

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.

AGENDA
WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
SEPTEMBER 26, 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 minutes from the September 12, 2022 Town Board Meeting

ITEM #5 Authorize payments of bills

ITEM #6 Supervisor Updates

ITEM #7 Presentations

ITEM #8 Comments on the agenda

ITEM #9 New Business

A). 2023 Budget- motion to accept the tentative

B). October 10 Meeting- Columbus Day

C). SAS Electrical Inspectors

ITEM #10 Workshop topics

A). Open discussion for Town Board

ITEM #11 Correspondence

ITEM #12 Public Comment

ITEM #13 Resolutions

- A). Resolution # 80 To hold a public hearing on the 2023 Preliminary Budget
- B). Resolution # 81 To authorize the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.
- C). Resolution # 82 To adopt Local Law #8 of the year 2022 AMENDING SECTION 155-1 “TERMS DEFINED” TO AMEND DEFINITIONS FOR “BED AND BREAKFAST” AND “SHORT-TERM RENTAL”, SECTION 155 ATTACHMENT 2, SECTION 155-27 “OFF-STREET PARKING; OFF-STREET LOADING; FILLING AND SERVICE STATIONS”, SECTION 155-30 “MULTIPLE DWELLINGS”, AND ADDING SECTION 155-32.4

ITEM#14 ADJOURNMENT

September 26, 2022

A). Resolution # 80 To hold a public hearing on the 2023 Preliminary Budget

Supervisor Corcoran proposes the following:

Be it resolved that, consistent with Town Law Section 108, a public hearing on the Preliminary Budget will be held on October 10, 2022 at 7:00 PM.

And moves for its adoption:

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

September 26, 2022

B). Resolution # 81 To authorize the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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 AMEND DEFINITIONS FOR “BED AND BREAKFAST” AND “SHORT-
TERM RENTAL”, SECTION 155 ATTACHMENT 2, SECTION 155-27 “OFF-STREET
PARKING; OFF-STREET LOADING; FILLING AND SERVICE STATIONS”, SECTION
155-30 “MULTIPLE DWELLINGS”, AND ADDING SECTION 155-32.4 “BED AND
BREAKFAST”.

WHEREAS, the Town of Marlborough Town Board proposes to adopt Local Law No 8 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 a Type I 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 amend the definitions of “Bed and Breakfast” and “Short-Term Rental” in Section 155-1, removing loading berth requirements in Section 155-27, amending the minimum distances between structures in zoning district “R” in Section 155-30(B)(2), adding “Bed and Breakfast” regulations in Section 155-32, and adding a minimum lot area for residential zones with public water and sewer and natural gas in Section 155, Attachment 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 councilmen voting as follows:

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York
September 26, 2022

September 26, 2022

C). Resolution # 82 To adopt Local Law #8 of the year 2022 AMENDING SECTION 155-1 “TERMS DEFINED” TO AMEND DEFINITIONS FOR “BED AND BREAKFAST” AND “SHORT-TERM RENTAL”, SECTION 155 ATTACHMENT 2, SECTION 155-27 “OFF-STREET PARKING; OFF-STREET LOADING; FILLING AND SERVICE STATIONS”, SECTION 155-30 “MULTIPLE DWELLINGS”, AND ADDING SECTION 155-32.4

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 8 of 2022, entitled Local Law No. 8 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 AMEND DEFINITIONS FOR “BED AND BREAKFAST” AND “SHORT-TERM RENTAL”, SECTION 155 ATTACHMENT 2, SECTION 155-27 “OFF-STREET PARKING; OFF-STREET LOADING; FILLING AND SERVICE STATIONS”, SECTION 155-30 “MULTIPLE DWELLINGS”, AND ADDING SECTION 155-32.4 “BED AND BREAKFAST”.

WHEREAS, a public hearing in relation to said local law was held on September 12, 2022, at 7:00 p.m., prevailing time; 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;

WHEREAS, said local law was referred to the Ulster County Planning Department in accordance with General Municipal Law Section 239-m; and

WHEREAS, the Ulster County Planning Department did not provide a report within the statutory thirty (30) day period; and

WHEREAS, the Town Board is authorized to take final action on the proposed law pursuant to General Municipal Law Section 239-m(4)(b).

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 as follows [deletions are stricken and additions are underscored]:

BED AND BREAKFAST

~~A home occupation~~ An owner-occupied dwelling allowing overnight accommodations in residential structures which takes place only in owner-occupied structures in which at least one (1) room and not more than five (5) rooms are offered for rent for transient occupancy. Use is allowable for up to five (5) bedrooms within the owner-occupied structure, excluding the primary owner's main living quarters. The use is limited to 50% of the structure. Meals may be served to guests of the business. Use is subject to site plan review by the Planning Board. Each owner of a Bed and Breakfast overnight accommodation must obtain an annual operating permit from the Building Department and must pay any related permitting or inspection fees established by the Town. These fees from time to time may be updated and changed during the Town Board annual reorganization meeting.

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~~ owns a dwelling unit which is next door to or directly across the street from the short-term rental unit as his or her primary residence (the "owner"). An owner shall not own or have an ownership interest in more than two short-term rental units within the Town of Marlborough. ~~one in which he or she resides as his or her primary residence and one which is next door to or directly across the street from such primary residence~~

Section 2. Schedule I, "Lot, Yard and Height Regulations" of Chapter 155 Attachment 2 of the Marlborough Town Code is amended to add "With public water and sewer and natural gas (square feet)" in the "Regulations" column, and to insert "7,500" in the column for District R.

Section 3. Section 155-27(B)(2) of the Town Code of the Town of Marlborough is amended to read as follows [deletions are stricken and additions are underscored]:

Dimensions for required loading berths. Each required loading berth shall be ~~a minimum of 60 feet long, 14 feet wide and, if covered, 15 feet high.~~ determined at the discretion of the Planning Board. Minimum length may be increased depending on the dimensions of the transportation mode (vehicle or railroad car) customarily serving the building described in Table 2 above.

Section 4. 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]:

Minimum distances between structures in all zones (except C-1 and R). 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 5. Section 155-32.4 of the Town Code of the Town of Marlborough is added to read as follows [deletions are stricken and additions are underscored]:

Section 155-32.4 Bed and Breakfast

Each owner of a Bed and Breakfast must obtain an annual operating permit from the Building Department, must pay any related permitting/inspection fees, and must 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 Bed and Breakfast 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 cannot be left out for more than 24 hours before and after pickup).

B. The name and contact information of the owner shall be provided to the Building Department and shall be posted in the Bed and Breakfast. Both the owner and the renter will be responsible for addressing rental issues and compliance with Bed and Breakfast requirements within 24 hours. The owner must notify the Building Department of any changes in Bed and Breakfast contact information and posted notice(s) in the Bed and Breakfast shall be revised accordingly.

C. Occupancy shall be limited to two guests per bedroom and total Bed and Breakfast rental occupancy shall be posted in the Bed and Breakfast. Children 12 years old and under shall not be counted as guests.

D. Owners of a Bed and Breakfast must register with Ulster County in accordance with Ulster County Local Law No. 5 of 1991. A copy of said registration must accompany each Bed and Breakfast 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 or Bed and Breakfasts shall receive notification from the Building Department of the provisions of the Town Code applicable to Bed and Breakfasts, including the registration and operational requirements.

E. A Bed and Breakfast must pass a yearly fire/safety inspection and a copy of the inspection report must be attached to the Bed and Breakfast annual renewal permit applications. All Bed and Breakfasts must comply with New York State Building Code requirements.

F. Only an owner is permitted to register a Bed and Breakfast. An individual owner must be a permanent resident of the Town of Marlborough and must occupy the residence to be used as the Bed and Breakfast full-time.

G. The Town Board may set limits on the number of Bed and Breakfasts permitted within the Town and shall establish the fee schedule on an annual basis.

H. 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 the address of the property where the Bed and Breakfast is located 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.

I. An approved Bed and Breakfast will be assigned a registration number that must be included in all rental listings, both print and online, and must also be posted within the Bed and Breakfast. Advertising on or at the site of the Bed and Breakfast is prohibited.

J. Failure to comply with the requirements of this section may result in denial of a Bed and Breakfast application by the Building Department.

K. Three or more convictions for violations of local laws may lead to revocation or nonrenewal of a Bed and Breakfast operating permit by the Building Department.

L. The owner shall be responsible for compliance with the provisions of this section and management of his or her Bed and Breakfast.

Section 6. 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 7. 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 8. 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 duly put to a vote which resulted as follows:

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York
September 26, 2022

COLLEEN CORCORAN, TOWN CLERK