAL SUBDIVISION
108.4-4-29.110

Technical Comments

None

Board Actions

The Board approved a SEQRA Negative Declaration and Notice of Determination of Nonsignificance as well as a Resolution of Approval unanimously. The Board also approved \$4,000 in Recreation Fee Findings unanimously.

Frances Fremgen
Clarks Lane, Milton

23-1031 FINAL LOT LINE
102.2-3-13.100, 102.2-3-12

Technical Comments

1. Revised page 1 of the application has been submitted.
2. Status of any Zoning Variances should be identified. Zoning Variances should be labeled on the proposed plan sheet.
3. The location of the existing subsurface sanitary sewer disposal system should be depicted on Tax Lot 12.
4. After confirmation of the required Zoning Variances being granted, the project qualifies for a streamlined lot line change approval.
5. Lot line changes are a Type II Action under SEQRA requiring no further action.

Board Actions

The Board authorized their attorney to draft a Resolution of Approval for the next meeting.

LYNNDAVID PROPERTIES
397-407 Willow Tree, Milton

23-10125 SKETCH SUBDIVISION
102.2-5-23, 26

Technical Comments

1. Status of the ZBA approvals should be identified. All Zoning Variances granted should be identified on the plan.
2. The recently submitted map does not address previous comments issued by this office dated 15 November for the 20 November Planning Board meeting. Property lines continue to be depicted to the center line of the roadway, a 25 foot strip of property should be dedicated to the Town per policy. A Road Dedication Map should be provided.
3. Well and septic locations must be approved by the Ulster County Health Department.
4. Highway Superintendents comments regarding the location of driveways should be received. Consideration for combining driveways should be evaluated.
5. A revised application was requested identifying the four-lot subdivision and lot line change.
6. Future comments will be provided upon submission of a compliant map addressing these and previous comments. Evaluation of any approval by the Zoning Board of Appeals granted should be undertaken.

Board Actions

The applicant was advised to clarify the determination requested and made by the ZBA in addition to addressing outstanding technical comments.

FENNEY 2 LOT SD
Plattekill Road, Marlboro

24-2002 SKETCH SUBDIVISION
108.3-3-1.100

Technical Comments

1. The Subdivision Plan has been revised to depict the ownership to the cul-de-sac. This 50 foot strip is not proposed for access to the subdivision.
2. Topography has been added to the entire site, including surrounding areas.
3. Sight distance has been added to the plans. It is noted the driveways have been reviewed and approved conceptually by the county as noted in an email dated 18 January 2024 to the applicant.
4. The subsurface sanitary sewer disposal systems have been approved with permits dated 27 February 2024. Permits have been submitted with the application.
5. The agricultural setback note has been added to the Bulk Table.
6. The approved Septic Plan should be made part of the plan set, along with appropriate detail sheet with the well, septic, soil erosion and sediment control.

7. Limits of disturbance should be depicted on the plans to determine if greater than one acre disturbance is proposed for development of the two lots. If greater than one acre is proposed to be disturbed coverage under the NYSDEC Stormwater SPDES Permit will be required.
8. Project requires a Public Hearing.

Board Actions

A Public Hearing was scheduled for April 15, 2024. The Board authorized their attorney to draft a Resolution of Approval for the next meeting should the Public Hearing raise no significant concerns.

New Application Review

None

Special Topics Discussion

None

Adjournment

NEXT SCHEDULED MEETING: Monday, April 1, 2024. Meeting will be held upstairs

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board

ITEM #8 Presentation

A) Zoning Change-Darren Stridiron 108.4-6.30

Darren Stridiron, Surveyor, stated that his client has a 2.5 acre piece of property on Route 9W that is in the HD zone, however, it abuts Grand Street which is residential. He would like to re-zone part of the property as residential.

Supervisor Corcoran stated that after looking into this, it is allowed. They would need to keep 2 acres as commercial and explained the process to Mr. Stridiron.

There was a brief discussion about municipal water, sewer and drainage.

ITEM #9 Old Business

A). Tomvac Rehabilitation Update

Supervisor Corcoran reported that the Highway Department is working on the exterior. The interior is just about finished. He is hoping to have the community center opened by June.

ITEM #10 New Business

Supervisor Corcoran updated the public and stated that there is a resolution on the agenda to go out to bid for the Highway/Water Building Renovation.

The contract for the grant for lighting at the parks is ready to sign with Board permission. He thanked Legislator Corcoran for his help on this.

The Milton Landing project is about 50% done. He would like the work to be done by the end of the month; the town still needs permission from CSX because some of the work is 50 feet from the railroad track center.

Councilman Molinelli questioned what type of grant is for the lighting, how much it will cost and who is paying the bills for Marlboro Youth Baseball & Softball.

Supervisor Corcoran explained that is a matching grant, some of the match will be in kind service and some will come out of the parks fund. A year ago, the cost for lighting was about \$75,000.00 per field; he would like to ask the Board to concentrate on Young's first since it is used the most. Currently, the league pays the electric bill but the Town will take it over because the Town now owns the field. The league maintains the grounds and fields.

Councilman Molinelli explained how fees were collected for the players and teams when he helped run the league and asked if it was run the same way now because someone is questioning if funds for all stars and travel ball are separate. He spoke about his opinion regarding the lighting grant.

Councilwoman Sessa explained how each all-star team and travel team families pay separately from regular team fees and is kept separately; she welcomed anyone with questions to meet with her.

There was a brief discussion about putting the lighting at one or both field locations and also about park usage.

Councilwoman Sessa reported that the Easter Egg Dash was very successful. There were about 250 people. Soundsational DJ entertained the children and a committee volunteer painted a new backdrop for the Easter Bunny. The Highway Department transported all of the eggs and equipment to the Dome which made things easier.

ITEM #11 Correspondence

Supervisor Corcoran read correspondence from resident Joe Carozza requesting use of the ball fields at Cluett Schantz Park for his softball team, the Empire State Huskies for specific dates and times at no charge. MYB&S has given permission to use the fields. They will provide insurance.

Councilman Zambito made a motion to allow the Empire State Huskies Softball Team use of the ball fields at Cluett Schantz Park at no charge. Motion seconded by Councilman Molinelli.

Yea: 5 Nays: 0 Carried

ITEM #12 Public Comments

James Mullen, stated that he is the MYB&S Director of Rookies and coach of three teams. He spoke about the opportunity that MYB&S has to get lighting for the fields. He explained the difficulties with regard to playing evening games and that he appreciates whatever the Board does to get lights on the fields. MYB&S will help in any way they can.

Councilman Cauchi asked if there was an update on the pickleball courts.

Supervisor Corcoran stated that it is on hold right now because the blacktop alone will cost \$54,000.00 which is the state bid price. That doesn't include fencing, painting and labor. There is only \$30,000.00 that is available right now; he is gathering numbers and information. Some of the Board members spoke about alternate locations and size of the courts.

ITEM #13 Resolutions

A). Resolution #40 To authorize Greenman-Pedersen to publicly bid for the Marlborough DPW Garage renovations TM-2024DPWR

B). Resolution #41 To authorize the Supervisor to sign an intermunicipal agreement with the County to fund improvements to Youngs Park and Cluett Schantz Park

C). Resolution #42 To re-introduce Local Law No. ____ of the year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 "ZONING", ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTITLED "RIDGELINE AND STEEP SLOPE PROTECTION".

D). Resolution #43 To authorize the filing of this Negative Declaration.

E). Resolution #44 To approve the establishment of the Vineyard Hills subdivision Drainage District

ITEM #14 Adjournment

Councilman Molinelli made a motion to adjourn the meeting at 8:09 p.m. Motion seconded by Councilman Cauchi.

Yea: 5 Nays: 0 Carried

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*

April 8, 2024

A). Resolution #40 To authorize Greenman-Pedersen to publicly bid for the Marlborough DPW Garage renovations TM-2024DPWR

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough is requesting bids for the construction of the Project known as the Marlborough DPW Garage Renovations TM 2024DPWR, and

Whereas, the scope of work has been prepared by Greenman-Pedersen, Inc. 80 Wolf Road Suite 300 Albany NY 12205, and

Whereas, the Town of Marlborough Town Board authorizes Greenman-Pedersen Inc to publicly bid the Marlborough DPW Garage Renovations TM-2024DPWR, and

Whereas, the bidding documents may be obtained electronically from Bidnet Direct at <http://www.bidnetdirect.com/new-york/townofmarlboroughny>, and

Whereas, hard copies may be obtained at the Town Clerks Office located 21 Milton Turnpike, Suite 200 Milton NY 12547.

Now therefore be it resolved, that the bids will be received and open by the Town Clerk and read aloud at the Town Hall, 21 Milton Turnpike, Suite 200 Milton NY 12547 on May 15, 2024 at 11:30am local time for the following contracts

1. General Construction
2. Electrical
3. Plumbing
4. HVAC

And moves for its adoption:

Councilman Molinelli	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

April 8, 2024

B). Resolution #41 To authorize the Supervisor to sign an intermunicipal agreement with the County to fund improvements to Youngs Park and Cluett Schantz Park

Supervisor Corcoran proposes the following:

Whereas. The Ulster County Legislature passed Resolution No. 289 amending the funding capital project Number 635 in the amount of two million dollars to create a program to partner with Ulster County municipalities and match up to 50% of park and recreation projects with a maximum contribution of \$100,000 per municipality, and

Whereas, the Town of Marlborough and Ulster County desire to enter into an Intermunicipal Agreement where the Town will be a subrecipient of One Hundred Thousand Dollars of the American Rescue Plan Act-Coronavirus State and Local Fiscal Recovery Funds, and

Whereas, the Town will be responsible under the IMA for administering a program to improve the baseball fields and lighting at two parks in the Town.

Now therefore be it resolved, that the Town Board of the Town of Marlborough hereby authorizes the Supervisor to sign the intermunicipal agreement with the County to partially fund improvements to Youngs Field and Cluett Schantz Park,

And moves for its adoption:

Councilman Molinelli	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

April 8, 2024

C). Resolution #42 To re-introduce Local Law No. ____ of the year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 "ZONING", ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTITLED "RIDGELINE AND STEEP SLOPE PROTECTION".

Supervisor Corcoran proposes the following:

WHEREAS, on or about December 11, 2023, the Town Board of the Town of Marlborough introduced a proposed Local Law of the Town of Marlborough proposing to amend Section 155-41.1 "Ridgeline and Steep Slope Protection" (the "Proposed Local Law Amendment"); and

WHEREAS, on or about December 12, 2023, the Proposed Local Law Amendment was referred to the Ulster County Planning Board; and

WHEREAS, on or about January 3, 2024, the Ulster County Planning Board submitted comments to the Town Board on the Proposed Local Law Amendment; and

WHEREAS, the Town Board of the Town of Marlborough referred the Proposed Local Law Amendment to the Town of Marlborough Planning Board in accordance with Town Code § 155-49, and received comments dated January 8, 2024; and

WHEREAS, on February 12, 2024, the Proposed Local Law Amendment was reintroduced and a public hearing thereon was held on February 26, 2024; and

WHEREAS, substantial changes have been proposed to the Proposed Local Law Amendment; and

WHEREAS, consequently, the Town Board of the Town of Marlborough re-introduces proposed amendments to Section 155-41.1 of the Town of Marlborough Code as set forth herein.

BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended as follows:

Section 1. Section 155-41.1(F)(4) of the Marlborough Town Code is amended to read as follows [deletions are stricken and additions are underscored]:

(4) Applicants for construction on properties to which this section applies shall demonstrate to the ~~reviewing board or~~ Town Engineer and the Town Code Enforcement Officer that no proposed building or structure (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the

Marlborough Ridgeline, as viewed from the East as determined by the Town Engineer and the Town Code Enforcement Officer, as the case may be, that the proposed buildings or structures will not extend above the predominant treeline. No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline affected by the application, as determined by the Town Engineer.

(a) If, in the Town Engineer's opinion, such requirements would render an existing lot unbuildable, the Town Engineer may recommend the issuance of, and the Building Department may issue, a construction permit for an existing lot of record which does not meet the requirements of this section upon his determination that no suitable conforming location is available.

(b) There shall be no disturbance within this fifty foot area except for access driveways when said driveway cannot be reasonably located outside the fifty foot area. There shall be no disturbance of the tree line area above the highest points of the structure and the highest point of the Ridgeline.

(c) Applicants are required to provide the Building Department with a topographic survey of the lot showing topography within 200 feet of the proposed building areas and showing elevations with 2-foot intervals. Topography shall use NAVD88.

(d) Structures shall not use or contain bright or fluorescent-colored materials or highly reflective shiny metal or similar materials. All structures shall be of natural coloring that blend in with the ridgeline natural color scheme. Use of colors such as brown, black, gray, beige and green are preferred.

(e) Lighting shall not be excessive. Bright LED lighting shall not be used. Only fully shielded, natural lighting and fixtures must be used. Lighting shall be Dark Sky compliant.

(f) Definitions

- (i) “Ridgeline” is defined as the highest elevations of land running North and South across the Marlborough Ridgeline Protection Map.
- (ii) “Tree Line” is defined as the edge of the habitat at which trees and vegetation are capable of growing above the Ridgeline.
- (iii) “NAVD88” is defined as North American Vertical Datum of 1988.

Section 3. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 4. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 5. This local law shall be effective upon filing with the Secretary of State.

WHEREAS, the Town Board has determined that the action to amend the Town of Marlborough Zoning Law is a Type I Action under the New York State Environmental Quality Review Act (SEQRA).

WHEREAS, that because only the Town Board can consider and adopt changes to the Town Code, that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law.

WHEREAS, the Town Board has determined that the amendments must be referred to the Ulster County Planning Board for review and recommendation pursuant to General Municipal Law § 239-m.

WHEREAS, the Town Board refers this proposed amendments to the Town of Marlborough Planning Board for a report thereon pursuant to Town Code § 155-49.

Supervisor Corcoran advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman Molinelli, who moved its adoption:

WHEREAS, on April 8, 2024 Supervisor Corcoran has introduced this local law for the Town of Marlborough, to be known as "Town of Marlborough Local Law No. ____ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 "ZONING", ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTTILED "RIDGELINE AND STEEP SLOPE PROTECTION".

RESOLVED, that a public hearing be held in relation to the proposed amendments as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens

shall have an opportunity to be heard. The public hearing will be held on April 22nd, 2024, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on April 22nd, 2024 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 "ZONING", ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTTILED "RIDGELINE AND STEEP SLOPE PROTECTION".

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York
April 8, 2024

COLLEEN CORCORAN, TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Corcoran	Yes
Councilman Molinelli	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Councilwoman Sessa	Yes

DATED: Milton, New York
April 8, 2024

April 8, 2024

D). Resolution #43 To authorize the filing of this Negative Declaration

Supervisor Corcoran proposes the following:

WHEREAS, the Town of Marlborough Town Board proposes to establish the Vineyard Hills Subdivision Drainage District in the Town of Marlborough, Ulster County, New York (the “Action”); and

WHEREAS, the Action is a condition of approval the Vineyard Hills Subdivision; and

WHEREAS, the Action is consistent with the Environmental Assessment Forms and Negative Declaration issued with respect to a prior subdivision approval for the Vineyard Hills Subdivision; and

WHEREAS, the Action threatens no potential adverse impacts of significance that were not already identified and assessed within the SEQRA review of the Vineyard Hills Subdivision; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the Town Board is directly undertaking the Action; and

WHEREAS, the name and address of the agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Marlborough, New York 12547 and the Responsible Officer is Scott Corcoran, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-2220; and

WHEREAS, the Town of Marlborough Town Board has classified this Action as unlisted action pursuant to 6 NYCRR Part 617 of the Regulations; and

WHEREAS, the Town of Marlborough Town Board has caused the preparation of a Short Environmental Assessment Form (SEAF), Parts 1 and 2 for review of the Action; and

WHEREAS, the Town Board has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;
5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action;
10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and
11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marlborough Town Board has examined the impacts which may be reasonably anticipated to result from the action, and has determined that these actions will not have any significant adverse impact on the environmental and that a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby issues this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby authorizes the filing of this Negative Declaration.

The foregoing resolution was voted upon with all councilpersons voting as follows:

Supervisor Corcoran Yes

Councilman Molinelli Yes

Councilman Cauchi Yes

Councilman Zambito Yes

Councilwoman Sessa Yes

DATED: Milton, New York

April 8, 2024

COLLEEN CORCORAN, TOWN CLERK

April 8, 2024

E). Resolution # 44 To approve the establishment of the Vineyard Hills subdivision Drainage District

Supervisor Corcoran proposes the following:

WHEREAS, the Town Board has received a petition from the property owner, Vineyard Hills Holding, LLC, accompanied by a Map, Plan and Report, pursuant to Section 192 of the Town Law, for the establishment of the Vineyard Hills Subdivision Drainage District upon petition under Article 12 of the Town Law; and

WHEREAS, the Town Board, on March 25, 2024, accepted the proposed Map, Plan and Report of Mercurio-Norton-Tarolli-Marshall Engineering and Land Surveying P.C. (hereinafter the “Map, Plan and Report”), and directed the Town Clerk to publish and post a notice for public hearing on the establishment of the Vineyard Hills Subdivision Drainage District in accordance with the applicable provisions of law; and

WHEREAS, the public hearing was held on April 8, 2024;

WHEREAS, the Town Board received an Environmental Assessment Form, and prior to the adoption of this resolution, and on the date hereof the Town board issued a Negative Declaration, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the evidence offered at such time and place of the public hearing, and the contents of the Map, Plan and Report, allows the Town Board to make the determinations hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Marlborough in the County of Ulster, that it be and hereby is determined as follows:

- (1) That the aforesaid notice of hearing was published and posted as required by law and was otherwise sufficient.
- (2) That the petition is signed, and acknowledged or proved, or authenticated, as required by

law and is otherwise sufficient.

- (3) That all of the property and property owners within the proposed district are benefited thereby.
- (4) That all of the property and property owners benefited are included within the proposed district.
- (5) It is in the public interest to establish the proposed district as hereinafter described.

BE IT FURTHER RESOLVED AND DETERMINED, that the Town Board does hereby approve the establishment of the Vineyard Hills Subdivision Drainage District (hereinafter the "District"); that the improvements described in the Map, Plan and Report be constructed and the service therein described be provided for upon the required funds being made available or provided for; and that the District be bounded and described as set forth in in the Map, Plan and Report and Schedule A attached hereto.

The foregoing resolution was voted upon with all Councilpersons voting as follows:

Supervisor Corcoran Yes

Councilman Molinelli Yes

Councilman Cauchi Yes

Councilman Zambito Yes

Councilwoman Sessa Yes

DATED: Milton, New York
 April 8, 2024

COLLEEN CORCORAN, TOWN CLERK

SCHEDULE A

Property Description

ALL that certain plot, piece or parcel of land situate, lying, and being in the Town of Marlborough, County of Ulster, State of New York being known as Proposed Town Road as shown on a map entitled "Final Map of Subdivision and Lot Line Revision of Section II Vineyard Hills" filed in the Ulster County Clerk's Office on December 20, 2004 as Map #04-1506 being more particularly bounded and described as follows:

BEGINNING at a point lying on the northerly side of Rue De Vin, said point being the southeasterly corners of lands now or formerly of Amark Enterprises LLC and also being the southwesterly corner of the parcel herein intended to be described.

THENCE north 08 degrees 23 minutes 13 seconds east for a distance of 396.97 feet along lands now or formerly of Amark Enterprises LLC to a point.

THENCE on a curve to the left having a radius of 300.00 feet and an arc length of 163.33 feet continuing along lands now or formerly of Amark Enterprises LLC and along Lot #5 on the above referenced filed map to a point.

THENCE north 28 degrees 03 minutes 53 seconds west for a distance of 121.07 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 350.00 feet and an arc length of 132.21 feet to a point.

THENCE north 78 degrees 17 minutes 54 seconds west for a distance of 262.30 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE south 10 degrees 33 minutes 27 seconds west for a distance of 241.74 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE north 75 degrees 21 minutes 05 seconds west for a distance of 335.86 feet along lands now or formerly of Rodriguez and along lands now or formerly of Ceriello to a point.

THENCE north 15 degrees 46 minutes 50 seconds east for a distance of 218.76 feet along lands now or formerly of Nikola to a point.

THENCE north 15 degrees 24 minutes 42 seconds east for a distance of 613.66 feet along lands now or formerly of Troncillito to a point.

THENCE south 65 degree 01 minute 50 seconds east for a distance of 305.24 feet along lands now or formerly of Greiner to a point.

THENCE south 81 degrees 17 minutes 58 seconds east for a distance of 164.97 feet along Lot #11 on the above referenced filed map to a point lying on the westerly side of the Proposed Town Road.

THENCE on a curve to the right having a radius of 66.00 feet and an arc length of 106.32 feet continuing along Lot #11 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 66.00 feet and an arc length of 51.28 feet continuing along lands now or formerly of Greiner to a point.

THENCE north 08 degrees 42 minutes 02 seconds east for a distance of 146.95 feet continuing along lands now or formerly of Greiner to a point.

THENCE on a curve to the left having a radius of 75.00 feet and an arc length of 112.20 feet continuing along lands now or formerly of Greiner to a point.

THENCE south 77 degrees 00 minutes 42 seconds east for a distance of 272.09 feet along lands now or formerly of Bach and along lands now or formerly of Moliver to a point.

THENCE south 08 degrees 42 minutes 02 seconds west for a distance of 228.09 feet along lands now or formerly of Morrissey to a point.

THENCE south 01 degree 56 minutes 13 seconds west for a distance of 395.18 feet along lands now or formerly of Keating and along lands now or formerly of Gaer & Rowe to a point.

THENCE south 83 degrees 13 minutes 23 seconds east for a distance of 258.68 feet continuing along lands now or formerly of Gaer & Rowe to a point lying on the westerly side of Hampton Road.

THENCE south 06 degrees 01 minute 59 seconds west for a distance of 178.50 feet along the westerly side of Hampton Road to a point.

THENCE south 04 degrees 36 minutes 14 seconds west for a distance of 174.55 feet continuing along the westerly side of Hampton Road to a point.

THENCE north 84 degrees 32 minutes 47 seconds west for a distance of 237.33 feet along lands now or formerly of Palmer to a point.

THENCE south 15 degree 58 minutes 43 seconds west for a distance of 270.80 feet continuing along lands now or formerly of Palmer to a point.

THENCE north 81 degrees 36 minutes 41 seconds west for a distance of 56.02 feet along lands now or formerly of Sargent to a point lying on the easterly side of the Proposed Town Road.

THENCE south 08 degrees 23 minutes 13 seconds west for a distance of 237.89 feet along lands now or formerly of Sargent and along lands now or formerly of Dalleo to a point.

THENCE south 07 degrees 53 minutes 20 seconds west for a distance of 114.70 feet continuing along lands now or formerly of Dalleo to a point lying on the northerly side of Rue De Vin.

THENCE on a curve to the left having a radius of 150.00 feet and an arc length of 4.71 feet along the northerly side of Rue De Vin to a point.

THENCE north 82 degrees 46 minutes 24 seconds west for a distance of 46.30 feet continuing along the northerly side of Rue De Vin to the point or place of beginning.

Excepting and excluding there from Lot 5 and Lot 11 on Filed map #04-1506

Excepting and excluding therefrom "Scenic View Road - Proposed Town Road" described as follows:

ALL that certain plot, piece or parcel of land situate, lying, and being in the Town of Marlborough, County of Ulster, State of New York being known as Proposed Town Road as shown on a map entitled "Final Map of Subdivision and Lot Line Revision of Section II Vineyard Hills" filed in the Ulster County Clerk's Office on December 20, 2004 as Map #04-1506 being more particularly bounded and described as follows:

BEGINNING at a point lying on the northerly side of Rue De Vin, said point being the southeasterly corners of lands now or formerly of Amark Enterprises LLC and also being the southwesterly corner of the parcel herein intended to be described.

THENCE north 08 degrees 23 minutes 13 seconds east for a distance of 396.97 feet along lands now or formerly of Amark Enterprises LLC to a point.

THENCE on a curve to the left having a radius of 300.00 feet and an arc length of 163.33 feet continuing along lands now or formerly of Amark Enterprises LLC and also along Lot #5 on the above referenced filed map to a point.

THENCE north 28 degrees 03 minutes 53 seconds west for a distance of 121.07 feet continuing along Lot #5 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 350.00 feet and an arc length of 224.58 feet continuing along Lot #5, along Lot #6 and along Lot #8 on the above referenced filed map to a point.

THENCE north 08 degrees 42 minutes 02 seconds east for a distance of 423.00 feet along Lot #8, along Lot #7, along Lot #9 and along Lot #10 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 66.00 feet and an arc length of 363.42 feet continuing along Lot #10, along Lot #11, along Parcel B and along Lot #12 on the above referenced filed map to a point.

THENCE south 08 degrees 42 minutes 02 seconds west for a distance of 423.00 feet continuing along Lot #12 and along Lot #13 on the above referenced filed map to a point.

THENCE on a curve to the left having a radius of 300.00 feet and an arc length of 192.50 feet continuing along Lot #13 on the above referenced filed map to a point.

THENCE south 28 degrees 03 minutes 53 seconds east for a distance of 121.07 feet continuing along Lot #13 on the above referenced filed map to a point.

THENCE on a curve to the right having a radius of 350.00 feet and an arc length of 193.00 feet continuing along Lot #13 on the above referenced filed map to a point.

THENCE south 08 degrees 23 minutes 13 seconds west for a distance of 283.45 feet continuing along Lot #13 on the above referenced filed map, along lands now or formerly of Sargent and along lands now or formerly of Dalleo to a point.

THENCE south 07 degrees 53 minutes 20 seconds west for a distance of 114.70 feet continuing along lands now or formerly of Dalleo to a point lying on the northerly side of Rue De Vin.

THENCE on a curve to the left having a radius of 150.00 feet and an arc length of 4.71 feet along the northerly side of Rue De Vin to a point.

THENCE north 82 degrees 46 minutes 24 seconds west for a distance of 46.30 feet continuing along the northerly side of Rue De Vin to the point or place of beginning.