

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.

PUBLIC HEARING
OPEN FROM MARCH 14 TOWN BOARD MEETING
LOCAL LAW OF THE YEAR 2022 AMENDING VARIOUS PROVISIONS OF CHAPTER 155 "ZONING" OF THE MARLBOROUGH TOWN CODE

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
APRIL 11, 2022, 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 the March 28, 2022, Town Board Meeting

ITEM #5 Authorize payment of bills in the amount of \$82,296.53

ITEM #6 Comments on the agenda

ITEM #7 Presentations

ITEM #8 Report of Departments and Boards

- A) SUPERVISOR – SCOTT CORCORAN
- 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- JULIAN 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

ITEM #10 Old Business

- A) Tomvac Rehabilitation Update
- B) South Pier Update

ITEM #11 New Business

ITEM #12 Correspondences

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution #42 To dedicate five thousand dollars towards phase II of the Cultural Resources Survey to inventory historic buildings and places in the Town of Marlborough
- B). Resolution #43 To transfer funds
- C). Resolution #44 To approve the use of funds for the Town of Marlborough, Marlboro Wastewater Treatment facility Sewer Improvement Project.
- D). Resolution #45 To authorize the filing of a negative declaration
- E). Resolution #46 To adopt Local Law #2 of the year 2022 amending various provisions of chapter 155 “Zoning” of the Marlborough town code

ITEM #15 Adjournment

April 11, 2022

A). Resolution #42 To dedicate five thousand dollars towards phase II of the Cultural Resources Survey to inventory historic buildings and places in the Town of Marlborough.

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough is pursuing a Cultural Resources Inventory grant to conduct a survey and build an inventory of historic buildings and places in the Town of Marlborough, and

Whereas, Phase I has been completed, and

Whereas, the Town of Marlborough is now pursuing the Cultural Resources Inventory grant to conduct phase II of the survey, and

Whereas, it is anticipated the cost of phase II to be \$20,000.00, and

Whereas the Cultural Resources Inventory grant will cover \$10,000.00, and

Whereas, \$5,000.00 will come from community donations, and

Whereas, The Town Board will dedicate \$5,000.00 to cover the remaining cost of the Phase II survey.

Be it resolved, that the Town of Marlborough dedicates \$5,000.00 towards the Phase II Cultural Resources Survey to inventory historic buildings and places in the Town of Marlborough.

And moves for its adoption:

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

April 11, 2022

B). Resolution#43 To transfer funds

Supervisor Corcoran proposes the following:

Whereas the Town Board needs to approve the transfer of funds, and

Whereas, we need to transfer \$17,388 from general fund balance A.0917 which was deposited in 2020 from Bayside construction LLC for commercial sewer reserve and \$103,831 from general fund balance A.0917 which was deposited in 2022 from Bayside construction LLC for residential sewer reserve.

Be it resolved that the Town Board of the Town of Marlborough hereby approves the following transfer of funds.

To transfer \$121,219 from general fund balance A.0917 to Marlborough Sewer Improvement fund H32.0915

And moves for its adoption:

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

April 11, 2022

C). Resolution #44 To approve the use of funds for the Town of Marlborough, Marlboro Wastewater Treatment facility Sewer Improvement Project.

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough received funds from US federal government (ARPA) American Rescue Plan Act of 2021, and

Whereas, the Town of Marlborough received the first deposit in the amount of \$439,384.26 in July of 2021 from the US federal ARPA funding program, and

Whereas, the Town of Marlborough, Marlboro Wastewater Treatment Facility located on Dock Road in the Hamlet of Marlboro is in need of updates and improvements, and

Whereas, the Town of Marlborough wishes to use these funds from the US federal ARPA American Rescue Plan Act of 2021 for the Marlboro Wastewater Treatment facility Sewer Improvement Project.

And moves for its adoption:

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

April 11, 2022

D). Resolution #45 To authorize the filing of a negative declaration

Supervisor Corcoran proposes the following:

**TOWN OF MARLBOROUGH TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE
FOR
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 REMOVE DEFINITION FOR "BOARDINGHOUSE", SECTION 155-27 "OFF-
STREET PARKING; OFF-STREET LOADING; FILLING AND SERVICE STATIONS"
PERTAINING TO OFF-PARKING SPACES SQUARE FEET, AND SECTION 155-30,
"MULTIPLE DWELLINGS" PERTAINING TO MINIMUM DISTANCES BETWEEN
STRUCTURES".**

WHEREAS, the Town of Marlborough Town Board proposes to adopt Local Law No. 2 of 2022, a Local Law of the Town of Marlborough, Ulster County, New York; amending various provisions of Chapter 155, of the Town Code in the manner described above; and

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

WHEREAS, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

WHEREAS, the name and address of the lead agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Milton, NY 12547, and the Responsible Officer is Scott Corcoran, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

WHEREAS, the Town of Marlborough Town Board, as lead agency, has classified this Action as an Unlisted Action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Marlborough Town Board has caused the preparation of a Full Environmental Assessment Form (FEAF) for review of the Action; and

WHEREAS, the Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

WHEREAS, the legislation involves amendments to Chapter 155 to remove the definition of “Boardinghouse” from Section 155-1, decrease the required square footage for off-street parking spaces as provided in Section 155-27(A)(1)(a), and add an exemption for the C-1 zone from the minimum distances between structures requirement in Section 155-30(B)(2); and

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Marlborough.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts, in the nature of residential or commercial development, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to legislative or administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marlborough Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste

production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources of the existing community or neighborhood character.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The Action does not involve two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the

Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

COLLEEN CORCORAN, TOWN CLERK

Contact Person:
Colleen Corcoran, Town Clerk
April 11, 2022

E). Resolution #46 To adopt Local Law #2 of the year 2022 amending various provisions of chapter 155 "Zoning" of the Marlborough town code

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 2 of 2022, entitled Local Law No. 2 of 2022, 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 REMOVE DEFINITION FOR "BOARDINGHOUSE", SECTION 155-27 "OFF-STREET PARKING; OFF-STREET LOADING; FILLING AND SERVICE STATIONS" PERTAINING TO OFF-PARKING SPACES SQUARE FEET, AND SECTION 155-30, "MULTIPLE DWELLINGS" PERTAINING TO MINIMUM DISTANCES BETWEEN STRUCTURES"; and

WHEREAS, a public hearing in relation to said local law was opened on March 14, 2022 and closed on April 11, 2022; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Project was referred to the Ulster County Planning Board, which responded on or about April 7, 2022 that the local law will have no County impact; and

WHEREAS, the proposed local law was referred to the Town of Marlborough Planning Board for its comment thereon, which replied in favor of the amendments via letter on or before March 14, 2022.

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Section 155-1 of the Town Code of the Town of Marlborough is amended to remove the following definition:

BOARDINGHOUSE

A building, other than a hotel, with a resident owner or manager, where lodging and meals for five or more persons are provided in return for compensation. Such manager shall also be specifically authorized to undertake such repairs or maintenance as may be ordered by the Building Inspector. Such manager shall also be specifically authorized by the building owner to receive legal summonses pertaining to the building. This definition includes tourist homes.

Section 2. Section 155-27(A)(1)(a) of the Town Code of the Town of Marlborough is amended to read as follows [deletions are stricken and additions are underscored]:

(a) Each off-street parking space shall have an area of not less than ~~200~~ 162 square feet, exclusive of access drives or aisles, and shall be of usable shape and condition. Parking areas shall be suitably drained and shall be paved with an all-weather surface in accordance with the minimum specifications of Chapter 134, Subdivision of Land.

Section 3. Section 155-30(B)(2) of the Town Code of the Town of Marlborough is amended to read as follows [deletions are stricken and additions are underscored]:

(2) Minimum distances between structures in all zones except C-1. Where there are two or more structures on a single lot devoted to multiple dwellings, the minimum distance between structures shall be 1 1/2 times the height of the highest structure.

Section 4. 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 5. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 6. This local law shall be effective upon filing with the Secretary of State. RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New

York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

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

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York
_____, 2022

COLLEEN CORCORAN, TOWN CLERK

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