

Town Hall  
1650 Route 9w  
P.O. Box 305  
Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

**Town of Marlborough**

**Conservation Advisory Committee**

**Report to the Town Board**

Members

Supervisor – Steven Osborne  
Councilman – Anthony Pascale  
Councilman – Eric Affuso  
Councilman – Edward Molinelli  
Councilman – Scott Corcoran

on

### **The Town Planning Process**

Conservation Advisory Members

Chairman – Walt Falkenberg  
Joan Delatorre  
Mike Dovich  
Cindy Lanzetta  
Al Lanzetta  
Janine Pinada  
Noel Russ  
Mici Simonofsky  
Brian Simonofsky  
Anita Walters

August 26, 2013

## Conservation Advisory Committee

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## Conservation Advisory Committee

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# Report

## Conservation Advisory Committee

### Town of Marlborough

**Directive and Purpose:** At the request of the Marlborough Town Board, the Conservation Advisory Committee (CAC) was asked to review the current procedure and application for site plan approval and make suggestions for improvements that will make the process more efficient and user friendly. This request was deemed necessary due to several issues pertaining to drainage, land encroachment, and building code ambiguity that have been presented to the Town Board recently, that have required professional legal and engineering advice to address. The costs of these inefficiencies and errors are being borne by the taxpayer, as a result the CAC was tasked to review the process and make recommendations for correcting these ambiguities.

The CAC had its first meeting on December 12, 2012, and has met monthly to deliberate on the issues at hand. As an all-volunteer committee, it includes the following regular attendees: Walter Falkenberg, Joan Delatorre, Mike Dovitch, Alphonso Lanzetta, Cindy Lanzetta, Brian Simonofsky, Mici Simonofsky, Anita Walters, Noel Russ and Jeanine Pineda. The group decided that Walter Falkenberg would serve chair, and Joan Delatorre should be recording secretary.

**The following mission statement was composed:** The Marlborough CAC shall present to the Marlborough Town Board, recommendations to improve the current site plan application and process so that town employees and/or officials are empowered to protect the Town and taxpayers from unforeseen liabilities in future development in the Town of Marlborough, thus protecting the interest, health, and welfare of town residents in regards to proper land usage and development.

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### **The goals of the CAC:**

To improve the current process with a user friendly and informative application and checklist

1. To create a process that appoints, instructs, and informs responsible parties of their tasks, thereby creating a method for oversight and accountability
2. To protect the Marlborough taxpayer from undue financial burden that arises from poorly overseen projects
3. To protect future residents from hardship that might arise from poorly overseen projects, such as drainage issues and encroachment on easements.
4. To create instructions to prospective homebuyers that alerts them to review maps for unique situations occurring with their land purchase.
5. To suggest revisions to present Town Code based on the information and suggestions obtained from our research.

### **Committee Findings:**

The Town of Marlborough Conservation Committee respectfully submits our findings on the Towns Planning Process that has been conducted from January 2013 thru July 2013.

The CAC first approached their task by reviewing the current forms utilized by the Building and Planning departments, as presented in the appendix of this report, listing questionable areas for review.

1. The committee noticed that there was no overview of what the Planning Board (PB) process actually consisted of, thereby creating confusion for the Applicant.
2. There was no comprehensive set of instructions for the Application packet.
3. That the current Packet did not include the Short EAF Form (most often required)
4. The general belief of affected applicants, Professionals and employees was that the various entities involved within the Town do not communicate with each other causing the applicant time and expense.

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5. The type of consolidated report or means to follow the Escrow funds or Bonds submitted allowing the Town to become vulnerable to Financial Liability.
6. That there was no Planning Board Policy on record keeping involving the project after Final Approval is granted.
7. The time allotted for the Planning Board Clerk to maintain and process documentation is not enough to completely maintain and co-ordinate all the processes.

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We also interviewed key people who deal with the process for their comments, the people we thought should be interviewed were all Town Professionals; committee chairs of the PB, Zoning Board of Appeals (ZBA); Building Dept., PB Clerk and some of the applicant's professionals. These persons were chosen because the committee believes their experience would shed the most light on this Process.

The interviewees were generous to volunteer their time and expertise, and we would like to acknowledge them and thank them for their contributions: Planning Board Chair Joseph Porco, Building Inspector George Salinovich, Code Enforcement Officer Thomas Corcoran, Town Engineer Patrick Hines, Attorney for the Town Ronald Blass, Town Clerk Colleen Corcoran, Zoning Board of Appeals Member William Giametta, Planning Board Secretary Kathi Natland, Applicant's Professional Representatives Patricia Brooks and James Raab.

While it was the general opinion of The Professionals involved that The Town of Marlborough (Town) Planning Board Process was thorough, the Applicants very often lacked the knowledge that it was a very in depth process. Our committee also came away with the feeling that while all Town departments do their part well there is not much communication amongst the different entities. The committee often needs to request information on dates and process from the Professional consultants that could be supplied by simple spread sheets included in the Board's packet. The PB should try to communicate between the Building Dept., ZBA, and Professional consultants to create a paper trail documenting completions and responsibilities through each step. The committee hopes that through the creation of forms, letters, spreadsheets and Code changes recommended within this report to follow each project, the Town Planning process will serve the Town well for many years to come.

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The committee believes that the items listed below would enhance and improve our Planning Process:

1. Create a flow chart for the applicant and town hall employees that outlines and directs necessary tasks to be completed, and that becomes a diary of the project and part of the permanent file.(pages 50-52) (example Pages 106-107)
2. All applicants as the first step must be interviewed by the Building Dept. to determine the appropriate action(s) necessary for the project in question. At this time, the building department should review the project in question for correct zoning and proper land use. ( TC sec.134-8-1 recommended changes)
3. Planning Board should adopt new policy or change procedures to minimize fees charged to the applicant for professional fees, especially for simpler projects. Examples were to devote one meeting a month to professionals' attendance, and to schedule items from applicants that would not need professional comment at the other monthly meeting.
4. Categorize items that need paid professional intervention and create a notice to inform the applicants of need for professional fees including rates.
5. Create policy and codify as needed that no map can be signed if only conditional approval has been given, i.e. maps can only be signed when granting final approval. ( TC sec. 134-11-1 of recommended changes)
6. The Planning board shall set policy that an applicant and Town Building Department be supplied in writing all conditions that must be met before final Plats can be signed by the PB Chairman (Page 49)
7. Review use of stenographer to reduce fee for applicants with simpler projects.
8. Change Town Code to reflect that all infrastructure for the site plan, i.e. roads, drainage, curbing, water, septic, utility lines, and buffering landscaping be completed and inspected prior to issuance of a building permit. ( TC sec. 134-11-1 of recommended changes)
9. Change Town Code to reflect that the Town appointed engineer be required to inspect infrastructure per a set schedule. ( TC sec. 134-11-1 of recommended changes )

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10. Change Town Code to reflect that map notes must be highlighted to inform the new purchaser of any peculiarities unique to the project and/or building site, and that of the purchaser.  
(TC sec. 134-23-C1 & C2)
11. Have an engineer and attorney sign off on any conditions set by the Planning Board prior to the final Plat being signed by the Planning Board Chairman. (Page 48)
12. The Town Develop a clearing and grading law requiring a separate permit prior to any construction of structures and assures that best environmental practices are used. (Sample from Town of Newburgh pages 90-105)
13. That the Town create an updated application package and make it available on-line on the Towns Website. (pages 20 - 44)
14. The Town create a policy document in the handling, retention and disposal of documents (extra sketch, preliminary Plats) used in the PB process.
15. A Ledger sheet of escrow fees and bonds be created, maintained and supplied to the PB prior to each meeting. ( Pages 53-54)
16. A Project recap sheet be created, maintained and supplied to the PB prior to each meeting. ( Page 55)
17. The Town Board evaluate the Hours allotted to the Planning Board Clerk to fulfill his/her duties.  
The Conservation Advisory Committee While not charged with the Zoning process believes that with the advent of Sustainable Energy Sources and seeing some of the situations that other Towns have faced in the last couple years, should be pro-active and develop a section in its town code to address items such as Stand-alone Solar Panels, Wind turbines, Cell towers, Back-up generators and try to encompass future energy developments.

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The Conservation Advisory Committee Respectfully Submits this Report this 26<sup>th</sup> day of August 2013.

We appreciate the opportunity to serve the Town Board and the residents of Marlborough. We shall continue monitoring Local conservation issues reported through the Ulster County Planning Board, Ulster County EMC and other outlets available and look forward to any assignment the Board wishes to task us with.

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# Process

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### **Investigative process:**

Each person interviewed was asked four questions developed by the committee, the four questions were:

1. If you were able to improve or remove only two items of the process what would they be and why?
2. In your opinion what could be done to make the process more applicant friendly?
3. In your opinion is the accountability of the Town's participants sufficient to protect the Town and Taxpayers from possible legal or financial problems, please explain your opinion and any ideas that you may have on this?
4. Do you believe the Documentation and Communication during the process is sufficient and if not what could make it better?

It should be noted that the professionals who represent the applicants have broad experience with a number of municipalities. The Marlborough Planning Board and Zoning Board of Appeals were complemented on our present process and required forms. They did have suggestions, as did our Town employees.

As a result of these communications, the CAC was introduced to a number of suggestions, as outlined here:

1. Create a flow chart for the applicant and town hall employees that outlines and directs necessary tasks to be completed, and that becomes a diary of the project and part of the permanent file.
2. All applicants as the first step must be interviewed by the Building Dept. to determine the appropriate action(s) necessary for the project in question. At this time, the building department should review the project in question for correct zoning and proper land use.
3. Planning Board should adopt new policy or change procedures to minimize fees charged to the applicant for professional fees, especially for simpler projects. Examples were to devote one meeting a month to professionals' attendance, and to schedule items from applicants that would not need professional comment at the other monthly meeting.

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4. Categorize items that need paid professional intervention and create a notice to inform the applicants of need for professional fees including rates.
5. Create policy and codify as needed that no map can be signed if only conditional approval has been given, i.e. maps can only be signed when granting final approval.
6. Review use of stenographer to reduce fee for applicants with simpler projects.
7. Change Town Code to reflect that all infrastructure for the site plan, i.e. roads, drainage, curbing, water, septic, utility lines, and buffering landscaping be completed and inspected prior to issuance of a building permit.
8. Change Town Code to reflect that the Town appointed engineer be required to inspect infrastructure per a set schedule.
9. Change Town Code to reflect that map notes must be highlighted to inform the new purchaser of any peculiarities unique to the project and/or building site, and that of the purchaser.
10. Have an engineer and attorney sign off on any conditions set by the Planning Board prior to the final Plat being signed by the Planning Board Chairman.

The Committee also evaluated Applications from the Towns directly bordering the Town of Marlborough, Including the Towns of Newburgh, Plattekill and Lloyd for this report.

Suggested Forms are also provided in the Appendices for your consideration

1. Flow Chart
2. Escrow Flow Chart
3. Bond and Improvement fees flow chart
4. Code 134 revisions

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# Recommended Code Changes

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### Possible Code Changes: **Section 134: Subdivision of Land**

#### Section 134-2: Definitions

1. Add the Definition of Covenant

#### Section 134-4: Policy – No Changes

#### Section 134-5: Applicability – no changes

#### Section 134-6: Undeveloped subdivisions – no changes

#### Section 134-7: General Procedure

1. Amend item A. to read: *Attend an informal pre-application meeting with the code enforcement officer and a Planning Board representative.*
2. Amend item H. to read: *All Improvements, conditions and Covenants shall be completed.*

#### Section 134-8: Pre-application Procedure

1. Amend Item A. first sentence to read: *Before preparing a detailed proposal, The subdivider shall meet with the code enforcement officer and a Planning Board Representative to review project concept, and to become familiar with the requirements of these and other regulations, the policies and plans of the Planning Board and other information that may be pertinent to the sub-division.*
2. Insert new Item B to read: *Submit Completed Application and Checklist along with application fee to the Planning Board clerk. Application fees (per fee schedule) shall be paid by certified check or bank check. Escrow fees (per fee schedule) shall also be submitted at this time.*
3. Change existing Item B to Item C.
4. Item C: Change all references to the number of Plat copies from 10 to 12 to become consistent with what is required in the current application.

#### Section 134-9: Preliminary Plat – no changes

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Possible Code changes cont.

Section 134-10: Final Plat

1. Insert new Item D to read: *If a Conditional final approval is granted a written notification shall be made to the applicant and the building department of the conditions set forth by the Planning Board.*
2. Change existing Item D to E
3. Change existing Item E to F
4. Change existing Item F to G

Section 134-11: Required improvements and installations procedure:

1. Add item D to read: *The completed Modifications, Improvements or Covenants shall be verified by the Town Engineer or Planning Board Attorney in writing to the Planning Board chairman prior to the Final Plat being signed.*

Section 134-12: Filing of approved Plat – no changes

Section 134-13: Status of streets, parks, and easements – no changes

## Article IV: Design Standards and Required Improvements

Section 134-15: General requirements

1. Insert sentence after sentence number one to read: *In subdivisions of four(4) or more lots sidewalks and street lights shall be required to facilitate the safe passage of pedestrians within the subdivision.*

Section 134-16: Streets - no changes

Section 134-17: Blocks – no changes

Section 134-18: Lots – no changes

Section 134-19: Reservations and Easements – no changes

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Possible Code changes cont.

Section 134-20: Improvements

1. Item D add Third sentence to read: *All subdivisions of four (4) or more lots shall have all utilities placed underground according to the current Utility standards.*

## Article V: Documents to be submitted

Section 134- 21: Sketch Plat

1. Insert a New Item A to read: *Submit completed Application and check list to planning Board Clerk.*
2. Insert a new Item B to read: Building department shall submit in writing to the Planning Board Clerk, their determination as to whether the project meets zoning and use criteria.
3. Change Item A to C
4. Amend Item C sentence one to read: *At least twelve (12) copies of the sketch plan shall be delivered to the Planning Board Clerk.*
5. Change Item B to D:

Section 134-22: Preliminary Plat

1. Amend Item A to read: *At least Twelve (12) copies shall be delivered to the Planning Board Clerk.*

Section 134-23:Final Subdivision Plat

1. Item B amend sentence one(1) to read: *The subdivider shall submit to the Planning Board Clerk Two (2) transparencies, three prints and a digital copy of the final subdivision Plat.*

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Possible Code changes cont.

2. Item C1 add “g” to read: *Any pertinent unique properties of the lot or lots that shall be disclosed to future purchasers.*
3. Item C2 add “s” to read: *Any pertinent unique properties of the lot or lots that shall be disclosed to future purchasers.*

## Article VI: Modifications and Variances

Section 134-24: Waiver of requirements; variances – no changes

Section 134-25: Reconsideration – No changes

Section 134-26: Application procedure – no change

Section 134-27: Recording; Date to be affixed to subdivision plat

## Article VII: Fees

Section 134-28: Fees

1. Amend Item B to read: *Subdivision application & escrow fees shall be paid by certified check or bank check to the Town Clerk.*
2. Add #1 to Item B: *Escrow accounts will remain in effect for 30 days after the Final Plat is signed to pay all remaining Invoices for that project.*
3. Add #2 to Item B: *All Invoices must be submitted within 15 days of the signing of the Final Plat.*

Section 134-29: Inspection Fee – no change

Section 134-30: Recreation Fee – no change

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### **Article VIII: Amendments**

Section 134-31: Authority of Planning Board – no change

Section 134-32: Approval of Town Board – no change

Section 134-33: Public notice and Hearing – no change

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# Recommended Town Forms

**Updated Planning Board Application  
Condition verification Form  
Letter of Required Conditions  
Sample Escrow overview Sheet  
Sample Bond Overview sheet  
Sample Planning Board Project Log**

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# Town of Marlborough

## Planning Board

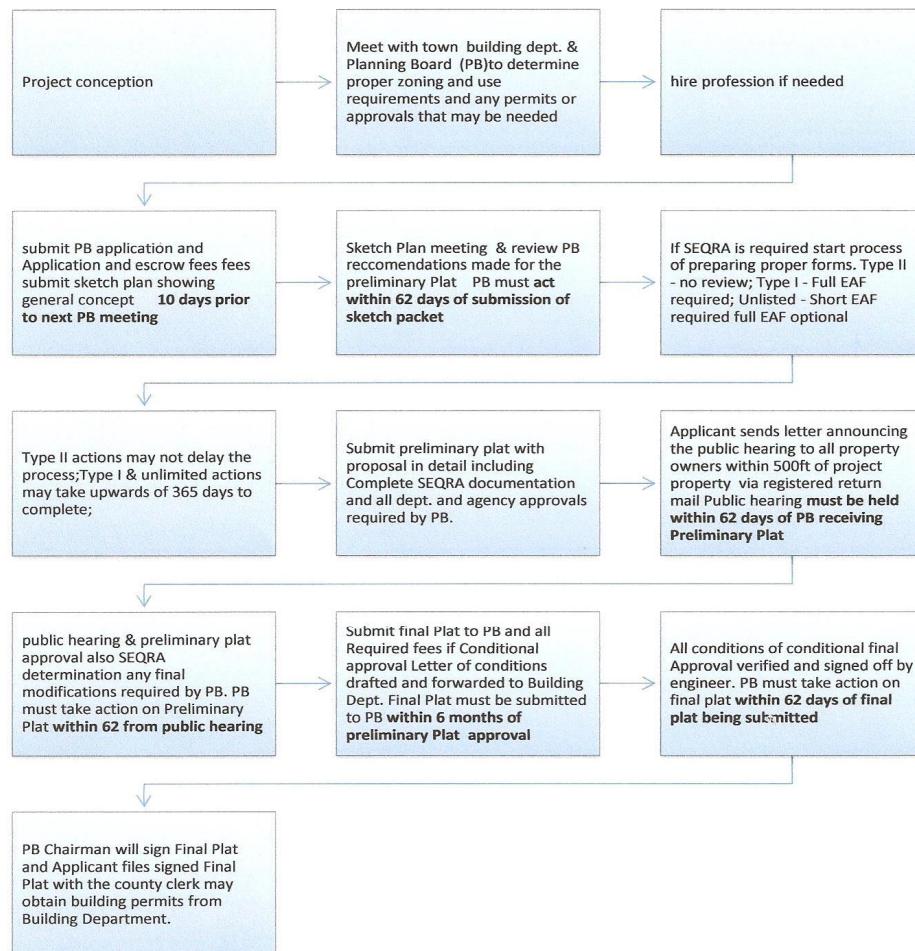
### Application

Revised January 1, 2014

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## Town of Marlborough Planning Board Process

Per section 134 of the Town Code

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### Application Instructions

1. Place project name, Applicant's name and S-B-L information where indicated in the heading sections of the Tracking Form.
2. Gather any documents required on page seven (7) such ie. Deed; variances; local, State or federal approvals; associated with the property.
3. You or a professional complete the checklist as you assemble your application packet.
4. You or professional complete the Application.
5. Applicant must sign at the bottom of the Disclaimer form on page 15.
6. Complete Letter of Agent form, this form must be signed in the presence of a Notary Public.
7. Read the Ethics Code and complete Part II if it applies, leave blank if it does not. This form must also be signed in the presence of a Notary Public.
8. Become familiar with the process and review your responsibilities for the Public Hearing when scheduled.
9. Complete or have Professional complete the Short EAF Form.
10. Submit Completed Application Packet and a certified or bank check for the application fee.
11. Submit certified or bank check for Escrow fees. (*must be separate from application fee*)

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# Town of Marlborough PB Tracking Form

Planning Checklist Project Name \_\_\_\_\_ No. \_\_\_\_\_

Preparation				
Planning Checklist Items	Yes	No	Dates	
Data on Project obtained	<input type="checkbox"/>	<input type="checkbox"/>		
Project site Described Section-Block -Lot	<input type="checkbox"/>	<input type="checkbox"/>		
Description of project created	<input type="checkbox"/>	<input type="checkbox"/>		
Meet with Code Enforcement Officer To discuss project	<input type="checkbox"/>	<input type="checkbox"/>		
Hire Professional Representation if needed	<input type="checkbox"/>	<input type="checkbox"/>		
Meet with Town Planning Board Informational meeting	<input type="checkbox"/>	<input type="checkbox"/>		
Obtain Application Packet	<input type="checkbox"/>	<input type="checkbox"/>		
Complete Application & Checklist	<input type="checkbox"/>	<input type="checkbox"/>		
Submit Application to Planning Board Secretary	<input type="checkbox"/>	<input type="checkbox"/>		
If variances needed apply to ZBA	<input type="checkbox"/>	<input type="checkbox"/>		
Submit copy of variance to PB clerk	<input type="checkbox"/>	<input type="checkbox"/>		

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Execution	Town Project Number _____			
Project Name _____	Date Submitted _____			
Applicants Name _____	S-B-L _____			
	Yes	No	Date	Signature of Official
Application Recieved				
Application forwarded to CEO				
CEO Approval Form Recieved				
Application submitted to Town Engineer				
Town Engineer check Application Checklist for completeness				
Schedule PB for Sketch Approval				
Sketch Approval received				
Packet submitted to UCPB (if needed)				
Schedule PB for preliminary approval				
Preliminary approval received				
Schedule for Public Hearing				
Notice of Public hearing Published				
Public hearing held				
Conditional Final Approval				
Conditional Items Verified				
County Approval Received (if needed)				
Final Approval				
Maps Filed with County				
Building Permits obtained				
Certificate of occupancy Issued				

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Documents required for Project	Town Project Number _____			
Project Name	S-B-L			
	Yes	No	Date	Signature verifying receipt
Letter of Agent				
Correct # sets of Plans				
Storm water Plans (if Needed)				
SEQR documentation				
Highway department Approval				
County Health Dept. Approval				
Fire Department Approval				
County Planning Board Approval				
Copy of Deed if needed				
Copy of any Variances				

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### Town of Marlborough Planning Board

#### Checklist

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Applicants Name

##### Checklist for Major/Minor Subdivision, Site Plan and/or Lot Line Revision

- I. The Following items shall be submitted for a complete Planning Board Application form.
  1. Completed Application \_\_\_\_\_
  2. Environmental Assessment Form \_\_\_\_\_
  3. Letter of Agent Statement \_\_\_\_\_
  4. Application Fee (*Separate check from escrow fee*) \_\_\_\_\_
  5. Escrow Fee (*Separate check from Application fee*) \_\_\_\_\_
  6. Copy of Deed \_\_\_\_\_
  7. Short Description of Property history \_\_\_\_\_
  8. Detailed Description of Proposed Project and Use \_\_\_\_\_
  9. Completed Checklist \_\_\_\_\_
  10. Agricultural Data Statement (*if Applicable*) \_\_\_\_\_

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II. The following Checklist Items shall be incorporated on the Subdivision Plat, Site Plan, or Lot Line Revision prior to consideration of being placed on the Planning Board Agenda. Non-Submittal of the check list will result in application rejection.

	Yes	No	NA
1. Name and Address of Applicant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Name and Address of Owner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Subdivision name and Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Tax Map Data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Location map ( scale 1'=2,000)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Zoning Table showing what is required in the particular zone and what the Applicant is proposing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Show zoning boundary if any portion of proposed project site is within or adjacent to a different zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Date of Plat Preparation/Plat revision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Scale the Plat to (max 1"=100")	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. North Arrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Surveyor's Certification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Surveyor's Seal and Signature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Name, SBL and acreage of adjoining owners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. NYSDEC Wetland and 100 foot buffer zone with an appropriate certification block reguarding DEC requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Flood Plain Boundary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Federal Wetland Boundary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Metes and Bounds of all Lots	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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18. Name and width of adjacent streets, include dedication parcels. The road boundary is to be a minimum of 25 feet from the centerline of the paved street.

19. Show existing or proposed easements (*note restrictions*)

20. Right of way width and Rights of Access and utility placement.

21. Road Profile and typical section including existing proposed grades, vertical curve data, utilities, drainage and other improvements.

22. Lot Area acreage. For lots under 2acres, list in square feet and acres.

23. Number of lots including residual lot.

24. Show existing waterways, wetlands, ponds, lakes, streams, drainage courses within 200 feet of parcel boundaries.

25. Note stating a road maintenance agreement is to be filed in the County Clerk's office for private roads.

26. Applicable note pertaining to owners review and concurrence.

27. Show any public Improvements, i.e. drainage systems, water lines, sewer lines.

28. Show all existing houses, accessory structures, wells and septic systems on and within 200 feet of the parcel to be subdivided.

29. 2 foot contours

30. Indicate any reference to a previous subdivision, i.e., filed map number, data and previous lot number.

31. If a private road, Town Board approval of name required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed.

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32. The amount of grading expected or known to be required to bring the site to readiness.

33. Estimated or known Cubic yards of material to be excavated.

34. Estimated or known cubic yards of fill required.

35. Type and amount of site preparation which falls within 100 foot wetlands buffer area and within Critical Environmental Area. Please explain in square feet or cubic yards.

36. Amount of site preparation within 100-year flood plain or any water course on the site. Please explain in square feet or cubic yards.

37. Planning Board approval Block 4" x 2"

38. Special District boundaries, agricultural, school, fire, water, sewer, etc.

39. Sight distance of all intersections and driveways.

40. Ridgeline and steep slope notation.

41. Agricultural Setbacks.

42. Letter of Building department mtg.

43. After Final approval is given by the Planning Board, the building department needs to be contacted for further guidance i.e. building permits.

***The Plat for the proposed subdivision, site plan, or lot line revision has been prepared in accordance with this checklist.***

By: \_\_\_\_\_  
Licensed Professional

Stamp: \_\_\_\_\_ Date: \_\_\_\_\_

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## Conservation Advisory Committee

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### Town of Marlborough Planning Board Application

Application For: *(check one)*

Subdivision:  Site Plan:  Lot Line Revision:

Application Number: \_\_\_\_\_

Date of Submission: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Location of Project: \_\_\_\_\_

Tax Section-Block-Lot: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Number of Acres: \_\_\_\_\_ Sq. Footage of Building: \_\_\_\_\_

Description of Project: \_\_\_\_\_

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Name of Property Owner: \_\_\_\_\_

Address of Property Owner: \_\_\_\_\_

Telephone Number of Property Owner: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Telephone Number of Applicant: \_\_\_\_\_

Name of Surveyor: \_\_\_\_\_

Address of Surveyor: \_\_\_\_\_

Telephone Number of Surveyor: \_\_\_\_\_

Name of Engineer: \_\_\_\_\_

Address of Engineer: \_\_\_\_\_

Telephone Number of Engineer: \_\_\_\_\_

Town Hall  
1650 Route 9w  
P.O. Box 305  
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## Conservation Advisory Committee

## Town of Marlborough

Name of Attorney:

**Address of Attorney:**

Telephone Number of Attorney:

### Reason for Application

### Description of Proposal:

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Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

### 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 Department 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 submission and re-submissions that are not complete will not be considered by the Planning Board or placed upon its agenda unless 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.

Applicant's Name (*print*): \_\_\_\_\_

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

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

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Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

### 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  
agent to represent my (our) interest in applying to the Town of Marlborough Planning  
Board for a \_\_\_\_\_ Lot Subdivision, Site Plan, or Lot Line Revision Application.  
( *circle one* )

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

State Of New York}

County Of \_\_\_\_\_ } SS:

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/she/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 Hall  
1650 Route 9w  
P.O. Box 305  
Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

### Ethics Code

#### Town of Marlborough Notice of Disclosure of Interest

In Accordance with the Town of Marlborough Code of Ethics, Article 13-3 (E) § 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, \_\_\_\_\_, residing at \_\_\_\_\_  
\_\_\_\_\_, make the following statements about interests in the  
real property which is the subject of this application, petition or request for a \_\_\_\_\_  
\_\_\_\_\_, before the \_\_\_\_\_  
Of the Town of Marlborough.*

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## Conservation Advisory Committee

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.

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## Conservation Advisory Committee

## Town of Marlborough

**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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## Conservation Advisory Committee

Town of Marlborough

**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, 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) 795-2220.**

**Please take notice...A knowingly false statement is punishable under N.Y. Gen. Mun. Law ' 809 as a Misdemeanor.**

Signed: \_\_\_\_\_

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

**ACKNOWLEDGMENT**

State Of New York}

County Of \_\_\_\_\_ } SS: \_\_\_\_\_

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/she/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 Hall  
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Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

### Legal Notices for Public Hearing

Public hearings will be held only on the first Monday of the Month.

#### Procedure for Notice:

1. Planning Board will schedule a public hearing during a regularly scheduled meeting, after approval for such is granted.
2. Applicant is to obtain surrounding property owner names and addresses from Assessor's Office.
3. Applicant is to send Public Notice Letter, obtained from the Planning Board Office, via Certified Mail with Return Receipt to property owners no less than 10 days prior to the Public Hearing.
4. Planning Board Office will send notification to the Town's Official Newspaper.
5. All Certified Mail with Return Receipt receipts and a copy of the Assessor's listing of names and addresses must be submitted at the Public Hearing.

Any questions regarding procedures may be answered at (845) 795-5243

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## Conservation Advisory Committee

Town of Marlborough

### Planning Board Fees

**(All Applications Subject To Escrow Fees)**

#### Application Fees:

Residential Subdivision – Single Family or Town House	\$500.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$500.00, plus \$100.00 per Unit
Commercial Subdivision	\$500.00, plus \$150.00 per Lot or Unit
Commercial Site Plan	\$550.00, plus \$10.00 per 1,000 sf of building
All other Site Plan Reviews	\$550.00
Lot Line Revision	\$300.00
Recreation Fees <i>(Residential Subdivisions &amp; Site Plans Excluding Parent parcel)</i>	\$1,500.00 per Lot or Unit
Recreation Fees Adult Multiple Dwelling Affordable Housing	\$500.00 per Unit

#### Escrow Deposit: *(To be replenished to 75% of original escrow when level drops to 25% remaining in account)*

Residential Subdivision – Single Family or Town House	\$500.00, plus \$150.00 per Lot or Unit
Residential Site Plan – Multi Family Apartments or Condos	\$500.00, plus \$100.00 per Unit
Commercial Subdivision	\$400.00 per Lot (up to 4 Lots) then \$200.00 per Lot thereafter
Commercial Site Plan	\$750.00 Minimum
All other Site Plans	\$750.00 Minimum
Lot Line Revision	\$300.00 Minimum

#### Engineer Inspection Fees *(All Town Road Installation Inspections)*

Improvements as approved by Town Engineer	5% of the estimated cost to construct
---	---------------------------------------

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## Conservation Advisory Committee

Town of Marlborough

### **Town of Marlborough**

PO Box 305 Milton, NY 12547

*“Heart of the Hudson Valley Fruit Section”*

#### **Department of Buildings**

TEL NO. (845) 795-2406

FAX NO. (845) 795-2031

**Thomas Corcoran Jr.**

Building Inspector

Code Enforcer

Fire Inspector

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

Re: \_\_\_\_\_

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

This Letter is to verify that the building department has reviewed the Planning Board application and has concluded:

\_\_\_\_\_ : The application can be presented to the Town of Marlborough Planning Board for review.

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

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\_\_\_\_\_ : The application can be presented to the Town of Marlborough Planning Board with the following recommendations:

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*Thank You*

*Thomas J. Corcoran Jr.*

*Building Inspector, Code Enforcer, Fire Inspector*

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## Conservation Advisory Committee

Town of Marlborough

617.20  
Appendix C  
State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:     	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the  
Coastal Assessment Form before proceeding with this assessment

OVER

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## Conservation Advisory Committee

Town of Marlborough

### PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?		If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No		
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)		
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:		
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:		
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:		
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:		
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:		
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:		
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:		
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No   If Yes, explain briefly:		
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No   If Yes, explain briefly:		

### PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination	
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)

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## Conservation Advisory Committee

Town of Marlborough

# **Town of Marlborough Planning Board**

### **Professional verification of required Conditions**

#### **Engineers verification:**

I \_\_\_\_\_ The Planning Board Engineer verify that I have inspected or received a letter of verification from a NYS certified engineer, that all conditions required by the Town of Marlborough Planning Board for Town Project number \_\_\_\_\_, at Preliminary approval have been met and recommend final approval.

Engineer Signature: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Engineering Firm Name & Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **Legal Verification:**

I \_\_\_\_\_ the Planning Board Attorney Certify that all legal Agreements and Covenants required by the Town of Marlborough Planning Board for Town Project number \_\_\_\_\_, at Preliminary approval have been met and recommend final approval.

Attorney Signature: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Legal Firm Name & Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Hall  
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## Conservation Advisory Committee

Town of Marlborough

# Town of Marlborough Planning Board

## Letter of Conditions Required for Final Approval

Dear Applicant:

The Town of Marlborough has established that Town Project # \_\_\_\_\_ on ( S-B-L.) \_\_\_\_\_ has substantially met requirements for Conditional Final approval. The conditions that are required for Final Approval are as follows:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_

Prior to my signing the Final Plat for your project these items must be completed and verified by the Town Engineer and/or Attorney or in lieu of the Town Engineer a letter from a NYS licensed Engineer . When this is completed the Final Plat will be signed and returned for you to file with the Ulster County Clerk's Office.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning Board Chairman

Printed Name: \_\_\_\_\_

Town Hall  
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Milton, New York 12547

## Conservation Advisory Committee

## Town of Marlborough

## Planning Board Tracking Form Town of Marlborough

Planning Checklist Project Name \_\_\_\_\_ No. \_\_\_\_\_

Preparation				
Planning Checklist Items	Yes	No	Dates	
Data on Project obtained	<input type="checkbox"/>	<input type="checkbox"/>		
Project site Described Section-Block -Lot	<input type="checkbox"/>	<input type="checkbox"/>		
Description of project created	<input type="checkbox"/>	<input type="checkbox"/>		
Meet with Code Enforcement Officer To discuss project	<input type="checkbox"/>	<input type="checkbox"/>		
Hire Professional Representation if needed	<input type="checkbox"/>	<input type="checkbox"/>		
Meet with Town Planning Board Informational meeting	<input type="checkbox"/>	<input type="checkbox"/>		
Obtain Application Packet	<input type="checkbox"/>	<input type="checkbox"/>		
Complete Application & Checklist	<input type="checkbox"/>	<input type="checkbox"/>		
Submit Application to Planning Board Secretary	<input type="checkbox"/>	<input type="checkbox"/>		
If variances needed apply to ZBA	<input type="checkbox"/>	<input type="checkbox"/>		
Submit copy of variance to PB clerk	<input type="checkbox"/>	<input type="checkbox"/>		

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## Conservation Advisory Committee

Town of Marlborough

### Planning Board Tracking Form Town of Marlborough

Execution	Town Project Number _____			
Project Name _____	Date Submitted _____			
Applicants Name _____	S-B-L _____			
	Yes	No	Date	Signature of Official
Application Recieved				
Application forwarded to CEO				
CEO Approval Form Recieved				
Application submitted to Town Engineer				
Town Engineer check Application Checklist for completeness				
Schedule PB for Sketch Approval				
Sketch Approval received				
Packet submitted to UCPB (if needed)				
Schedule PB for preliminary approval				
Preliminary approval received				
Schedule for Public Hearing				
Notice of Public hearing Published				
Public hearing held				
Conditional Final Approval				
Conditional Items Verified				
County Approval Received (if needed)				
Final Approval				
Maps Filed with County				
Building Permits obtained				
Certificate of occupancy Issued				

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## Conservation Advisory Committee

Town of Marlborough

### Planning Board Tracking Form Town of Marlborough

Documents required for Project	Town Project Number_____			
Project Name_____	S-B-L_____			
	Yes	No	Date	Signature verifying receipt
Letter of Agent				
Correct # sets of Plans				
Storm water Plans (if Needed)				
SEQR documentation				
Highway department Approval				
County Health Dept. Approval				
Fire Department Approval				
County Planning Board Approval				
Copy of Deed if needed				
Copy of any Variances				

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## Conservation Advisory Committee

## Town of Marlborough

## Town of Marlborough Escrow Overview

Project Name:	ABC BUILDERS	Town Project #:	13-5002
S-B-L:	108.5-2-35		
Applicants Name:	James Adams	Escrow Required:	\$1,000.00
Applicants Address:	1818 orange street		
	Marlboro, NY 12550		
Escrow Deposited:	\$ 1,000.00		

EXHIBIT #61

Town Hall  
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Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

### Town of Marlborough Bond Overview

Project Name:	ABC BUILDERS	Town Project #:	13-5002
S-B-L:	108.5-2-35		
Applicants Name:	James Adams	Bond Required:	\$1,000.00
Applicants Address:	1818 orange street Marlboro, NY 12550	Term of Bond:	Months
Bond Received:	\$ 1,000.00		
Date Bond Received:			
Bond Expiration Date:			

Bonding Company Name: \_\_\_\_\_  
Bonding Company Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bonding Company Phone: \_\_\_\_\_

Bond History: Bond Number	Effective Date	Expiration Date	Date Renewed	Date Renewed	New Expiration Date	Date Returned

EXHIBIT #672

Town Hall  
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Milton, New York 12547

## Conservation Advisory Committee

## Town of Marlborough

State of New York Planning Board Recap

Town of Maribor 15

C:\Users\Wait1\Desktop\AC planning final report\Recommended Project tracking spread sheet

Information as of 7/30/2013

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## Conservation Advisory Committee

Town of Marlborough

# State Forms

**Short Form Environmental Assessment Form**

**Negative Declaration Form**

**Positive Declaration Form**

**Other forms available at [www.dec.state.ny.us](http://www.dec.state.ny.us)**

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## Conservation Advisory Committee

Town of Marlborough

617.20  
**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:     	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the  
Coastal Assessment Form before proceeding with this assessment

OVER  
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1650 Route 9w  
P.O. Box 305  
Milton, New York 12547

## Conservation Advisory Committee

### Town of Marlborough

#### PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	

#### PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

**Reset**

Town Hall  
1650 Route 9w  
P.O. Box 305  
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## Conservation Advisory Committee

Town of Marlborough

12-12-79 (3/99)-9c

SEQR

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Project Number

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The \_\_\_\_\_ as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

SEQR Status:      Type 1        
                            Unlisted     

Conditioned Negative Declaration:       Yes  
     No

**Description of Action:**

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

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## Conservation Advisory Committee

Town of Marlborough

SEQR Negative Declaration

Page 2 of 2

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

**If Conditioned Negative Declaration,** provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person:

Address:

Telephone Number:

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

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P.O. Box 305  
Milton, New York 12547

## Conservation Advisory Committee

Town of Marlborough

14-12-8 (3/99)-9c

SEQR

**State Environmental Quality Review  
POSITIVE DECLARATION  
Notice of Intent to Prepare a Draft EIS  
Determination of Significance**

**Project Number**

**Date**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The \_\_\_\_\_ as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

**Name of Action:**

**SEQR Status:**      Type 1        
                            Unlisted     

**Scoping:**    No          Yes       If yes, indicate how scoping will be conducted:

**Description of Action:**

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

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## Conservation Advisory Committee

Town of Marlborough

14-12-8 (3/99)-9c

SEQR

**State Environmental Quality Review  
POSITIVE DECLARATION  
Notice of Intent to Prepare a Draft EIS  
Determination of Significance**

**Project Number**

**Date**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The \_\_\_\_\_ as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

**Name of Action:**

**SEQR Status:**      Type 1        
                            Unlisted     

**Scoping:**    No        Yes     If yes, indicate how scoping will be conducted:

**Description of Action:**

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

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## Conservation Advisory Committee

Town of Marlborough

# Process

# Flow Charts

**Town of Marlborough Planning Board Process**

**In-depth Process and Time Presentation**

**State Environmental Quality Review Assessment Process**

Town Hall  
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P.O. Box 305  
Milton, New York 12547

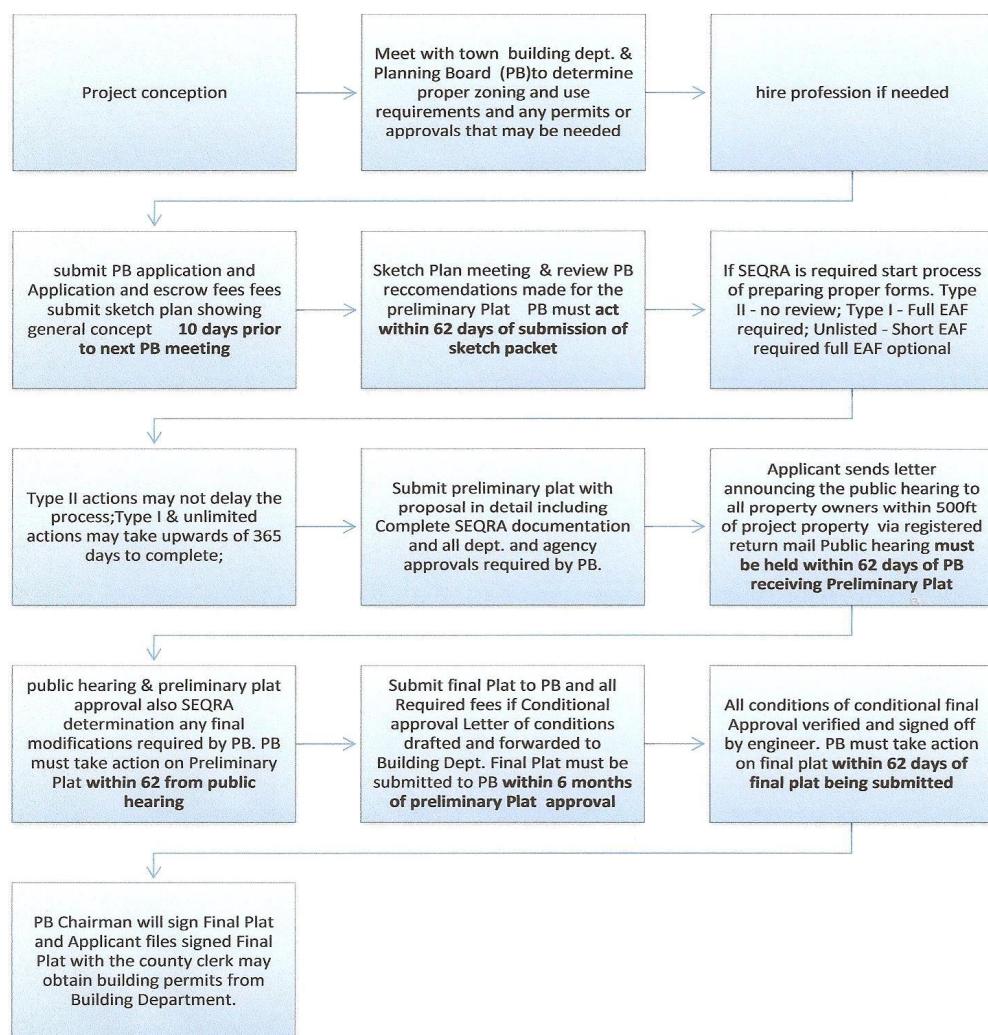
## Conservation Advisory Committee

Town of Marlborough

## Conservation Advisory Committee

Town of Marlborough

# Town of Marlborough Planning Board Process Per section 134 of the Town Code



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## Conservation Advisory Committee

Town of Marlborough

# Town of Marlborough

Planning Board Process  
Effective January 1, 2014



Town Hall  
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## Conservation Advisory Committee

Town of Marlborough

### Develop Project Concept

#### Schedule Meeting with Building Department

- Discuss Overall Project

- Discuss Zoning Requirements

#### Schedule Meeting with Planning Board

- Discuss Project

- Discuss Permits or approvals that will be required

- Local Approvals

- Zoning

- Highway

- Water

- Sewer

- Fire District

- County Approvals

- Ulster County Health Department

- Ulster County Highway Department (if needed)

- Ulster County Planning Board (if needed)

- State Approvals

- New York State Department of Environmental Conservation (if needed)

- New York State Department of Transportation (if needed)

- Complete Application ( may need Professional depending on project)

## Informal Steps

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## Conservation Advisory Committee

Town of Marlborough

- Obtain Professional (if needed)
- Submit Completed Application packet to Planning Board Clerk
  - 10 days prior to next Planning Board Meeting for sketch Approval
  - Application
  - Checklist
  - Letter of Representation (if needed)
  - Environmental Assessment Form
  - Application Fee (separate from escrow fee)
  - Escrow Fee (separate from Application fee)
  - Copy of Deed
  - Agricultural Data Sheet (if needed)
  - 12 copies of Sketch Plan (plats shall contain information required on checklist TC sect.134-21)
  - PDF file on CD of all Documentation submitted (plans must be correlated)
- Board must act on Application and sketch Approval within 62 days of submission
- Sketch Approval Granted advance to Preliminary Phase

**Formal Steps** (for sketch approval)  
of subdivision, site plan, Lot line revision

## Conservation Advisory Committee

### Town of Marlborough

#### ● Preliminary Plat to the Planning Board Clerk

##### ○ Submit 12 copies of the preliminary Plat including:

- All details of the subdivision (as required by PB at sketch approval)
- Details of construction including all corrections requested at Sketch Approval
- Proposed covenants received by Planning Board Attorney & Engineer
- All Requirements of Article IV of the Town Code
- State Environmental Quality Review Act (SEQRA) requirements must be met\*
  - Within 62 days of completing the above requirements a Public Hearing will be held
    - All Property owners within 500 ft. of the project shall be notified of the public hearing via registered mail by the applicant.
    - The hearing shall be advertised in one local newspaper at least five (5) days prior to Public Hearing
  - Within 62 days of the Public Hearing the Planning Board shall approve, with or without modification, or disapprove the preliminary Plat.
    - Extension of the preliminary plat approval may be extended upon mutual consent of the Applicant and the Planning Board.
    - All Modifications shall be stated in writing by the Planning Board
  - Within five days of preliminary plat approval the Planning Board Clerk shall notify the applicant by mail of the approval.
    - Applicant has six(6) months from the date of preliminary approval to submit the final Plat or the preliminary approval may be revoked by the Planning Board.
    - Default Approval shall occur if the Planning Board fails to act within the time frames set forth above.
- Preliminary approval granted

## Formal Steps (for preliminary approval) of subdivision

## Conservation Advisory Committee

### Town of Marlborough

- Submit Final Plats to Planning Board Clerk
  - Within 60 days of Preliminary approval
  - Written documents from all agencies of required approvals (if not already supplied)
  - All Fees that are required
  - Final Plats deemed to substantially meet requirements set forth by Planning Board at preliminary approval.
    - 2 copies of the Final Plat shall be produced in Mylar
    - 3 copies of the final Plat shall be prints
- **The Planning Board must within 62 days approve conditionally with or without modification, disapprove or grant final approval.**
  - When the Planning Board deems the plans do not substantially agree with the Preliminary plat a public hearing shall be held within 62 days after receipt of Final Plat.
  - The Planning board shall within 62 days of the public hearing conditionally approve with or without modification, disapprove or grant final approval. All modifications or grounds for disapproval shall be stated upon the records of the Planning Board
  - A letter of required modifications shall be forwarded to the building department upon conditional approval for follow up.

- Planning Board chairman shall sign final Plat only after all requirements and modifications are complete
- Final Approval granted
  - Any required bonds or escrow shall be refunded only after Planning Board receives written notification from the Engineer that all required modifications have been completed to Specification.

## Formal Steps (for final approval) of subdivision

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## Conservation Advisory Committee

Town of Marlborough

- **File Final Plat with Ulster County**
  - Within 62 Days of Final Plats being signed the Applicant must submit documents to the office of the county clerk.
  - Documents not filed within the aforementioned time frame shall become null and void unless The Planning Board grants an extension, which shall not exceed two additional periods of 90 days.
  - No revisions or modifications may be made after the chairman signs the Plat. If such changes are made, the plat shall be considered null and void and proceedings may be started to strike said plat from the records of the County Clerk.
  - If revisions must be made it must be resubmitted to the Planning Board

- This document is just a guide and in no way is meant to take the place of the Town of Marlborough Town Code.

## Formal Steps (for final approval) of subdivision

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## Conservation Advisory Committee

Town of Marlborough

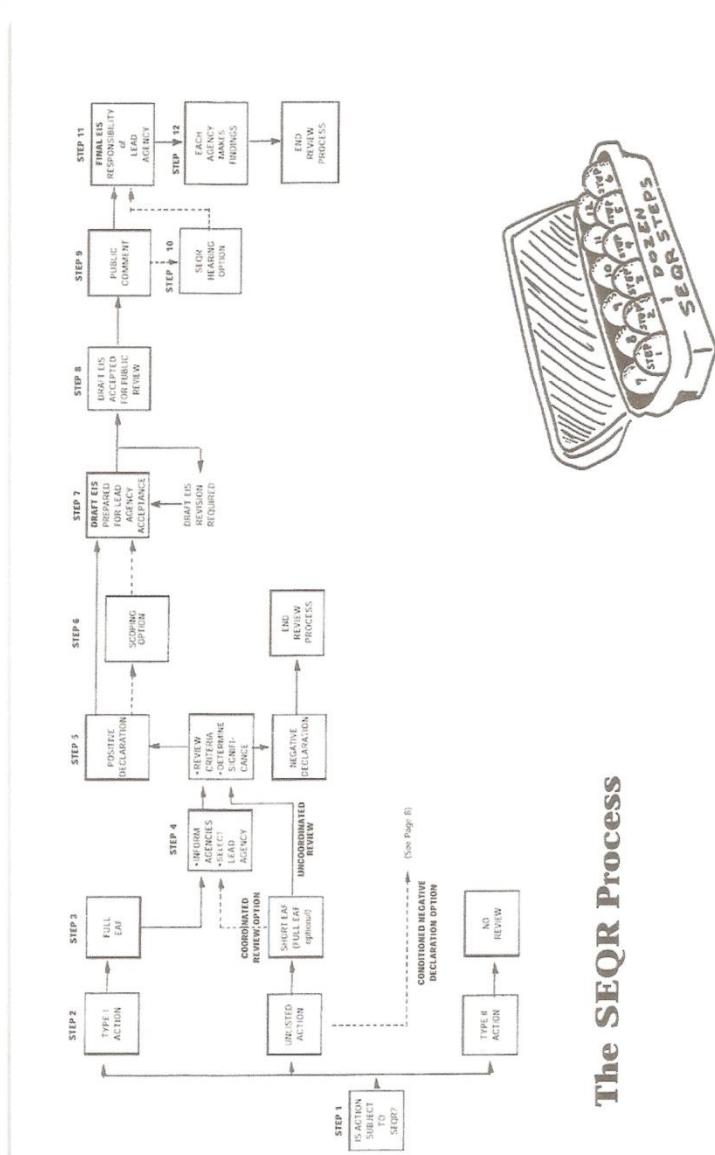
# SEQRA PROCESS

**State Environmental Quality Review assessment**

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## Conservation Advisory Committee

## Town of Marlborough



## The SEQR Process

## \* SEQRA Process

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## Conservation Advisory Committee

Town of Marlborough

- How SEQRA works
  - Agency proposes action or receives application
  - Action Classified\*
  - Lead Agency Established
  - Significance of action determined\*
  - Environmental Impact Statement (EIS), If needed
- \*SEQRA process can conclude at any of these points

**\* SEQRA Process**

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## Conservation Advisory Committee

Town of Marlborough

- **Actions**

- All are subject to SEQRA consideration
  - Undertaking, funding or approving projects or physical activities (discretionary actions)
  - Planning & Policy making activities (comprehensive plan Type I actions)
  - Adopting Rules, regulations & Procedures
    - Any combination above

\* **SEQRA Process**

## Conservation Advisory Committee

Town of Marlborough

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- Classification of actions

- Type II
  - Categorically determined not to have adverse impact on the environment
    - Area variances for one, two, or three family residences
  - Type II classification concludes SEQRA process and normal agency processes resume
- Type I
  - Carry presumption of significant adverse impact on the environment
  - More likely to require preparation of EIS
    - Requires that SEQRA continue until its conclusion

\* **SEQRA Process**

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## Conservation Advisory Committee

Town of Marlborough

### Unlisted Action

- Neither on Type I or Type II list, and; Does not exceed Type I thresholds
  - Physical disturbances of  $\leq$  10 acres (non-residential)
  - Zoning changes affecting  $\leq$  25 acres within a district
  - Other activities not listed as Type I or Type II
- Requires SEQRA continue to conclusion

\* **SEQRA Process**

## Conservation Advisory Committee

Town of Marlborough

- SEQRA agency
  - **Involved agency:** public body which has jurisdiction by law to fund, approve or directly undertake action
  - **Interested agency:** public body which does not have jurisdiction over project, but wishes to participate in process because of its expertise or specific concern
  - **Lead agency:** the involved agency responsible for determining whether EIS will be required, and for its preparation and filing, if required

\* **SEQRA Process**

## Conservation Advisory Committee

Town of Marlborough

### Possible SEQRA Agencies

- Interested
  - State or Local agencies acting in advisory roles
    - County Planning Board or Regional agency GML 239-m review
    - Environmental management or conservation advisory councils
- Involved
  - Planning Board
  - Zoning Board of Appeals
  - Town Board, Village Board of Trustees & City Council
  - School Board
  - Industrial development Corporation
  - State Agencies

\* **SEQRA Process**

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## Conservation Advisory Committee

Town of Marlborough

- **Establishing lead agency**
  - Agency to propose action, or first receive application must contact all involved agencies
    - Distribute EAF part 1 & application
    - Inform that lead agency must be established
  - Lead agency must be established within 30 days
  - Once established, lead agency must make determination of significance within 20 days
    - GML 239-m review need not be concluded prior

\* **SEQRA Process**

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## Conservation Advisory Committee

Town of Marlborough

# Interviews

**Joseph Porco**  
**George Salinovich**  
**Thomas Corcoran Jr.**  
**Ronald Blass**  
**Patrick Hines**  
**Colleen Corcoran**  
**Kathi Natland**  
**Bill Giometta**  
**Patricia Brooks**  
**James Raab**

## Conservation Advisory Committee

### Town of Marlborough

Interview with Joe Porco, Town Planning Board Chairman; Joe mentioned that the Planning Board Application has been re-written a couple times since he has been Chairman. In the past Applications weren't complete which would cost time and Professional cost and a checklist was created to help elevate this problem. Joe is not sure that the Building Department is still part of the process, but other times in the past they had brought people to the Planning Board. The town does not have a Zoning Administrator which would prevent someone coming to the Planning Board with a project that doesn't meet zoning or use criteria set in the Town Zoning Code, costing the applicant escrow charges from the Town Consultants. The Planning Board can only evaluate a project by what is in the code book and this Building department determination is vital to saving time and expense. Joe stated we currently have initiated a review by the Building department and a letter is forwarded to the Planning Board prior to being placed on the Agenda.

The biggest problem we have is the follow through after the final approval so if there is one thing we should try to fix is who is following up on the conditions and completed project. And the follow-up on bonds issued along with making infrastructure a pre building permit issue.

We have gotten better than we have been on checks of responsibility and monitoring but there is room for much improvement. Bonding is good but it has to be followed up on.

Joe believes the process is getting friendlier all the time and that the check list that we now use is helping that. Fees are always a complaint everyone has.

The planning board secretary usually signs off on the checklist, all maps have to be done by licensed engineer or surveyor.

## Conservation Advisory Committee

### Town of Marlborough

Interview with Tom Corcoran & George Salinovich;

They believe that the process should start in the Building department because they are the ones that interpret the Town Code and the ZBA is the only overriding authority.

Applicant should not have to spend money to find out if the project meets zoning or use codes and the Building Dept. could save the applicant this aggravation. This determination should be made before the Application is submitted.

If we tell the Applicant that the project doesn't fit in the code they have the right to go to the ZBA and either get a variance or our decision reversed.

At the end of the site plan or subdivision there should be no conditions outstanding when final plat is approved. The completions of all required conditions must be verified prior to the Final Plat being signed off on. Once the Plat is filed with the county the building department has no recourse.

Grading and Infrastructure should be completed before final Plats are signed Newburgh actually has a land clearing and grading law that requires a separate permit.

All notes should be permanent and not altered, for example if a map is annotated limiting future subdivision and final plat is filed there should be no changes.

Application should include a history of the effected lots, to include Deed, special use permits, variances and any other items that directly affect the lot now or in the future.

Q. who keeps track of the escrow?

A. we don't know when we had the full time position it was the clerks job but then they told Kathi that they would give her a \$5000.00 stipend and five hours to handle the PB secretary job. And there is still question who has responsibility for this. We thought the Clerk's office was responsible but I asked Colleen and she said she doesn't maintain the bonds or escrow.

No-one knows the process in full, changes are made too many times and requiring new maps to be created a list should be created at the sketch stage so the Preliminary maps should be complete. There really should be verifications made during the planning process prior to the Final Plat being signed. Infrastructure being complete prior to Final is very important.

## Conservation Advisory Committee

Town of Marlborough

I met with Ron Blass as scheduled prior to the May 20, 2013 Planning Board meeting. His answers to our questions are as follows:

- #1. He stated this was a difficult question. The P/B has a more streamlined process and the board has fewer rather than more steps for the applicant to negotiate - can't subtract steps and still not be in prevailing legal principles - not a lot of extra hurdles/steps - minimum only.
- #2. Add a step - pre-application discussions possibly with Pat Hines. A quick preliminary review and share what is missing, no waste of meeting time, shortcomings of application requirements. This would be more cost effective with the applicant prior to actual P/B meeting - until corrections made to what is missing, A, B, C, etc.
- #3. P/B members endure accountability and appear to be sympathetic from point A to point B within reason - legally - intentionally or maliciously. No legal liability to process.
- #4. Pat Hines does a good job report in writing for the P/B meeting for applicant and board. More communication between the applicant and Code Enforcement Officer, permitted use or not permitted use. Applicant could be pre-screened by CEO/Bldg. Dept. prior to P/B meeting.

## Conservation Advisory Committee

### Town of Marlborough

Last evening Cindy Lanzetta and I interviewed our town engineer Patrick Hines. He was very cooperative and easy to talk to. He stated some of his responsibilities are dealing first hand with the Town Building Dept., new projects, compliance/zoning issues, MS4-stormwater and site plans.

RE: Answers to possible questions from Intro sheet.

1. Applicants need to be more informed with how the process works. Many are frustrated with the time length, public hearings, U.C.Health Dept. and environmental issues.
2. The NEW checklist from the Building Department modeled after an Orange County checklist is very helpful.
3. All Town departments work well together. No big bureaucracy issues. Highway Dept. handles driveways, road permits, etc. Building Dept. handles building permits, code violations, etc.
4. Overall OK and the new checklist is very helpful in coordinating knowledge.

## Conservation Advisory Committee

Town of Marlborough

Town Clerk, Colleen Corcoran has been in her position since January 1, 2012. She was asked the 4 questions and stated #1 and #2 did not apply to her. She believes #3 to be sufficient and #4 is fine. She did however state that bonds are filed in the Town Clerks office but she maintains no control of these bonds as far as expiration dates or anything else. She believes either the Planning Board secretary Kathi Natland or the Budget Officer Chris Wilkow keeps track of bonds.

Planning Board secretary Kathi Natland has been in this position approximately 2 1/2 years. She does keep a list of bonds and expired bonds. Clients advise of expirations. She does not keep track of renewal/due dates. She is limited to what she can do as she is only allotted 5 hours per week for P/B work.

Questions:

- #1. Nothing would be removed. All items/paperwork is necessary to open an account and process everything.
- #2. Process cut & dry. Too much paperwork, all bills are filed in 4 different files plus on the computer, too many copies of maps required with no retention period known. All takes up too much storage space. She feels that some of the fees charged are excessive especially for small projects.
- #3. She prefers not to state her personal opinion on this.
- #4. Documentation ok. Process ok. Communication between departments could be improved. No communication between P/B members other than the twice monthly meetings. No activity other than during P/B meetings. Not proactive, no prep work and not involved except for night of meeting. No communication between P/B Secretary and P/B Chairman.

## Conservation Advisory Committee

Town of Marlborough

### Interview results:

Patricia Brooks has been in the business for 35 years. She has a few concerns. First is in reference to submission of plan maps. She feels that 13 printed maps are excessive and wonders where they all go. Second, from a taxpayers prospective of the escrow fees she wonders how the fees get split and who manages the fees. There seems to be no accounting of the escrow fees. Third, the fees are an undue financial burden on small projects with more expense to the applicant. She also had a few compliments. First, T/Marlborough has one of the best applications. Second, the P/B attorney and a stenographer are present at every meeting. Third, Pat Hines justifies his fees with a memo and Ron Blass sometimes gives a written memo on his fees. She stated that there is no difference in the level of review, that it is excellent between all parties and that the new guidelines are great. She would however like to see the Building Dept. require a survey up front instead for providing proof of land boundaries.

Jim Raab has been a surveyor for 20 years with 33 years experience as a civic engineer/not licensed. He appears before 14 Planning Boards in the area specializing in septic design and site plan layouts. He states that dealing with T/Marlborough P/B is "smooth". He also has a few concerns. First, he is unable to give a thorough explanation to his clients as to why the fees are what they are. With the operating process when the escrow expires/asking for more money and extending the process. Second, require applicants to attend P/B meetings along with their representative. Third, would like to see better communication with other departments back to the P/B.. The Water and Highway Depts. are shorthanded and slow to respond. Plans get lost in the shuffle. He also had a few compliments. First, he says the T/Marlborough PB does a fantastic job and goes to great lengths to protect all parties with the escrow fees for the consultants. Second, it is good to have 2 separate meetings with P/B meetings and Public Hearings.

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## Conservation Advisory Committee

Town of Marlborough

Bill Giometta has been on the ZBA for 13 years and Chairman since January 1, 2013. He states that not everyone is on the same page with the process. The public is at odds with how to do even step #1. There are no undue steps. The guideline tracks the project from start to finish, beginning to certificate of occupancy. He gave us a copy of an "Informational Application" - a document that travels with a project to each department or board (P/B, ZBA) that tells the applicant the steps needed legally and safely to get to their goal. Highlights are date of initial request, property address or SBL, zone, proposed use/permited in zone, legal use of project (CoFO on file already), variance in place stays with parcel use not with ownership of property, zoning variance/use variance/area variance, code, etc. All members agreed that this was an extremely informative meeting this evening. Documented submitted by Bill Giometta is a form that the City of Newburgh uses to track progress of proposed porojects. (pages 86-89)

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## Conservation Advisory Committee

Town of Marlborough

IN HOUSE  
Travels with Project  
to each Dept.  
DATE: \_\_\_\_\_

Re: Informational Report / Building Permit Denial Letter

The following information is in response to your recent proposal for the following property:

All items marked (X) in Part II must be complied with prior to issuance of your building permit.

PART I

Property:

Zone: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Your Proposal is for:

---

---

---

---

---

The Proposed Use:  Permitted in Zone.  Classified as change of use.  
 NOT Permitted in Zone.  
 Permitted with Special Permit.

Current Certificate of Occupancy:

Occ. Classification: N/A

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## Conservation Advisory Committee

Town of Marlborough

Existing Zoning Variance(s) or Special Permits:

Area Variance: (        ) Use Variance: (        ) Special Permit: (        )

Appeal/Index No. \_\_\_\_\_ Date Approved: \_\_\_\_\_

Approved For:

### PART II

#### Approvals Required:

##### Zoning Board of Appeals:

(        ) Use Variance pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-79B and District Schedule of Use and Bulk Regulations

(        ) Area Variance AND Parking Variance pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-79C and District Schedule of Use and Bulk Regulations.

BULK REGULATIONS THAT CAN NOT BE MET.  
PARKING SPACES THAT CAN NOT BE PROVIDED.

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## Conservation Advisory Committee

### Town of Marlborough

Number of proposed dwelling units: \_\_\_\_\_

Designate total square footage for each use and floor:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Bulk Regulations:

Required:      Provided:      Requested:

<u>Lot Area:</u>	_____	_____	_____
<u>Lot Width:</u>	_____	_____	_____
<u>Lot Depth:</u>	_____	_____	_____
<u>Front Yard:</u>	_____	_____	_____
<u>Side Yard:</u>	_____	_____	_____
<u>Rear Yard:</u>	_____	_____	_____
<u>Bldg Height:</u>	_____	_____	_____
<u>Parking:</u>	_____	_____	_____

Planning Board:

) Special Permit pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-35

) Site Plan Approval pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-50(a)

) Sub-Division Approval pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-52

) Lot Line Change pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-53

) Sign pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-46

Historic/Design Districts:

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## Conservation Advisory Committee

Town of Marlborough

Historic/Design Districts:

( ) Recommendation pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-24B

*(THE COMMISSION SHALL ACT AS AN ADVISORY BOARD FOR ANY VARIANCE APPLICATION MADE TO THE ZONING BOARD/PLANNING BOARD WHICH IS DESIGNATED IN THE HISTORIC DISTRICT.)*

( ) If property is located in the Historic District or Design District: Certificate of Appropriateness pursuant to Chapter 300 of the Zoning Code of the City of Newburgh Section 300-26A will be required for any exterior changes.

How to proceed once all applicable approvals have been obtained:

A building permit application, accompanied by construction plans, which meet New York State Building Code, stamped by a State of New York design professional shall be submitted to the Building Inspector's Office for final review and approval.

A City of Newburgh licensed electrician and plumber must be used for their respective trades work.

A Certificate of Occupancy must be secured prior to occupying the property as intended.

Please feel free to contact this office for any further information that may be needed.

Sincerely,

Code Enforcement Officer

Town Hall  
1650 Route 9w  
P.O. Box 305  
Milton, New York 12547

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*Town of Newburgh, NY  
Tuesday, August 20, 2013*

## Chapter 83. CLEARING AND GRADING

**[HISTORY: Adopted by the Town Board of the Town of Newburgh 9-4-1990 by L.L. No. 5-1990. Amendments noted where applicable.]**

### GENERAL REFERENCES

Blasting — See Ch. 66.  
Environmental quality review — See Ch. 100.  
Flood damage prevention — See Ch. 109.  
Subdivision of land — See Ch. 163.  
Zoning — See Ch. 185.

### § 83-1. Title.

This chapter shall be known and may be cited as the "Clearing and Grading Control Law of the Town of Newburgh."

### § 83-2. Purpose.

It is the purpose of this chapter to protect the public health, safety and welfare in the Town of Newburgh by providing for the proper use of land and regulating timber harvesting, site preparation, construction activities and other activities impacting on the land, including excavation, filling, grading and clearing, so as to protect the natural environment, prevent the indiscriminate and excessive cutting of trees and natural vegetation and prevent problems related to erosion, sediment or drainage. In relation to this purpose, this chapter is intended to:

- A. Preserve the quality of the natural environment from such adverse effects of activities impacting on the land as:
  - (1) Pollution of lakes, ponds and watercourses from silt or other materials.
  - (2) Unnecessary destruction of trees and other vegetation.
  - (3) Excessive exposure of soil to erosion.
  - (4) Unnecessary modification of natural topography or unique geological features.
  - (5) Failure to restore sites to an attractive natural condition.

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B. Protect people and properties from such adverse effects of activities impacting on the land as:

- (1) Increased runoff, erosion and sediment.
- (2) Increased threat to life and property from flooding or stormwaters.
- (3) Increased slope instability and hazards from landslides and sloughing.
- (4) Modifications of the groundwater regime that adversely affect wells and surface water levels.

C. Protect the Town and other governmental bodies from having to undertake, at public expense, programs of repairing roads and other public facilities and of providing flood-protection facilities.

#### § 83-3. Compliance required.

Upon the approval of this chapter by the Town Board, all site preparation and construction activities requiring a permit under this chapter shall be in conformance with the provisions set forth herein.

#### § 83-4. Conflict with existing regulations.

Where this chapter imposes greater restrictions or requirements than are imposed by the provision of any law, ordinance, including Chapter 185, Zoning, regulation or private agreement, this chapter shall control. Where greater restrictions or requirements are imposed by any law, ordinance, including Chapter 185, Zoning, regulation or private agreement than are imposed by this chapter, such greater restrictions or requirements shall control.

#### § 83-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

##### **AGRICULTURAL OPERATIONS**

All activities directly related to the growing or raising of crops or livestock for the sale of agricultural produce and dairy and meat products, including horticultural and fruit operations.

##### **APPEAL**

A request for a review of the authorized official's interpretation of any provision of this chapter or a request for a variance.

##### **AUTHORIZED OFFICIAL**

The Town Building Inspector or other person designated by the Town Board to administer and maintain the provisions of this chapter.

##### **CLEARING**

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Any activity which removes or significantly disturbs living trees, brush, grass or any other kind of vegetation, excepting the products of agricultural operations, in an area of any size.

#### **CLEARING DEBRIS**

Any residue associated with clearing, including but not limited to stumps, trunks, logs, treetops and branches.

#### **CRITICAL ENVIRONMENTAL AREA**

A specific geographic area designated by the state or Town having exceptional or unique characteristics that make the area environmentally important.

#### **DRAINAGE**

The gravitational movement of water by surface runoff or subsurface flow.

#### **EROSION**

The wearing away of the land surface by action of wind, water, gravity or other natural forces.

#### **EXCAVATION**

Any activity which removes or disturbs rock, gravel, sand, soil or other natural deposits to a depth greater than six inches.

#### **FILLING**

Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses to a depth greater than six inches.

#### **FLOODPLAIN**

Any area subject to submersion by water by reason of overflow, flood or storm or any area which has been mapped as such by the County Soil and Water Conservation District or the Federal Emergency Management Agency, unless the applicant's engineer can demonstrate to the Town Engineer's satisfaction that said mapped area is not in fact subject to submersion.

#### **GRADING**

The alteration of the surface or subsurface conditions of land, lakes, ponds or watercourses by excavation or filling to a depth greater than six inches.

#### **LICENSED PROFESSIONAL**

A New York State licensed engineer, architect, landscape architect or land surveyor with the appropriate exemption under state law.

#### **MULCHING**

The application of a layer of plant residue or other material for the purpose of effectively controlling erosion.

#### **PROPOSED PUBLIC ROAD**

<http://ecode360.com/print/NE0074?guid=9610022&children=true>

8/20/2013

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The right-of-way of any street providing legal access to a parcel of land as depicted on a plot or site plan approved by the Planning Board and dedicated to the Town.

#### **SEDIMENT**

Solid material, both mineral and organic, that is being transported, has been deposited or has been removed from its site of origin by erosion.

#### **SITE PREPARATION**

The activities of clearing, excavation, filling, grading, timber harvesting and any other activity impacting on the land, no matter what the purpose of these activities.

#### **SOIL**

All minerals, materials or nonliving organic material of whatever origin which overlies bedrock.

#### **THINNING AND CULL REMOVAL**

Forestry operations in commercial and noncommercial stands of trees designed to provide more growing room for better trees by the removal of poor quality, low vigor, injured, diseased or excessively crowded trees.

#### **TIMBER HARVESTING**

The cutting down, breaking, uprooting or other act causing the death of more than five live trees exceeding six inches in diameter, measured four feet from the ground, per 1/2 acre of ground surface during a one-year period.

#### **TOPSOIL**

The natural surface layer of soil, usually darker than subsurface layers, within an undisturbed area of soils.

#### **VARIANCE**

A grant of relief from the requirements of this chapter which permits site preparation in a manner that would otherwise be prohibited by this chapter.

#### **WATERCOURSE**

Any natural or artificial stream, river, creek, channel, canal, conduit, culvert, drainageway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks.

#### **WETLANDS**

Areas of aquatic or semiaquatic vegetation or any areas which have been mapped as such by the County Soil and Water Conservation District or the New York State Department of Environmental Conservation under the Freshwater Wetlands Act. *Editor's Note: See Environmental Conservation Law § 24-0101 et seq.*

### **§ 83-6. Activities requiring a permit.**

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None of the following activities shall be commenced until a permit has been issued under the provisions of this chapter where the parameters as set forth under the definitions of § 83-5 are met or exceeded:

- A. Site preparation within wetlands or within a one-hundred-foot buffer strip of a wetland.
- B. Site preparation within the one-hundred-year floodplain of any watercourse.
- C. Excavation.
- D. Clearing.
- E. Grading.
- F. Filling.
- G. Timber harvesting.

### § 83-7. Activities exempt from permit requirements.

The following activities are exempted from permit requirements:

- A. Activities not meeting the criteria in § 83-6.
- B. Agricultural operations.
- C. Repairs to occupied buildings.
- D. Correcting hazards representing an imminent threat to life or property.
- E. Removal of dead wood and diseased trees or cutting of trees on a scale which does not constitute timber harvesting.
- F. Clearing or timber harvesting for the purpose of cutting firewood for an individual's use in said individual's own household.
- G. Thinning and cull removal.
- H. Excavation or filling which affects less than 400 cubic yards of material within any parcel or any one subdivision in receipt of preliminary or final approval, except where said excavation or filling occurs within wetlands, within a one-hundred-foot buffer strip of a wetland or within the one-hundred-year floodplain of any watercourse or within a critical environmental area.
- I. Clearing or grading which affects less than 10,000 square feet of ground surface, except where said clearing or grading occurs within wetlands, within a one-hundred-foot buffer strip of a wetland or within the one-hundred-year floodplain of any watercourse or within a critical environmental area.
- J. Clearing of brush and undercover.

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- K. Household gardening and activities related to the maintenance of landscape features on existing developed lots.
- L. Governmental activities, but only to the extent that such activities are exempted from the provisions of this chapter by law.
- M. Activities performed in conjunction with building permits issued prior to the effective date of this chapter.
- N. Activities performed in conjunction with site plan approvals and subdivision approvals granted by the Planning Board prior to the effective date of this chapter, provided that such activities are commenced within five years of the date of approval. **[Amended 11-6-1995 by L.L. No. 7-1995]**
- O. Activities performed in conjunction with the erection, structural alteration or movement of a structure or building for which a building permit is granted following the effective date of this chapter, so long as said activities are not commenced until after the grant of a permit/approval and so long as the application for said activities has been reviewed for conformance with this chapter and approval has been conditioned upon compliance with the standards set forth in § 83-10, and further provided that the activities shall be subject to and not exempt from the provisions for inspections, enforcement, penalties and revocations set forth in § 83-14.
- P. Activities performed in conjunction with site plan approvals and subdivision approvals granted by the Planning Board following the effective date of this chapter, so long as said activities are not commenced until after the grant of a permit/approval and so long as the application for said activities has been reviewed for conformance with this chapter and approval has been conditioned upon compliance with the standards set forth in § 83-10, and further provided that the activities shall be subject to and not exempt from the provisions for inspections, enforcement, penalties and revocations set forth in § 83-14.  
**[Amended 11-6-1995 by L.L. No. 7-1995]**

### § 83-8. Permit application review; issuance and compliance procedures.

- A. Before any activity requiring a permit under § 83-6 of this chapter is commenced, two copies of a permit application shall have been filed with the authorized official and this application shall have been approved and a permit shall have been granted pursuant to the provisions of this chapter.
- B. Upon filing an application for a permit, the applicant(s) shall pay to the Town a fee as set forth in Chapter 104, Fees.
- C. The authorized official shall have the authority to grant or deny permits for all activities subject to this chapter. The authorized official, however, shall not grant a permit for the following activities without approval by the Town Planning Board, to which he shall refer such applications, said Board acting with recommendations from the authorized official,

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Town Engineer, Building Inspector and Superintendent of Highways, who shall receive copies of the application:

- (1) Clearing which affects more than one acre of ground surface or timber harvesting which affects more than one acre of ground surface within any parcel or any one subdivision, excluding proposed public roads.
- (2) Excavation which affects more than 1,500 cubic yards of material within any parcel or any one subdivision, excluding proposed public roads.
- (3) Filling which exceeds a total of 1,500 cubic yards of material within any parcel or any one subdivision, excluding proposed public roads.
- (4) Grading which affects more than one acre of ground surface within any parcel or any one subdivision, excluding proposed public roads.
- (5) Site preparation within wetlands, within a one-hundred-foot buffer strip of a wetland or within a critical environmental area which affects more than 20,000 square feet of ground surface or 400 cubic yards of material.
- (6) Site preparation within the one-hundred-year floodplain of any watercourse which affects more than 20,000 square feet of ground surface or 400 cubic yards of material.

D. The authorized official, Town Engineer, Building Inspector and Superintendent of Highways, when appropriate, shall submit their respective recommendations on an application referred to the Planning Board within 30 days of the date of filing. The Town Engineer, where appropriate, may forward a copy of the permit application to the Orange County Soil and Water Conservation District for its review of and recommendations on the erosion control plan. The applicant shall pay all fees charged by the Orange County Soil and Water Conservation District for its technical review.

E. The Town Planning Board may, upon its discretion, conduct public hearings which may be held in conjunction with hearings held during the environmental review or the preliminary review process on any permit applications and shall conduct public hearings which may also be held in conjunction with hearings held during the environmental review or the preliminary review process on permits for the following activities, which hearings shall be fixed at a reasonable time and shall be given notice by the official newspaper of the Town at least 10 days prior to the date thereof. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The applicant shall be responsible for the cost of publication, posting and mailing of such notice. **[Amended 4-1-2013 by L.L. No. 2-2013]**

- (1) Clearing or timber harvesting which affects more than five acres of ground surface within any parcel or any one subdivision, excluding proposed public roads.

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- (2) Excavation which affects more than 3,000 cubic yards of material within any parcel or any one subdivision, excluding proposed public roads.
- (3) Filling which exceeds a total of 3,000 cubic yards of material within any parcel or any one subdivision, excluding proposed public roads.
- (4) Grading which affects more than five acres of ground surface within any parcel or any one subdivision, excluding proposed public roads.
- (5) Site preparation within wetlands, within a one-hundred-foot buffer strip of wetlands or within a critical environmental area which affects more than one acre of ground surface or 1,500 cubic yards of material.
- (6) Site preparation within the one-hundred-year floodplain of any watercourse which affects more than one acre of ground surface or 1,500 cubic yards of material.

F. The authorized official shall grant or deny all permits within 60 days of the date of filing of the application thereof, unless the applicant and the authorized official consent to a time extension.

G. Prior to granting or accepting a permit, the authorized official or Town Planning Board shall determine that the request is in harmony with the purpose and standards set forth in this chapter.

H. In granting a permit, the authorized official shall fix a reasonable time limit for the termination of the permit and may attach any conditions which he or the Planning Board deems necessary, including any performance guaranty, to assure compliance with the provisions of this chapter. The permit shall not exceed one year in duration.

I. Major modifications of the terms of approved permits shall follow the same application, review and approval procedures as those set forth in this section for the original permit.

J. It shall be the responsibility of the authorized official to inspect sites as frequently as necessary to assure compliance with the terms of approved permits and the provisions of this chapter and to submit written notification of any violations of these terms or provisions to the Chairman of the Town Planning Board.

### § 83-9. Permit application materials.

A property owner(s) or the property owner's agent(s) may initiate a request for a permit or the modification of a permit by filing with the authorized official two copies of an application. Maps and plans accompanying the application requiring Planning Board approval shall be prepared by a licensed professional, and maps and plans accompanying all other applications shall be of a form which meets the approval of the authorized official, who may require they be prepared by a licensed professional. The authorized official or Town Planning Board may require that additional copies of the application be filed, and they may modify the requirements concerning materials to accompany the application by waiving or adding such requirements as they deem appropriate to the nature and scope of the proposed activities.

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The authorized official or Town Planning Board may require the applicant(s) to reconstruct application materials if they are deemed to be of insufficient scale or quality or do not meet the standards of this section.

A. Excepting for modifications authorized or required by the authorized official, each application not required to be submitted to the Town Planning Board shall contain the following material:

- (1) Name, address and phone number of the property owner and section(s), block(s) and lot number(s) of the proposed site.
- (2) Statement of the nature and purpose of the proposed activity.
- (3) Drawings showing the boundaries of the parcel upon which the activity will be conducted.
- (4) A plan showing areas proposed to be cleared, filled or graded or subjected to timber harvesting and the nature of the vegetation affected.
- (5) An erosion control plan.
- (6) Documentation regarding permit status with the New York State Department of Environmental Conservation prior to the issuance of a permit. Any New York State Department of Environmental Conservation permit required must be in effect prior to the Town's issuing a permit.
- (7) Plans must show the type of vegetation to be destroyed by the proposed activities along with the planned disposition of the destroyed material.
- (8) Completion date and any other information which the authorized official or Planning Board deems reasonable in reviewing the application.
- (9) Drainage computations prior to site preparation and after site preparation may be required.
- (10) An agreement to indemnify and hold harmless the Town from any claims arising from the proposed activity.

B. Excepting for modifications authorized or required by the authorized official or Town Planning Board, each application required to be referred to the Town Planning Board shall contain the materials listed in Subsection A above and, in addition, the following material:

- (1) The names and addresses and the section, block and lot numbers of all contiguous properties and owners, whether within or outside the Town, and of those property owners on the opposite side of any public street contiguous with the parcel.
- (2) Area location maps.

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- (3) A plan showing all existing and proposed contour lines, amount and nature of fill to be placed or displaced, all vegetation areas on the site, including areas of grass and cropland, areas of brush, wooded areas and an estimate of their average diameter at breast height of the trees within wooded areas, areas proposed to be cleared, filled or graded, the nature of the vegetation affected and road access to the site.
- (4) Drawings and plans must show the boundary of the one-hundred-year floodplain, together with designated wetland boundaries and one-hundred-foot buffer and all watercourses and water bodies, where applicable.
- (5) Drawings must be engineering drawings and must show all structures and roads within a distance of 100 feet of the parcel upon which the activity is proposed.
- (6) A detailed erosion control plan with engineer's report describing the plan, methods and implementation of said plan and cost estimate for all measures taken.
- (7) The depth to bedrock on the site proposed for site preparation activities.
- (8) The depth to permanent groundwater aquifers on the site proposed for site preparation activities.
- (9) Soil types to be disturbed by the proposed activity.
- (10) Operations map(s) at a scale no smaller than one inch equals 100 feet showing existing topography of the site at a contour interval of not more than two feet, which presents a complete plan and which indicates:
  - (a) All site preparation activity proposed to be undertaken, identified as to the type of activity proposed and the depth, volume and nature of the materials involved.
  - (b) All clearing, identified as to the nature of vegetation affected.
  - (c) All areas where topsoil is removed and stockpiled and where topsoil will be ultimately placed, identified as to the depth of topsoil in each such area.
  - (d) All temporary and permanent vegetation to be placed on the site, identified as to planting type, size and extent.
  - (e) All temporary and permanent drainage, erosion and sediment control facilities, including such facilities as ponds and sediment basins, identified as to the type of facility, the materials from which it is constructed, its dimensions and its capacity in gallons.
  - (f) The anticipated pattern of surface drainage during periods of peak runoff, upon completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system.

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- (g) The location of all roads, driveways, sidewalks, structures, utilities and other improvements.
- (h) The final contours of the site in intervals of no greater than two (2) feet.
- (i) Time schedule which is keyed to the operations map(s), indicating:
  - (a) When major phases of the proposed project are to be initiated and completed.
  - (b) When major site preparation activities are to be initiated and completed.
  - (c) When the installation of temporary and permanent vegetation and drainage, erosion and sediment control facilities is to be completed.
  - (d) The anticipated duration (in days) of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.
- C. For any application referred to the Planning Board, an estimate of the costs of providing temporary and permanent vegetation and drainage, erosion and sediment control facilities shall be prepared by the applicant's licensed professional, accepted by the Town Engineer and approved by the Planning Board.

**§ 83-10. Standards for granting permit.**

In granting a permit under this chapter, the standards and considerations taken into account shall include but not be limited to the following:

- A. Excavation, filling, grading, clearing and timber harvesting shall be permitted to be undertaken only in such locations and in such a manner as to minimize the potential of erosion and sediment and the threat to the health, safety and welfare of neighboring property owners and the general public.
- B. Site preparation and construction shall be fitted to the vegetation, topography and other natural features of the site and shall preserve as many of these features as feasible.
- C. The control of erosion and sediment shall be a continuous process undertaken as necessary prior to, during and after site preparation and construction.
- D. The smallest practical area of land shall be exposed by site preparation at any given time.
- E. The exposure of areas by site preparation shall be kept to the shortest practical period of time prior to the construction of structures or improvements or the restoration of the exposed areas to an attractive natural condition.
- F. Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven calendar days. The remaining disturbed area of the development shall be stabilized within 14 calendar days except for those areas in which actual construction activities are currently being performed.

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- G. Where slopes are to be revegetated in areas exposed by activity subject to permit, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sediment may result.
- H. Revegetation activities shall avoid the planting of trees with the characteristics of willows and Lombardi poplars within seventy-five (75) feet of existing or proposed public water or sewer mains or drains.
- I. Activity subject to permit shall not adversely affect the free flow of water by encroaching on, blocking or restricting watercourses.
- J. Existing hills, trees and ground cover fronting along adjacent property and watercourses shall be preserved, maintained or supplemented by selective cutting, transplanting and the addition of new trees, shrubs and other ground cover for the purpose of providing a buffer when one is required by Chapter 185, Zoning, or elsewhere in the Town's Municipal Code.
- K. The proposed activity shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties.
- L. All fill material shall be of a composition suitable for the ultimate use of the filled land, free of rubbish and carefully restricted in its content of clearing debris, rocks, frozen material and soft or easily compressible material.
- M. Fill material shall be compacted sufficiently to prevent problems of erosion.
- N. All topsoil which is excavated from a site shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion within the time period stipulated by the authorized official or Planning Board.
- O. Prior to, during and after site preparation and construction, an integrated drainage system shall be provided which at all times minimizes erosion, sediment, hazards of slope instability and adverse effects on neighboring property owners.
- P. The natural drainage system shall generally be preserved in preference to modifications of this system, excepting where such modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners.
- Q. All drainage systems shall be designed to handle adequately anticipated flows both within the site and from the entire upstream drainage basin.
- R. Sufficient grades and drainage facilities shall be provided to prevent the ponding of water, unless such ponding is proposed within site plans, in which event there shall be sufficient water flow to maintain proposed water levels and to avoid stagnation.
- S. There shall be provided where necessary to minimize erosion and sediment such measures as benches, berms, terraces, diversions and sediment, debris and retention basins.

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- T. Drainage systems, plantings and other erosion or sediment control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to ensure that the free flow of water is not obstructed by the accumulation of silt, debris or other material or by structural damage.
- U. All clearing debris, boulders and other debris resulting from site preparation activities or related operations shall be disposed of by methods accepted by the authorized official or Planning Board.
- V. Timber harvesting for a commercial purpose and, when feasible, other site preparation activity shall be avoided within fifty (50) feet of a stream, river, creek, gully or ravine, and all clearing or other debris shall be removed from watercourses.
- W. Skidding logs up or down a watercourse is prohibited, and skidders shall be kept at least fifty (50) feet from a watercourse, and logs that lie closer or on steep slopes shall be winched off to prevent soil disturbance.
- X. All crossing of watercourses during site preparation activities shall be at points having low stable banks, a firm bottom and gentle slopes along the approaches.
- Y. The design and construction of sediment control practices and site preparation work, plus specifications and timing schedules, including extensions of previously approved plans, shall comply with provisions for erosion and sediment control in accordance with standards and specifications contained in a manual entitled "New York Guidelines for Urban Erosion and Sediment Control," published by the United States Department of Agriculture Soil Conservation Service, as it may be revised. Said manual shall be on file at the authorized official's office. In the event of conflict with this chapter, the provisions herein shall prevail.

### § 83-11. Site requirements.

- A. Site preparation activities shall be conducted only between the hours of 7:30 a.m. and 6:00 p.m. when within 1,500 feet of any residence. No site preparation activity shall be conducted on Sundays or public holidays without express consent with the permit.  
**[Amended 11-6-1995 by L.L. No. 7-1995]**
- B. Any contract to perform site preparation activities shall state that it is subject to this chapter of the Code.
- C. As a condition of its permit, the applicant shall be required to sign a permit authorizing Town officers, employees or agents to enter onto the site to perform appropriate surveillance.
- D. The authorized official or Planning Board may impose any other reasonable conditions, including but not limited to screening, access controls, dust controls and site security, believed to be necessary.

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#### § 83-12. Performance guaranty.

- A. After the approval of the application and before the issuance of any permit subject to the approval of the Planning Board, the applicant shall file with the Town Clerk, in an amount of the estimated cost of the project as submitted under § 83-9 of this chapter and verified by the appropriate official, one of the following performance guaranties, which must be approved by the Town Attorney as to form:
  - (1) A certified check; or
  - (2) A letter of credit from a bank.
- B. The Town Planning Board may grant a waiver of such guaranty if it deems the proposed activities to be of minor scope and to be consistent with the provisions of this chapter.
- C. The party or parties filing the performance guaranty shall provide that either upon termination of the permit or the operation, whichever may come first, the project shall be in conformity with both the approved specific requirements of the permit and the provisions of this chapter. In the event of default of such and violation of any other applicable laws, such performance guaranty shall be forfeited to the Town. The Town shall return to the applicant any amount that is not needed to cover the costs of restoration, administration and any other expenses incurred by the Town as a result of the applicant's default. Such performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the authorized official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of the chapter and of the permit have been met.

#### § 83-13. Appeals.

- A. The Zoning Board of Appeals, as established by Chapter 185 of the Town of Newburgh Code, shall hear and decide appeals.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the authorized official or Planning Board in the enforcement or administration of this chapter or when it is alleged that failure to grant a variance will result in exceptional hardship to the applicant or results inconsistent with the purposes of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and whether unnecessary hardships or results inconsistent with the general purpose of this chapter or certain provisions thereof will result from the enforcement of those standards.

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- E. Upon consideration of the factors of Subsection **D** above and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of appeals as it deems necessary to further the purpose of this chapter.
- F. The authorized official shall maintain the records of all appeal actions, including technical information.
- G. Variances shall only be issued after the applicant's permit application procedure has been completed and upon a determination that the variance is the minimum necessary to afford relief.
- H. Variances shall only be issued upon receiving written justification of:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of a variance will not result in increased runoff, erosion or sedimentation; unnecessary destruction of vegetation; additional threats to property, the environment or public safety; or extraordinary public expense or create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

### § 83-14. Inspections and enforcement; penalties for offenses.

- A. It shall be the responsibility of the authorized official or his designee to inspect the sites as frequently as necessary to assure compliance with the terms of approved permits and the provisions of this chapter.
- B. In the event that any of the activities described in § 83-6 are undertaken by any person who has not been issued a permit or if work undertaken under a permit is not in compliance with the terms of the permit or of this chapter, the authorized official shall notify the on-site personnel or the permittee, in writing, of the violation and shall be authorized to issue, either or both, a stop-work order and an order to remedy describing the required corrective action and the time period in which to have the violation corrected and to require such further compliance with this chapter as is necessary to effect its purpose and goals. The authorized official may issue a second stop-work order if it appears corrective action is not being undertaken or if the violation persists after the date specified for completion of corrective action in the order to remedy. The authorized official shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to remedy the violation.
- C. For any and every violation of the provisions of this chapter by the owner or responsible agent or party, the violator shall be subject to a fine of not less than \$100 and not exceeding \$500 or to imprisonment for not more than six months, or both, and each and every day the violation of a stop-work order continues or the violation persists after the

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date specified for the completion of corrective action in an order to remedy shall be deemed to be a separate and distinct violation. In addition, any such person who violates any provision of this chapter or omits or refuses to perform any and every act hereby required shall forfeit and pay a civil penalty to the Town of no less than \$250 and not exceeding \$2,500 per lot or double the cost of correcting the violation to the extent possible, whichever is greater, for each and every such violation and nonperformance.

- D. If at any time during the effective period of a permit or if upon its expiration the terms of the permit are violated, the authorized official may revoke the permit and may require that any performance guaranty be forfeited to the Town.
- E. If the applicant shall be unable to complete the project or any phase thereof within the specified time, he shall, 30 days prior to the specified date of completion, present in writing a request for an extension of time, setting forth therein the reasons for the request. If, in the discretion of the authorized official, such an extension is warranted, he may grant additional time for the completion of the work.

<http://ecode360.com/print/NE0074?guid=9610022&children=true>

8/20/2013

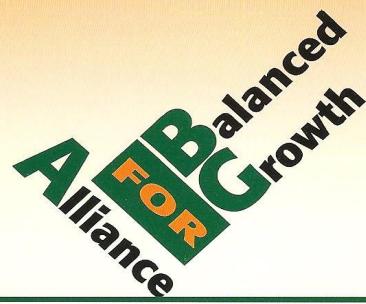
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## Conservation Advisory Committee

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### **UNDERSTANDING THE APPROVAL PROCESS**

**A GUIDE FOR PROSPECTS/APPLICANTS**



ORANGE COUNTY NEW YORK



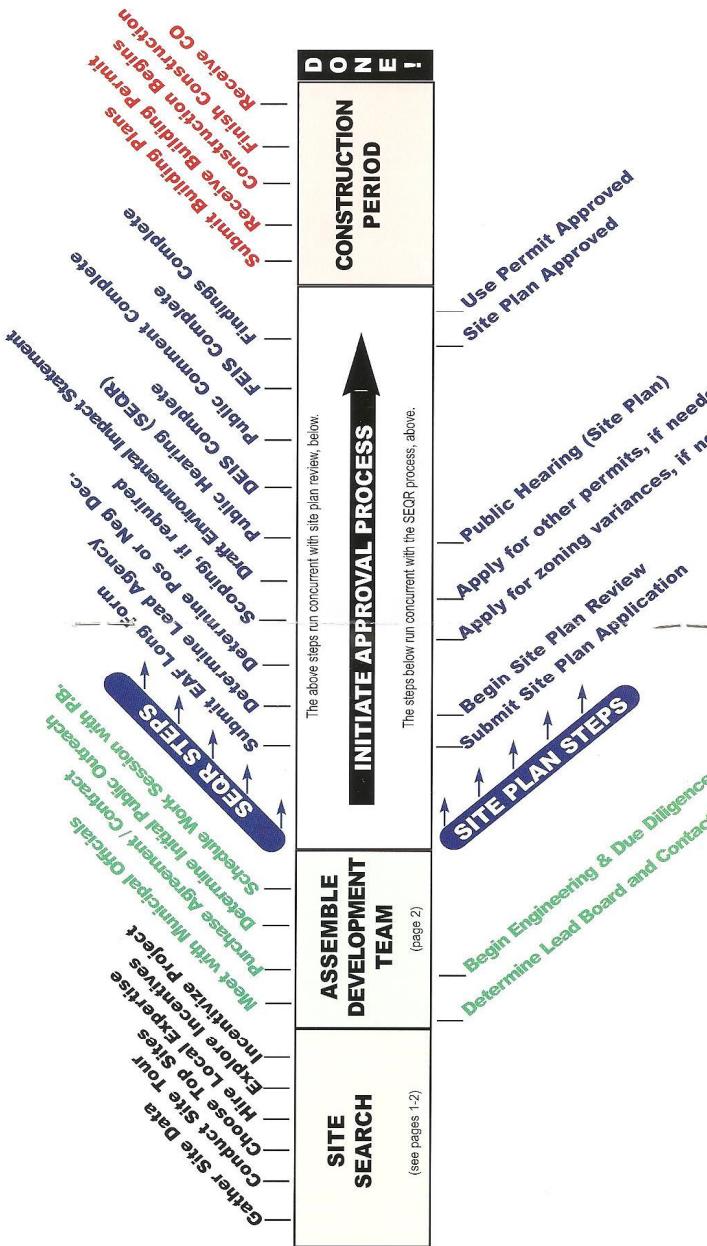
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## UNDERSTANDING THE APPROVAL PROCESS A FLOW CHART FOR APPLICANTS

Many of the steps in the SEQR process happen concurrently with the Site Plan review process, saving the applicant time. For example, the public hearing for the site plan and SEQR are often held at the same meeting.



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### Information Sources

#### **Town Codes**

Town of Marlborough  
Town of Newburgh

Orange County Partnership Office of Economic Development

#### **Thank You for Participating in this Review**

Mcgoey, Hauser and Edsall Consulting Engineers

Van DeWater & Van DeWater LLP

City of Newburgh Planning Department

Brooks & Brooks Land Surveyors, P.C.

Talcott Engineering Design PLLC

and a

#### **Special Thank You**

To all the Town of Marlborough employees who took time out of their day to take part in this review.  
This effort to help the Conservation Advisory Committee complete the task assigned by the Supervisor and Town Board  
Indicates the Special type of employees the Town has in the service of the Taxpayers of the Town of Marlborough.