

November 13, 2023

D). Resolution #110 To adopt Local Law #5 of the year 2023

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 5 of 2023, entitled LOCAL LAW 5 OF 2023 TO AMEND CHAPTER 155 ZONING, ARTICLE VI, SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES, SECTION 155-30(B) DESIGN STANDARDS, OF THE TOWN OF MARLBOROUGH ZONING CODE.

WHEREAS, a public hearing in relation to said local law was held on November 13, 2023, 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, the local law involves the involves an amendment to Chapter 155 Zoning, Article VI, Supplementary Regulations Governing Certain Uses, Section 155-30(B) Design Standards, of the Town of Marlborough Zoning Code; and

WHEREAS, these amendments are consistent with the goals, objectives and recommendation of the Town of Marlborough Comprehensive Plan; and

WHEREAS, on or about September 25, 2023, the Town Board declared its intent to Act as Lead Agency and referred the petition to the Town of Marlborough Planning Board (Planning Board) in accordance with Town Code Section 155-49; and

WHEREAS, the Town Board received a response from the Planning Board dated October 19, 2023 recommending the approval of the Zoning Text Amendment, and expressed concerns over fire safety and the distance between the buildings; and

WHEREAS, on or about September 26, 2023, the Town Board referred the petition to the Ulster County Planning Board in accordance with General Municipal Law 239-m; and

WHEREAS, the Town Board received a response from the Ulster County Planning Board dated October 4, 2023; and

WHEREAS, it has previously been determined that the adoption of this Local Law is classified as a Type I action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617, ("SEQRA"), and the Town Board, as lead agency,

hereby determines that the proposed action will not result in a significant adverse impact on the environment and thus declares, authorizes and approves that a negative declaration be issued.

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

Section 1. Purpose

This Local Law is enacted for the purpose of amending Chapter 155 Zoning, Article VI, Supplementary Regulations Governing Certain Uses, Section 155-30(B) Design Standards, of the Town of Marlborough Zoning Code to vary the minimum distances between structures for multi-family dwellings located on properties of twenty acres or more; and

Section 2. Amendment

The Town of Marlborough Code entitled Chapter 155. ZONING, Article VI. SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES. Section 30. MULTIPLE DWELLINGS shall be and hereby is amended by this Local Law, which shall read in its entirety as follows:

§ 155-30(A). Lot, yard and density regulations. ... no change

§ 155-30(B). Design standards.

(1) ... no change

(2) ... no change

(3) ... no change

(4) For properties of twenty acres or more, the minimum distances between structures for multi-family dwellings where there are two or more structures on a single lot devoted to multiple dwellings, the minimum distance between structures (foundations) shall not be less than 15 feet and shall follow the New York State Residential Building Code.

Section 3. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby

repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

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

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilwoman Sessa _____

Councilman Zambito _____

DATED: Milton, New York
November 13, 2023

COLLEEN CORCORAN, TOWN CLERK