

August 8, 2022

G). Resolution #71

To re-introduce a local law of the year 2022

Supervisor Corcoran proposes the following:

_____ , seconded by _____, introduced the following proposed local law, to be known as Local Law No. ____ of 2022, entitled, Local Law No. ____ of 2022, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 134-2, "DEFINITIONS," TO AMEND DEFINITIONS FOR "LOT LINE CHANGE" AND "SUBDIVISION" OF THE MARLBOROUGH TOWN CODE.

WHEREAS, this Resolution replaces an earlier Resolution of Introduction adopted on July 11, 2022, and the earlier Resolution is withdrawn.

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

Section 1. Section 134-2 of the Town Code of the Town of Marlborough is amended as follows [deletions are stricken and additions are underscored]:

LOT LINE CHANGE

A reconfiguration of ~~two adjoining~~ lots which will result in ~~the same number of lots with a different geometric configuration, however the public hearing requirements of § 134-9C of this chapter shall not apply to the consolidation of lots or to lot line realignments affecting no more than two lots in the R, R-1, and R-Ag-1 Zoning Districts, and the Planning Board shall be empowered to issue one unified approval in such circumstances as opposed to preliminary approval followed by final approval.~~

SUBDIVISION

The division of any parcel of land into a number of lots, blocks or sites as specified in this chapter, with or without streets or highways, for the purpose of sale, transfer of ownership or development. ~~The term "subdivision" shall include any alteration of lot lines or the dimensions of any lots, however the public hearing requirements of § 134-9C of this chapter shall not apply to the consolidation of lots or to lot line realignments affecting no more than two lots in the R, R-1, and R-Ag-1 Zoning Districts, and the Planning Board shall be empowered to issue one unified approval in such circumstances as opposed to preliminary approval followed by final approval.~~ Subdivisions may be defined and delineated by local regulation as either "major" or "minor," with the review procedures and criteria for each set forth in this chapter.

Section 2. 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 3. This local law shall be effective upon filing with the Secretary of State.

WHEREAS, this legislation is a Type II Action under the New York State Environmental Quality Review Act ('SEQRA') and will not have a significant adverse effect on the environment.

Supervisor Corcoran advised the Town Board that, pursuant to the Municipal Home Rule 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 Councilmember _____, who moved its adoption:

WHEREAS, on August 8, 2022, _____ has introduced this local law for the Town of Marlborough, to be known as "Town of Marlborough Local Law No. ___ of the Year 2022, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 134-2, "DEFINITIONS," TO AMEND DEFINITIONS FOR "LOT LINE CHANGE" AND "SUBDIVISION" OF THE MARLBOROUGH TOWN CODE.

RESOLVED, that a public hearing be held in relation to the proposed changes 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 at the Town Hall, 21 Milton Turnpike, Milton, New York, 12547 on August 22, 2022, at 7:00 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 at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on August 22, 2022 at 7:00 o'clock p.m., prevailing time, on proposed Local Law No. ____ of 2022, amending Section 134-2 "Definitions" of the Marlborough Town Code pertaining to the definitions of "lot line change" and "subdivision".

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 citizens and parties of interest shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York
_____, 2022

COLLEEN CORCORAN, TOWN CLERK

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

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

DATED: Milton, New York
_____, 2022

COLLEEN CORCORAN, TOWN CLERK