

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

FIRST MEETING OF THE MONTH
(ZOOM VIDEO MEETING DUE TO THE
CORONAVIRUS PANDEMIC)
TOWN BOARD TOWN OF MARLBOROUGH
FEBRUARY 8, 2021 7:00 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Motion to approve minutes from the January 25, 2021 Town Board Meeting

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Presentations

ITEM #8 Report of Departments and Boards

- A) SUPERVISOR - ALPHONSO LANZETTA
- B) BUILDING INSPECTOR - THOMAS CORCORAN
- C) POLICE CHIEF - GERALD COCOZZA
- D) HIGHWAY SUPERINTENDENT – JOHN ALONGE
- E) WATER SUPERINTENDENT - CHARLIE MUGGEO
- F) TOWN CLERK - COLLEEN CORCORAN
- G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO
- H) DOG CONTROL OFFICER - ANDREW MCKEE
- I) ASSESSOR - CINDY HILBERT
- J) PLANNING - CHRIS BRAND

ITEM #9 Report of Committees

- A) RECREATION COMMITTEE
- B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE
- C) CONSERVATION ADVISORY COMMITTEE
- D) IT COMMITTEE
- E) MILTON TRAIN STATION FOUNDATION
- F) MILTON LANDING CITIZENS COMMITTEE
- G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE
- H) MEET ME IN MARLBOROUGH
- I) HAMLET OF MILTON ASSOCIATION COMMITTEE
- J) TRANSFER STATION REVIEW COMMITTEE
- K) POLICE REFORM COMMITTEE

ITEM #10 Old Business

- A) Tomvac Rehabilitation Update
- B) Water District Improvements (Milton Turnpike/Cross Rd)
- C) Short Term Rentals
- D) Public Employee-Emergency Plan

ITEM #11 New Business

ITEM #12 Correspondences

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution #27 To introduce a Local Law of the year 2021, to amend section 2 of the local law No. 2 of 2015-Termdates for Planning Board Members
- B). Resolution # 28 To introduce a Local Law of the year 2021, a local law of the town of Marlborough, ulster county, New York amending various provisions of chapter 155 “zoning” of the Marlborough town code as follows: amending section 155-1 “terms defined” to add a new definition for “short term rental”, add a new section 155-33 governing short term rentals, amending section 155-31 “site plan review” to add a provision for minor site plan review, and amending section 155-31 to provide that short term rentals, bed and breakfasts and home occupations are subject to minor site plan review.
- C). Resolution #29 Setting the Amounts for four Performance Bonds and the Amounts for Inspection Fee Initial Deposits in Relation to the Site Plan Approval for Bayside Construction, LLC and the Phase I Residential Component

ITEM #15 Adjournment

February 8, 2021

A). Resolution #27 To introduce A Local Law of the year 2021, to amend section 2 of the local law No. 2 of 2015-Term dates for Planning Board Members

Supervisor Lanzetta proposes the following:

_____, seconded by _____, introduced the following proposed local law, to be known as Local Law No. ___ of 2021, entitled, Local Law No. ___ of 2021, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 2 OF LOCAL LAW NO. 2 OF 2015.

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

Section 1. Section 2 of Local Law No. 2 of 2015 is amended to read as follows (additions are underscored and deletions are stricken):

Section 2. The purpose of this local law is to increase the membership of the Town of Marlborough Planning Board from five members to seven members each of whom shall serve a term which ends at the end of the calendar year. ~~The two additional members shall be first appointed by resolution of the Town Board. Each Planning Board term shall expire after five years.~~

The terms of office of members of the Planning Board shall re-commence of the effective date of this local law and expire as follows:

The term of one member shall expire on December 31, 2021.

The term of one member shall expire on December 31, 2022.

The term of one member shall expire on December 31, 2023.

The terms of two members shall expire on December 31,

2024.

The terms of two members shall expire on December 31, 2025.

The persons appointed for the foregoing terms shall be designated by the Town Board.

At the expiration of the term of each member, such member shall be re-appointed or his or her successor shall be appointed for a term of five years. Each incumbent member of the Planning Board whose term of office was shortened by the Town Board in accordance with this local law and who has informed the Town Board in writing that he or she wishes to continue in office following the expiration of his or her shortened term and who is in good standing at the time of the expiration of his or her shortened term will be exempt from the provisions of the Town of Marlborough - Appointed Person Interview and Appointment Procedure adopted on September 22, 2008, which Procedure shall be waived in connection with the re-appointment of each such incumbent member for a successive five year term.

Section 2. Supersession.

Pursuant to Section 22 of New York State Municipal Home Rule Law, the provisions of this law are intended to supersede any inconsistent provisions of state or local law, including those of the following sections of New York State Town Law governing Planning Boards: Town Law Section 271.

Section 3. This local law shall be effective upon filing with the Secretary of State.

Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this

law. He offered the following resolution which was seconded by Councilman _____, who moved its adoption:

WHEREAS, on February 8, 2021 this local law was introduced for the Town of Marlborough, to be known as "Town of Marlborough Local Law No. ___ of the Year 2021, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 2 OF LOCAL LAW NO. 2 OF 2015.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1, on February 22, 2021, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1, February 22, 2021 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2021 for the purpose of amending Section 2 of Local Law No. 2 of 2015. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1. All interested parties can join the Public Zoom meeting by contacting the Clerk's office for an invite.

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

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

Dated: Milton, New York

_____, 2021

COLLEEN CORCORAN, TOWN CLERK

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

Supervisor Lanzetta _____

Councilman Molinelli _____

Councilman Corcoran _____

Councilman Baker _____

Councilman Koenig _____

DATED: Milton, New York
_____, 2021

February 8, 2021

B). Resolution # 28 To introduce a Local Law of the year 2021, a local law of the town of Marlborough, ulster county, New York amending various provisions of chapter 155 “zoning” of the Marlborough town code as follows: amending section 155-1 “terms defined” to add a new definition for “short term rental”, add a new section 155-33 governing short term rentals, amending section 155-31 “site plan review” to add a provision for minor site plan review, and amending section 155-31 to provide that short term rentals, bed and breakfasts and home occupations are subject to minor site plan review.

Supervisor Lanzetta proposes the following:

_____, seconded by _____, introduced the following proposed local law, to be known as Local Law No. ___ of 2021, entitled, Local Law No. ___ of 2021, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULMSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155 “ZONING” OF THE MARLBOROUGH TOWN CODE AS FOLLOWS: AMENDING SECTION 155-1 “TERMS DEFINED” TO ADD A NEW DEFINITION FOR “SHORT TERM RENTAL”, ADD A NEW SECTION 155-33 GOVERNING SHORT TERM RENTALS, AMENDING SECTION 155-31 “SITE PLAN REVIEW” TO ADD A PROVISION FOR MINOR SITE PLAN REVIEW, AND AMENDING SECTION 155-31 TO PROVIDE THAT SHORT TERM RENTALS, BED AND BREAKFASTS AND HOME OCCUPATIONS ARE SUBJECT TO MINOR SITE PLAN REVIEW.

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

Section 1. Section 155-1 of the Town Code of the Town of Marlborough is amended to add a new definition reading as follows:

SHORT TERM RENTAL

The rental by a tenant of all or part of a furnished, self-contained detached dwelling unit for a period of 30 days or less (the “Short Term Rental Unit”), fee title to which is owned by the person who (i) owns fee title to and (ii) permanently resides at the Short Term Rental Unit or at a dwelling unit which is next door to or directly across the street from the Short Term Rental Unit (the “Owner”).

Section 2. Section 155-12(A)(4) of the Town Code of the Town of Marlborough is amended to add a new subsection (k) reading as follows: “Short Term Rental”.

Section 3. Section 155-12(B)(4) of the Town Code of the Town of Marlborough is amended to add a new subsection (m) reading as follows: “Short Term Rental”.

Section 4. Section 155-12(C)(4) of the Town Code of the Town of Marlborough is amended to add a new subsection (q) reading as follows: “Short Term Rental”.

Section 5. Section 155 of the Town Code is amended to add new Section 155-33. Short Term Rentals reading as follows:

§ 155-33. SHORT TERM RENTALS.

Each Owner of a Short Term Rental Unit requires an annual operating permit from the Building Department, must pay any related permitting/inspection fees, and comply with the following:

A. Application process and required submittals:

(1) Provide a completed annual permit application, including:

(a) a safety/egress plan, to be posted in the proposed Short Term Rental Unit in a visible location and on the back of each bedroom door of a bedroom occupied by a renter.

(b) A parking layout plan identifying where parking is to be located as required in accordance with standards set forth in §155-27 of this Chapter.

(c) a garbage removal plan (garbage receptacles will not be left out for more than 24 hours before and after pick-up).

B. The name and contact information of the Owner shall be provided to the Building Department and shall be posted in the Short Term Rental Unit. Both the Owner and the renter will be responsible for addressing rental issues and compliance with Short Term Rental requirements within 24 hours. The Owner must notify the Building Department of any changes in short term renter contact information and posted notice in the Short Term Rental Unit shall be revised accordingly.

C. Occupancy shall be limited to two (2) guests per bedroom and total short term rental occupancy shall be posted in the Short Term Rental Unit. Children twelve years old and under shall not be counted as guests.

D. Owners of Short Term Rental Units must register them with Ulster County in accordance with Ulster County Local Law #5 of 1991. A copy of said registration must accompany each Short Term Rental Unit application to the Town Building Department. Owners of properties in the Town of Marlborough that are listed on the Ulster County registry of homes used for short term rentals shall receive notification from the Building Department of the provisions of the Town Code applicable to short term rentals, including the registration and operational requirements.

E. Short Term Rental Units must pass a yearly fire/safety inspection and a copy of the inspection report must be attached to Short Term Rental Unit annual renewal permit applications. All Short Term Rental Units must comply with New York State Building Code requirements.

F. Short Term Rental Units may be rented out a minimum of 30 days per calendar year.

G. Only an Owner is permitted to register a Short Term Rental Unit. An individual Owner must be a resident of the Town of Marlborough. Registration by an Owner which is a corporation, limited liability company or other business entity beneficially owned by persons who have an interest in more than one (1) Short Term Rental Unit is prohibited in residential districts. Registrations are transferable with a new application. Transfer of permits must be applied for within 30 days of transfer of title.

- H. The Town Board may set limits on the number of Short Term Rental Units permitted within the Town and shall establish the fee schedule on an annual basis.
- I. Each Owner will provide guests with copies of applicable local laws, including the noise, fire, safety ordinances and requirements. Each Owner will also provide emergency contact information as well as address of property and will ensure the property address is clearly identifiable from the street. Owner will provide guests with a property map that shows the property boundaries.
- J. Approved Short Term Rental Units will be assigned a registration number that must be included in all rental listings, both print and on-line and posted within the Short Term Rental Unit. Advertising on or at the site of the Short Term Rental Unit is prohibited.
- K. Failure to comply with the requirements of this Section will result in denial of Short Term Rental Unit applications.
- L. Three or more violations of Local Laws may lead to revocation or non-renewal of an approved Short Term Rental Unit operating permit.

Section 6. Section 155-31 of the Town Code is amended to add new subsection

- O. Minor Site Plan Review, reading as follows:

1. Applicability. Minor site plan approval in accordance with this sub-section is required for the proposed use of a structure as a Short Term Rental Unit, Bed and Breakfast, or Home Occupation.
2. The provisions of subsections (B)(2), (3) and (4), (H), (I), and (K) of Section 155-31 are incorporated herein by reference and shall apply to minor site plan review as if fully set forth herein.
3. The Planning Board's review of an application subject to minor site plan review is limited to findings that the proposed use complies with applicable zoning standards, conforms with the Town's planning goals and objectives as expressed in the Comprehensive Plan, and is sufficiently served by services, utilities and infrastructure.

4. Minor site plan application requirements. The application requirements shall include, but not be limited to the following:
 - (a) Submission of an application for minor site plan approval on forms prescribed therefor and payment of the required fee as established by the Town Board.
 - (b) A narrative description of the proposed project, addressing its scope of operation, purpose, justification and impact on the immediate area and Town in general and including the following:
 - (i) the address of the site;
 - (ii) the name of the applicant;
 - (iii) site zoning;
 - (iv) the name of the proposed business (if applicable);
 - (v) a description of the existing site and use;
 - (vi) a description of the intended site development and use;
 - (vii) anticipated impacts on services (i.e. traffic, water, sewer);
 - (viii) the impact on adjoining property (i.e. noise, visual, drainage, other);
 - (ix) the proposed gross floor area;
 - (x) the number of parking spaces;
 - (xi) the number of employees (if applicable);
 - (xii) hours of operation;
 - (c) a site plan outlining the proposed design in clearly legible scale, showing:
 - (i) address of the property;
 - (ii) boundary lines of property;
 - (iii) names and uses of all adjoining property owners;
 - (iv) location and names of existing streets;
 - (v) existing zoning district;
 - (vi) existing and proposed buildings and other improvements;
 - (vii) existing and proposed parking

- (viii) number of parking spaces and analysis of parking requirement;
- (ix) access

(d) Any other information, document, or material required elsewhere in this Chapter in respect of Short Term Rentals, Bed and Breakfasts and Home Occupations,

5. The Planning Board may waive or allow deferred submission of any of the information required in sub-paragraph 4 above, as it deems appropriate to the application. The Planning Board shall issue a written statement of waivers granted on a project, which statement shall be filed in the permanent record of the property.

Section 7. Section 155-31(B)(1)(a) of the Town Code is amended to read as follows:

- (a) All special uses cited in §155-12, Use regulations, or identified herein, other than Short Term Rental, Bed and Breakfasts and Home Occupations, which are subject to minor site plan approval.

Section 8. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 9. This local law shall be effective upon filing with the Secretary of State.

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

WHEREAS, on February 8, 2021, Supervisor Lanzetta has introduced this local law for the Town of Marlborough, to be known as “Town of Marlborough Local Law No. of the Year 2021, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155 “ZONING” OF THE MARLBOROUGH TOWN CODE AS FOLLOWS: AMENDING SECTION 155-1 “TERMS DEFINED” TO ADD A NEW DEFINITION FOR “SHORT TERM RENTAL”, ADD A NEW SECTION 155-33 GOVERNING SHORT TERM RENTALS, AMENDING SECTION 155-31 “SITE PLAN REVIEW” TO ADD A PROVISION FOR MINOR SITE PLAN REVIEW, AND AMENDING SECTION 155-31 TO PROVIDE THAT SHORT TERM RENTALS, BED AND BREAKFASTS AND HOME OCCUPATIONS ARE SUBJECT TO MINOR SITE PLAN REVIEW.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor’s Executive Order No. 202.1, on February 22, 2021, at 7:00 o’clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1 on February 22, 2021 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ___ of the Year 2021. A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULMSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155 "ZONING" OF THE MARLBOROUGH TOWN CODE AS FOLLOWS: AMENDING SECTION 155-1 "TERMS DEFINED" TO ADD A NEW DEFINITION FOR "SHORT TERM RENTAL", ADD A NEW SECTION 155-33 GOVERNING SHORT TERM RENTALS, AMENDING SECTION 155-31 "SITE PLAN REVIEW" TO ADD A PROVISION FOR MINOR SITE PLAN REVIEW, AND AMENDING SECTION 155-31 TO PROVIDE THAT SHORT TERM RENTALS, BED AND BREAKFASTS AND HOME OCCUPATIONS ARE SUBJECT TO MINOR SITE PLAN REVIEW. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1. All interested parties can join the Public Zoom meeting by contacting the Clerk's office for an invite.

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

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

DATED: Milton, New York
_____, 2021

COLLEEN CORCORAN, TOWN CLERK

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

Supervisor Lanzetta _____
Councilman Molinelli _____
Councilman Corcoran _____
Councilman Baker _____
Councilman Koenig _____

DATED: Milton, New York
_____, 2021

COLLEEN CORCORAN, TOWN CLERK

February 8, 2021

C) Resolution #29 Setting the Amounts for four Performance Bonds and the Amounts for Inspection Fee Initial Deposits in Relation to the Site Plan Approval for Bayside Construction, LLC and the Phase I Residential Component

Supervisor Lanzetta proposes the following:

WHEREAS, by Resolution dated May 7, 2018, the Town of Marlborough Planning Board (“Planning Board”) granted site plan approval to Bayside Construction, LLC for property identified as (Tax Lot 109.1-4-29) for a mixed-use development consisting of 104 apartment units (84 2-bedroom units and 20 3-bedroom units) and a 12,600 square foot commercial building with NYS Route 9W roadway frontage; and

WHEREAS, said approval was extended for a period of one year by the Planning Board for a period of one year by Resolution dated May 5, 2019 and was extended for another one year period by Resolution dated April 20, 2020; and

WHEREAS, Town of Marlborough Town Code Section 155-31(L) requires performance bonds to ensure that certain improvements will be installed in accordance with standards, specifications and procedures acceptable to appropriate Town Departments; and

WHEREAS, Town of Marlborough Town Code Section 155-47.2(A) requires that for improvements which may potentially be accepted by the Town through a process of dedication, the project sponsor will deposit with the Town inspection fees in an initial amount set by the Town Board equal to 6% of the value of the improvements based upon a recommendation from the relevant engineering consultant to the Town; and

WHEREAS, Town of Marlborough Town Code Section 155-47.2(B) requires that for improvements where there is no anticipation that they will be accepted by the Town through a process of dedication, the project sponsor will deposit with the Town inspection

fees in an initial amount set by the Town Board equal to 2% of the value of the improvements based upon a recommendation from the relevant engineering consultant to the Town: and

WHEREAS, by letter dated January 13, 2021 from Patrick J. Hines, Principal, of MH&E Consulting Engineers, D.P.C., engineers for the Town, a copy of which is attached hereto, the engineer has recommended to the Town Board the amount for each of the four performance bonds and the amount for each of the four initial inspection fees deposits;

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The Town Board hereby sets the amounts for four performance bonds as follows:

Stormwater Performance Bond - \$671,832.00

Construction Performance Bond - \$1,896,748.00

Landscape Performance Bond - \$168,882.00

Town Road Performance Bond - \$747,852.85; and

B. The Town Board hereby sets the initial deposit amounts for four inspection fees as follows:

Stormwater Inspection Fee (2%) - \$13,936.64

Construction Inspection Fee (2%) - \$37,934.96

Landscape Inspection Fee (2%) - \$3,377.64

Town Road Inspection Fee (6%) - \$44,871.17; and

C. The project sponsor shall execute and deliver to the Town a Performance Bond with appropriate security for each of the above referenced bonds in form acceptable to the attorney for the Planning Board.

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

Supervisor Lanzetta _____

Councilman Molinelli _____

Councilman Corcoran _____

Councilman Baker _____

Councilman Koenig _____

The Resolution was thereupon declared duly adopted.

DATED: Milton, New York

February ___, 2021

Colleen Corcoran, Town Clerk