

# **TOWN OF MARLBOROUGH**

**PO Box 305 Milton N.Y. 12547**  
**Heart Of the Hudson Valley Fruit Section**

**OFFICE OF THE SUPERVISOR**  
**(845) 795-5100 Ext. # 2**

## *Application*

## *Petition for Establishment*

## *Business Corridor Overlay District*

## *Town Board*

*Enclosed you will find the petition to the Town Board for the improvement of a property that exist in the Business Corridor Overlay District.*

*It will explain the purpose, the eligible areas, permitted uses and the procedure for establishment.*

*Please read ALL sections of the attached application and submit the minimum required material to the Town Board for its review.*

*Upon the Town Board approval and satisfaction of the material submitted they will refer the applicant to the Town of Marlborough Planning Board for further review and final site plan approvals.*

*Upon Planning Board approvals the applicant shall contact the Town of Marlborough Building Department to obtain any and all building permits required to satisfy the New York State Uniform Fire and Prevention and Building Code.*

**Date:** \_\_\_\_\_

**Name :** \_\_\_\_\_

**Business Name :** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

\_\_\_\_\_

**S.B.L. :** \_\_\_\_\_

**District :** \_\_\_\_\_

**This letter is to verify that the building department has discussed the above business at the above address and has concluded :**

\_\_\_\_\_ : The application can be presented to the Town Board for its review.

\_\_\_\_\_ : The application is rejected for the following reasons :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ : The application can be presented to the Town Board with the following Comments :

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank You.**

*Thomas J. Corcoran Jr.  
Building Inspector  
Code Enforcement Officer*

**H. BC Business Corridor Overlay District. [Added 8-25-2014 by L.L. No. 1-2014]**

- (1) Purpose. The Town of Marlborough is bisected along a north-to-south axis comprising New York State Route 9W which parallels the Hudson River. Historically, the Route 9W corridor has served the Town of Marlborough as both a significant transportation facility and the location of mixed residential, commercial, and light industrial land uses. There are various zoning district designations along the Route 9W corridor, including the HD, R, C-1, R-1, and R-Ag-1 Districts. Within the areas of the Route 9W corridor which are zoned R-1 or R-Ag-1, there exist various improved parcels with frontage on the state highway and which are currently, or previously have been, devoted to use of existing structures for commercial or light industrial activities of the type which are currently allowable within the HD Zoning District. Some of the existing structures are devoted to commercial or light industrial activities as nonconforming uses in the R-1 or R-Ag-1 Zones. Some of these existing structures are not currently put to commercial or light industrial uses, and exist as meaningful opportunities for readaptation to such uses for the benefit of public commerce and the generation of municipal revenues for the community. The Town Board concludes that a Business Corridor Overlay District, in the nature of a floating zone, is an appropriate device to encourage readaptation of existing unused structures, or to eliminate nonconformities of active uses, within eligible properties within the Route 9W corridor.
- (2) The Business Corridor Overlay District is a floating zone which may be established by the Town Board by potential amendment of the Zoning Map, through the exercise by the Town Board of the procedures stated herein, with respect to properties located within eligible areas along the transportation corridor of Route 9W in the Town of Marlborough, as such areas of eligibility are more particularly defined within § 155-12H(3).
- (3) Eligible areas. Parcels located within the R-1 or R-Ag-1 Zoning Districts within the Town of Marlborough are eligible locations for establishment of a Business Corridor Overlay District if they: a) enjoy highway frontage useable for access to and from Route 9W; and b) are improved within 250 feet of the right-of-way line of NYS Route 9W by an existing building(s) either currently devoted to commercial, retail, office, or light industrial activities, or if not currently devoted to such uses, the building was predominately devoted to such uses in the past according to land records or other written evidence deemed acceptable and convincing to the Town Board.
- (4) Permitted uses. In the event that the Town Board establishes a Business Corridor Overlay District designation, the principal permitted uses, the permitted accessory uses, and the permitted special uses of the property shall be those uses which are allowable within the HD - Highway Development District, subject to the same lot, height, yard and any supplemental regulations applicable to the subject use of the property in the event that it had been situated within the HD District. However, new and used car sales, and adult entertainment uses, shall be prohibited in a BC District.
- (5) Procedure for establishment.
  - (a) Petitions for the establishment of a Business Corridor Overlay District by amendment of the Zoning Map shall be made in writing to the Town Board. Applications shall be made by the owner or owners of the land proposed to be included in such district or by a person or persons possessing written contract or option rights to purchase such lands. In the event that an application is made by a person or persons holding contract or option rights to purchase the lands, the application shall be accompanied by a statement signed by the owner or owners granting authority on the part of such applicant to make the application. Upon submission of a complete application, the Town Board shall refer the application to the Planning Board for recommendation.
  - (b) Application materials. The applicant shall submit a conceptual development plan of sufficient detail as shall be determined by the Town Board. The conceptual development plan shall consist, at a minimum, of the following:

- [1] A metes and bounds description of the proposed district;
- [2] A survey of the land prepared and certified by a licensed land surveyor;
- [3] A map drawn to scale showing existing conditions of the parcel, including:
  - [a] The name and address of the owner of record and, if the applicant is not the owner, then also the applicant;
  - [b] The name of the person or firm preparing the plan;
  - [c] The date, North arrow and scale of the plan;
  - [d] The names, addresses and tax map parcels of owners of all parcels within 500 feet of the subject property. The applicant shall include mailing labels for all property owners of parcels within 500 feet of the subject parcel;
  - [e] The acreage of the parcel and the tax number or numbers;
  - [f] The location and width of existing and proposed state, county or Town highways or streets and rights-of-way abutting or within 200 feet of the parcel;
  - [g] The approximate location and outline of existing structures both on the parcel and within 100 feet of the property line;
  - [h] The location of any existing storm or sanitary sewers, culverts, waterlines, hydrants, catch basins, manholes and other visible infrastructure as well as other utilities within or adjacent to the parcel;
  - [i] The existing zoning of the parcel;
  - [j] The approximate location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body;
  - [k] The approximate boundaries of any areas subject to flooding or stormwater overflows;
  - [l] The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property);
  - [m] The identification of any other significant natural features.
- [4] The conceptual development plan, drawn approximately to scale, shall clearly show the following:
  - [a] The approximate location and dimension of proposed principal and accessory buildings on the site and their relationship to one another, and to other structures in the vicinity;
  - [b] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas, and proposed access to the site;
  - [c] The proposed source of water supply and method of delivery to the site;
  - [d] A general plan for the collection and disposal of sanitary waste from the site;
  - [e] A general plan of proposed stormwater management facilities;
  - [f] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.
- [5] A vicinity map showing the proposed use in relationship to adjoining uses, transit services, food stores, community facilities, social service facilities, medical facilities and pharmacy and religious institutions;
- [6] Preliminary architectural treatment of any readapted or new buildings.