

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 01/08/2024
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 155-31 "SITE
PLAN REVIEW", AND SECTION 155-41.1 "RIDGELINE AND STEEP SLOPE
PROTECTION".
FEBRUARY 12, 2024 7:00 PM

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
FEBRUARY 12, 2024 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

A). Motion to approve minutes from the January 22, 2024 Town Board Meeting

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

ITEM #8 Report of Committees

ITEM #9 Presentation

A). Howard Baker-Cultural Resource Survey

B). CAC-Ridgeline Overview

ITEM #10 Old Business

A). Tomvac Rehabilitation Update

ITEM #11 New Business

A). Highway Items out for bid

B). CSX agreement -Milton Landing Park

ITEM #12 Correspondence

ITEM #13 Public Comments

ITEM #14 Resolutions

A). Resolution #26 To accept a Perpetual Easement and Right-of-Way for public highway purposes over certain portions of Cubbard Drive, and authorizes the Supervisor to sign the appropriate forms.

B). Resolution #27 To re-introduce a Local Law of the year 2024 of the Town of Marlborough, Ulster County, New York, amending chapter 155 “zoning” article vi “supplementary regulations governing certain uses” section 155-31 “site plan review” of the Marlborough town code.

C). Resolution #28 To re-introduce a Local Law of the year 2024 of the Town of Marlborough, Ulster County, New York, amending chapter 155 “zoning” article ix “administration and enforcement” section 155-41.1 “ridgeline and steep slope protection” of the Marlborough town code.

D). Resolution #29 To re-introduce 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 adding definitions for “cannabis”, “cannabis establishment”, “cannabis on-site consumption establishment”, “cannabis products” and “cannabis retail dispensary”, section 155-12 “use regulations”, and adding section 155-32.5 “cannabis/marijuana retail sales and lounges.”

ITEM #15 Adjournment

February 12, 2024

A). Resolution #26 To accept a Perpetual Easement and Right-of-Way for public highway purposes over certain portions of Cubbard Drive, and authorizes the Supervisor to sign the appropriate forms.

Supervisor Corcoran proposes the following:

WHEREAS, the Town Board has received a Proposed Easement for Highway Purposes, as well as a New York State TP-584 pertaining to a grant of a perpetual Easement and Right-of Way for public highway purposes over certain portions of Cubbard Drive in association with a site plan application for Keebomed, Inc.

NOW, THEREFORE BE IT RESOLVED,

1. The Town Board accepts the grant of a perpetual easement and right-of-way for public highway purposes over certain portions of Cubbard Drive as more specifically described in Schedule “A” as attached to the proposed easement agreement, and authorizes the Supervisor to sign the TP-594, subject to the following conditions being fulfilled by March 1, 2024, absent which the acceptance of the grant of the easement shall be a nullity:
 - a. Properly executed and recordable instruments as follows:
 - i. Easement for highway purposes filed with the Ulster County Clerk; and
 - ii. TP-584;
 - b. Payment of any outstanding expenses of the Town and deposit of sums sufficient to cover costs of recording instruments with the Clerk of Ulster County.
2. The acceptance of the aforementioned easement shall be effective February 12, 2024, in the event of the fulfillment of the conditions set forth in paragraph “1” hereinabove.

The foregoing resolution was voted upon with all members of the Council voting as follows:

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

DATED: Milton, New York
February 12, 2024

COLLEEN CORCORAN, TOWN CLERK

February 12, 2024

B). Resolution #27 To re-introduce a Local Law of the year 2024 A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 “ZONING” ARTICLE VI “SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES” SECTION 155-31 “SITE PLAN REVIEW” OF THE MARLBOROUGH TOWN CODE.

Supervisor Corcoran proposes the following:

WHEREAS, on or about December 11, 2023, the Town Board of the Town of Marlborough introduced a proposed Local Law of the Town of Marlborough proposing to amend various provisions of Chapter 155 “Zoning” of the Marlborough Town Code as follows: Amending Section 155-31 “Site Plan Review”, and Section 155-41.1 “Ridgeline and Steep Slope Protection” (the “Combined Local Law”); and

WHEREAS, on or about December 12, 2023, the Combined Local Law was referred to the Ulster County Planning Board; and

WHEREAS, on or about January 3, 2024, the Ulster County Planning Board submitted comments to the Town Board on both proposed amendments in the Combined Local Law; and

WHEREAS, with respect to the proposed amendments to Section 155-31 of the Marlborough Town Code presented in the Combined Local Law, the Ulster County Planning Board recommended as follows:

“Rather than give all projects four years, the Ulster County Planning Board (UCPB) recommends granting the Planning Board discretion to determine the completion time frame or better yet, setting thresholds within the law (square footage, area or disturbance, SEQRA impacts, etc.) whereby the four-year completion time frame would be triggered and give applicants and the public a greater sense of transparency in the review process. Not all projects necessitate a four-year completion window.”

WHEREAS, the Town Board of the Town of Marlborough referred the Combined Local Law to the Town of Marlborough Planning Board in accordance with Town Code § 155-49, with comments being received dated January 8, 2024; and

WHEREAS, on or about January 8, 2024, Public Hearings were held for the Combined Local Law; and

WHEREAS, substantial changes have been proposed to the Combined Local Law, resulting in the separation of the proposed amendments into two separate proposed local laws; and

WHEREAS, the Town Board of the Town of Marlborough re-introduces these proposed amendments to Section 155-31 of the Town of Marlborough Code as set forth herein.

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

Section 1. Section 155-31(K) of the Town Code of the Town of Marlborough is amended as follows [deletions are stricken and additions are underscored]:

K. Expiration of approval. Site plan review and approval shall be void if construction is not started within one year and completed within ~~two~~ four years of the date of the final site plan approval. Each of these respective periods of expiration may be extended in the Planning Board's discretion for up to ~~two~~ three additional periods of one year each. The Planning Board's authority to extend the respective periods of expiration shall apply to any project which requested such an extension, in writing, filed with the Town no later than on or after January 1, 2008.

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

WHEREAS, the Town Board has determined that the action to amend the Town of Marlborough Zoning Law is a Type I Action under the New York State Environmental Quality Review Act (SEQRA).

WHEREAS, that because only the Town Board can consider and adopt changes to the Town Code, that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law.

WHEREAS, the Town Board has already referred these amendments to the Ulster County Planning Board for review as set forth above with comments having been received; and

WHEREAS, the Town Board has already referred this matter to the Town of Marlborough Planning Board with comments having been received as set forth above.

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 on February 26, 2024, 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 at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on February 26, 2024 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 "ZONING" ARTICLE VI "SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES" SECTION 155-31 "SITE PLAN REVIEW" OF THE MARLBOROUGH TOWN CODE.

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
 _____, 2024

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
_____, 2024

COLLEEN CORCORAN, TOWN CLERK

February 12, 2024

C). Resolution # 28 To re-introduce a Local Law of the year 2024 of the Town of Marlborough, Ulster County, New York, amending chapter 155 “zoning” article ix “administration and enforcement” section 155-41.1 “ridgeline and steep slope protection” of the Marlborough town code.

WHEREAS, on or about December 11, 2023, the Town Board of the Town of Marlborough introduced a proposed Local Law of the Town of Marlborough proposing to amend various provisions of Chapter 155 “Zoning” of the Marlborough Town Code as follows: Amending Section 155-31 “Site Plan Review”, and Section 155-41.1 “Ridgeline and Steep Slope Protection” (the “Combined Local Law”); and

WHEREAS, on or about December 12, 2023, the Combined Local Law was referred to the Ulster County Planning Board; and

WHEREAS, on or about January 3, 2024, the Ulster County Planning Board submitted comments to the Town Board on both proposed amendments in the Combined Local Law; and

WHEREAS, the Town Board of the Town of Marlborough referred the Combined Local Law to the Town of Marlborough Planning Board in accordance with Town Code § 155-49, with comments being received dated January 8, 2024; and

WHEREAS, on or about January 8, 2024, Public Hearings were held for the Combined Local Law; and

WHEREAS, substantial changes have been proposed to the Combined Local Law, resulting in the separation of the proposed amendments into two separate proposed local laws; and

WHEREAS, the Town Board of the Town of Marlborough re-introduces these proposed amendments to Section 155.41.1 of the Town of Marlborough Code as set forth herein.

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

Section 1. Section 155-41.1(F)(4) of the Marlborough Town Code is amended to read as follows [deletions are stricken and additions are underscored]:

(4) Applicants for construction on properties to which this section applies shall demonstrate to the reviewing board or Town Engineer, as the case may be, that the proposed buildings or structures will not extend above the predominant treeline. ~~No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline affected by the application, as determined by the Town Engineer.~~

(a) If, in the Town Engineer's opinion, such requirements would render an existing lot unbuildable, the Town Engineer may recommend the issuance of, and the Building Department may issue, a construction permit for an existing lot of record which does not meet the requirements of this section upon his determination that no suitable conforming location is available.

~~(b) There shall be no disturbance within this fifty foot area except for access driveways when said driveway cannot be reasonably located outside the fifty foot area.~~

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

WHEREAS, the Town Board has determined that the action to amend the Town of Marlborough Zoning Law is a Type I Action under the New York State Environmental Quality Review Act (SEQRA).

WHEREAS, that because only the Town Board can consider and adopt changes to the Town Code, that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law.

WHEREAS, the Town Board has already referred these amendments to the Ulster County Planning Board for review as set forth above with comments having been received; and

WHEREAS, the Town Board has already referred this matter to the Town of Marlborough Planning Board with comments having been received as set forth above.

Supervisor Corcoran 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 12, 2024, _____ has re- introduced this local law for the Town of Marlborough, to be known as “Town of Marlborough Local Law No. ____ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 “ZONING” ARTICLE IX “ADMINISTRATION AND ENFORCEMENT” SECTION 155-41.1 “RIDGELINE AND STEEP SLOPE PROTECTION” OF THE MARLBOROUGH TOWN CODE.

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 on February ____, 2024, 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 at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on _____, 2024 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 "ZONING" ARTICLE IX "ADMINISTRATION AND ENFORCEMENT" SECTION 155-41.1 "RIDGELINE AND STEEP SLOPE PROTECTION" OF THE MARLBOROUGH TOWN CODE.

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
 _____, 2024

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
_____, 2024

COLLEEN CORCORAN, TOWN CLERK

February 12, 2024

D). Resolution #29 To re-introduce 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 adding definitions for “cannabis”, “cannabis establishment”, “cannabis on-site consumption establishment”, “cannabis products” and “cannabis retail dispensary”, section 155-12 “use regulations”, and adding section 155-32.5 “cannabis/marijuana retail sales and lounges.”

Supervisor Corcoran proposes the following:

WHEREAS, this proposed local law was introduced on or about December 11, 2023; and

WHEREAS, on or about December 12, 2023, this proposed local law was referred to the Ulster County Planning Board with comments being received on or about January 3, 2024; and

WHEREAS, the Town Board of the Town of Marlborough referred this matter to the Town of Marlborough Planning Board in accordance with Town Code § 155-49, with comments being received dated January 8, 2024; and

WHEREAS, on or about January 8, 2024, Public Hearings were held for the proposed Local Law; and

WHEREAS, substantial changes have been proposed to the proposed local law, any changes are shown below in red, resulting in its re-introduction.

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

CANNABIS

As used herein, cannabis shall have the same definition as that found in New York Cannabis Law (Chapter 7-A of the Consolidated Laws of New York) in § 3 thereof. Cannabis may also be referred to as “marijuana” or “marihuana.”

CANNABIS ESTABLISHMENT

A single physical location where a licensed Cannabis retailer engages in the retail of cannabis, any other type of licensed cannabis-related business, or any combination thereof.

CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT

A single location where an entity or individual licensed by the New York State Office of Cannabis Management to allow for the on-site consumption of cannabis products on the premises. A “cannabis on-site consumption establishment” does not include a “cannabis retail dispensary.”

CANNABIS PRODUCTS

Cannabis, concentrated cannabis, and cannabis-infused products, and includes made or manufactured products that contain either cannabis or concentrated cannabis and other ingredients and are intended for personal use or consumption.

CANNABIS RETAIL DISPENSARY

An establishment that is licensed by the New York State Office of Cannabis Management to sell or otherwise distribute cannabis products directly to consumers for use off the premises. A cannabis retail dispensary may be licensed to operate as an adult-use cannabis retail dispensary or as a medical cannabis dispensary, or both. A “cannabis retail dispensary” does not include a “cannabis on-site consumption establishment.”

A. CANNABIS DISPENSARY, MEDICAL

A cannabis retail dispensary that sells or otherwise distributes cannabis products and related supplies to registered practitioners, certified patients, or designated caregivers for medical use in accordance with Title 5-A of Article 33 of the New York Public Health Law and Article 3 of the New York Cannabis Law.

B. CANNABIS RETAIL DISPENSARY, ADULT-USE

A cannabis retail dispensary that sells or otherwise distributes cannabis products and related supplies to consumers for non-medical use in accordance with Article 4 of the New York Cannabis Law.

Section 2. Section 155-12(E)(4) of the Town Code of the Town of Marlborough is amended as follows [deletions are stricken and additions are underscored]:

(n) Cannabis On-Site Consumption Establishment.

(o) Cannabis Retail Dispensary.

Section 3. Section 155-32.5 of the Town Code of the Town of Marlborough is added to read as follows [deletions are stricken and additions are underscored]:

Section 155-32.5 Cannabis/marijuana retail sales and lounges

Each owner of a Cannabis Retail Dispensary or Cannabis On-Site Consumption Establishment must be licensed in accordance with New York State Law, must obtain an annual operating permit

from the Building Department, must pay any related permitting/inspection fees, and shall comply with each of the requirements of this section.

- A. Findings. The Town of Marlborough finds that the orderly development of commercial business is essential to maintaining and protecting the health, safety and welfare of the residents of the Town. The Town also finds that businesses which cater to adults should be located and regulated to minimize the potential adverse impact to residents.
- B. Purpose. The purpose of this section is to regulate the siting, design, placement, security, safety, monitoring and modification of cannabis establishments to insure the placement of cannabis establishments in appropriate locations and to minimize the adverse impacts of cannabis establishments on residential neighborhoods, schools and other such places where children commonly frequent and congregate.
- C. Applicability. These regulations shall apply to all structures and uses of retail sales and/or consumption lounges where cannabis can be purchased and/or consumed.
- D. General Requirements.
 - (1) No Cannabis Establishment shall be operated except in compliance with the provisions of this chapter.
 - (2) When a Cannabis Establishment is proposed to be in an existing building, regardless of any prior site plan approval (including but not limited to approval for retail sales on the property), the owner shall be required to obtain a special use permit/site plan approval for cannabis related use, retail or onsite consumption establishments.
 - (3) The location of Cannabis Establishments shall be authorized in conformity with § 155-12, Use Regulations, of the Town of Marlborough Zoning Code.
 - (4) A Cannabis Establishment shall be wholly contained within a building or structure. No outdoor onsite consumption establishments shall be permitted.
 - (5) The hours of operation of Cannabis Establishments shall be set by the Town of Marlborough Planning Board as a condition of the special use permit and/or site plan approval.
 - (6) Cannabis Establishments shall not be located within a 500-foot radius from:
 - (a) Any school pre-k through grade 12;
 - (b) Any day-care center, or any facility where children commonly congregate. A facility is not, however, limited to a building. Such a facility may include but is not limited to: a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents;
 - (c) Any other Cannabis Establishment;
 - (d) Any drug or alcohol rehabilitation facility;
 - (e) Any correctional facility, half-way house or similar facility; or
 - (f) Any building containing a place of worship; or
 - (g) Any Town building or Town park.
 - (7) No Cannabis Establishment shall be located inside a building containing residential units, including transient housing which includes but is not limited to hotels, motels, dormitories, bed and breakfasts and short-term rentals.
 - (8) Cannabis Establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.

- (9) No outside storage of Cannabis, related supplies or promotional materials shall be permitted. Any signage must be in conformity with this chapter.
 - (10) On-site consumption of Cannabis Products is prohibited within or on the grounds of a permitted Cannabis Retail Dispensary.
 - (11) Cannabis-related land uses shall not be permitted as home occupations or accessory uses in any zoning district.
- E. Approvals required.
- (1) All Cannabis On-Site Consumption Establishments and Cannabis Retail Dispensaries shall be subject to the granting of a special use permit pursuant to § 155-32 of this Chapter.
 - (2) All Cannabis On-Site Consumption Establishments and Cannabis Retail Dispensaries shall be subject to site plan review pursuant to § 155-31 of this Chapter.
- F. Additional requirements for Cannabis On-Site Consumption Establishments and Cannabis Retail Dispensaries.
- (1) Provide sufficient lighting during and after hours of operation.
 - (2) Adequate facilities and personnel for secure disposal of trash and other debris.
 - (3) Continuing maintenance of the exterior of the building and the grounds, including landscaping, signs and policing of litter.
 - (4) Sales product and paraphernalia items related to the preparation or consumption of cannabis products shall not be visible offsite or from a public right of way.
 - (5) Outdoor use of sound reproduction devices, including but not limited to loudspeakers and amplifiers on the premises shall be prohibited.
- G. Signs.
- (1) Any signs shall be governed by the signage requirements applicable to the zoning district where the Cannabis Establishment is located pursuant to § 155-28 of this Chapter.
 - (2) No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on any outdoor signage.
- H. State approval. All Cannabis Establishments approved pursuant to this section must be licensed in accordance with Article 4 of the New York State Cannabis Law. An expiration or revocation of a license by the State shall be deemed to automatically terminate the special use permit or other Planning Board approvals permitting use.

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.

WHEREAS, the Town Board has determined that the action to amend the Town of Marlborough Zoning Law is a Type I Action under the New York State Environmental Quality Review Act (SEQRA); and.

WHEREAS, that because only the Town Board can consider and adopt changes to the Town Code, that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

WHEREAS, the Town Board has previously referred this matter to the Ulster County Planning Board for review and recommendation having received comments on or about January 4, 2024 as set forth above; and

WHEREAS, the Town Board has previously referred this matter to the Town of Marlborough Planning Board pursuant to Town Code § 155-49 having received comments dated January 8, 2024 as set forth above.

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 on February 26 2024, 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 at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on February 26, 2024 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2024, 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 ADDING DEFINITIONS FOR "CANNABIS", "CANNABIS ESTABLISHMENT", "CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT", "CANNABIS PRODUCTS" AND "CANNABIS RETAIL DISPENSARY", SECTION 155-12 "USE REGULATIONS", AND ADDING SECTION 155-32.5 "CANNABIS/MARIJUANA RETAIL SALES AND LOUNGES."

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
 February, ____ 2024

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
February __, 2024

COLLEEN CORCORAN, TOWN CLERK