

68THE 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  
AUGUST 26, 2024

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 August 12, 2024 Town Board Meeting

ITEM #5 Authorize payments of bills

ITEM #6 Supervisor Updates

ITEM #7 Presentations

ITEM #8 Comments on the agenda

ITEM #9 Reports of Committees

ITEM #10 New Business

A). To allow the Highway Department to post the following item for sale on the auction site  
Absolute Auctions- 2008 John Deere tractor-including roadside flail mower and a hitch flail mower

ITEM #11 Workshop topics

A). Open Board discussion

ITEM #12 Correspondence

ITEM #13 Public Comment

ITEM #14 Resolutions

A). Resolution #68 To authorize the reconstruction of and construction of additions to department of public works garage in and for the Town of Marlborough, Ulster County, New York, at a maximum estimated cost of \$1,969,995.00 and authorizing, subject to permissive referendum, the issuance of up to \$1,900,000.00 bonds of said town to pay part of the cost thereof.

B). Resolution #69 To authorize the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing regulations.

C). Resolution #70 To adopt Local Law 3 of the year 2024 entitled A Local Law of the Town of Marlborough, Ulster County, New York Amending Chapter 155 “Zoning”, Article IX, Section 155-41.1 of the Marlborough Town Code Entitled “Ridgeline and Steep Slope Protection”.

ITEM # 15 Adjournment

August 26, 2024

A). Resolution #68 To authorize the reconstruction of and construction of additions to department of public works garage in and for the Town of Marlborough, Ulster County, New York, at a maximum estimated cost of \$1,969,995.00 and authorizing, subject to permissive referendum, the issuance of up to \$1,900,000.00 bonds of said town to pay part of the cost thereof.

Supervisor Corcoran proposes the following:

**ULSTER COUNTY  
BOND RESOLUTION  
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Town Board of the Town of Marlborough, Ulster County, New York, held at Town Hall, 21 Milton Turnpike, Suite 200, Milton, New York, in said Town, on the 26th day of August, 2024, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Corcoran, and upon roll being called, there were

**PRESENT:**

**ABSENT:**

The following resolution was offered by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, to-wit:

**BOND RESOLUTION DATED AUGUST 26, 2024.**

**A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION  
OF ADDITIONS TO DEPARTMENT OF PUBLIC WORKS GARAGE IN AND FOR THE  
TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AT A MAXIMUM  
ESTIMATED COST OF \$1,969,995.00 AND AUTHORIZING, SUBJECT TO PERMISSIVE  
REFERENDUM, THE ISSUANCE OF UP TO \$1,900,000.00 BONDS OF SAID TOWN TO  
PAY PART OF THE COST THEREOF.**

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Marlborough, Ulster County, New York, as follows:

Section 1. The reconstruction of and construction of additions to the Department of Public Works Garage at 1650 Route 9W, Milton, New York in and for the Town of Marlborough,

Ulster County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,969,995.00.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of 1,900,000.00 bonds of the Town, hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law, and the expenditure of funds from the general fund of the Town of Marlborough

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 15 years, pursuant to subdivision 12(a)(2) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Marlborough, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

August 26, 2024

B). Resolution #69 To authorize the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing regulations

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 CHAPTER 155 “ZONING”, ARTICLE IX, SECTION 155-41.1 OF THE  
MARLBOROUGH TOWN CODE ENTITLED “RIDGELINE AND STEEP SLOPE  
PROTECTION”.**

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No3 of 2024, a Local Law of the Town of Marlborough, Ulster County, New York; amending Chapter 155 “Zoning”, Article IX, Section 155-41.1 “Ridgeline and Steep Slope Protection, of the Town Code; 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 which are summarized as follows:

1. Currently, applicants for permits subject to this section of the Code are required to demonstrate to the reviewing board or Town Engineer that no proposed structure will extend above the predominant tree line. Currently, no structure subject to this section of the Code shall be located closer than 50 feet in elevation to the ridgeline affected by the application, as determined by the Town Engineer. According to the proposed amendments, applicants will be required to demonstrate to Town Engineer and the Town Code Enforcement Officer that no proposed structure shall extend above the highest elevation of the Marlborough Ridgeline, as viewed from the East as determined by the Town Engineer and the Town Code Enforcement Officer. Also, the proposed amendment removes the prohibition against the location of structures closer than 50 feet in elevation to the ridgeline affected by the application. “Ridgeline” is defined as the highest elevations of land running North and South across the Marlborough Ridgeline Protection Map.

2. Currently, this section of the Code provides that there shall be no disturbance within the fifty-foot area except for access driveways when said driveway cannot be reasonably located outside the fifty-foot area. According to the proposed amendments, there shall be no disturbance of the tree line area above the highest points of the structure and the highest point of the Ridgeline.

3. The proposed amendments add the following conditions and definitions:

- Applicants are required to provide the Building Department with a topographic survey of the lot showing topography within 200 feet of the proposed building areas and showing elevations with 2-foot intervals. Topography shall use NAVD88.

- Structures shall not use or contain bright or fluorescent-colored materials or highly reflective shiny metal or similar materials. All structures shall be of natural coloring that blend in with the ridgeline natural color scheme. Use of colors such as brown, black, gray, beige and green are preferred.

- Lighting shall not be excessive. Bright LED lighting shall not be used. Only fully shielded, natural lighting and fixtures must be used. Lighting shall be Dark Sky compliant.

(i) "Ridgeline" is defined as the highest elevations of land running North and South across the Marlborough Ridgeline Protection Map.

(ii) "Tree Line" is defined as the edge of the habitat at which trees and vegetation are capable of growing above the Ridgeline.

(iii) "NAVD88" is defined as North American Vertical Datum of 1988; 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, especially in light of the mitigation measures included.

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 impact of limited residential 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, or geological features such as cliffs, dunes, minerals, fossils or cave, existing transportation systems, or noise, odor and light.

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 councilmembers voting as follows:

Supervisor Corcoran \_\_\_\_\_

Councilman Molinelli \_\_\_\_\_

Councilman Cauchi \_\_\_\_\_

Councilman Zambito \_\_\_\_\_

Councilwoman Sessa \_\_\_\_\_

DATED: Milton, New York  
August\_\_\_\_, 2024

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COLLEEN CORCORAN, TOWN CLERK

Contact Person:  
Colleen Corcoran, Town Clerk  
Town of Marlborough  
P.O. Box 305  
21 Milton Turnpike  
Milton, NY 12547  
845-795-5100

## CERTIFICATION FORM

STATE OF NEW YORK )  
ss.:  
COUNTY OF ULMSTER )

I, the undersigned Clerk of the Town of Marlborough in the County of Ulster, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 26th day of August, 2024.
2. That such meeting was a special regular (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was caused to be given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this  
\_\_\_\_ day of August, 2024.

## Town Clerk

August 26, 2024

C). Resolution #70 To adopt Local Law 3 of the year 2024 entitled A Local Law of the Town of Marlborough, Ulster County, New York Amending Chapter 155 “Zoning”, Article IX, Section 155-41.1 of the Marlborough Town Code Entitled “Ridgeline and Steep Slope Protection”.

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 3 of 2024, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULMSTER COUNTY, NEW YORK AMENDING CHAPTER 155 “ZONING”, ARTICLE IX, SECTION 155-41.1 OF THE MARLBOROUGH TOWN CODE ENTITLED “RIDGELINE AND STEEP SLOPE PROTECTION”.

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 Section 155-41.1 “Ridgeline and Steep Slope Protection” (the “Proposed Local Law Amendment”); and

WHEREAS, on or about December 12, 2023, the Proposed Local Law Amendment 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 the Proposed Local Law Amendment; and

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

WHEREAS, on February 12, 2024, the Proposed Local Law Amendment was reintroduced and a public hearing thereon was held on February 26, 2024; and

WHEREAS, substantial changes were proposed to the Proposed Local Law Amendment; and

WHEREAS, consequently, the Town Board of the Town of Marlborough re-introduced proposed amendments to Section 155-41.1 of the Town of Marlborough Code on April 8, 2024;

WHEREAS, the Proposed Local Law Amendment was referred to the Ulster County Planning Board; and

WHEREAS, on or about May 1, 2024, the Ulster County Planning Board submitted comments to the Town Board on the Proposed Local Law Amendment; and

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

WHEREAS, a public hearing in relation to said local law was held on April 22, 2024, 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, the Town Board has weighed and considered comments on the Proposed Local Law Amendment from the public, the Town of Marlborough Planning Board and the Ulster County Planning Board; 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 this Board, after reviewing the Full Environmental Assessment Form regarding this local law, and having considered all of the documentation, comments and proceedings heretofore had, determined that the adoption of this local law will have no significant adverse environmental impacts;

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

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 and the Town Code Enforcement Officer that no proposed building or structure (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the Marlborough Ridgeline, as viewed from the East as determined by the Town Engineer and the Town Code Enforcement Officer, 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. There shall be no disturbance of the tree line area above the highest points of the structure and the highest point of the Ridgeline.~~

(c) Applicants are required to provide the Building Department with a topographic survey of the lot showing topography within 200 feet of the proposed building areas and showing elevations with 2-foot intervals. Topography shall use NAVD88.

(d) Structures shall not use or contain bright or fluorescent-colored materials or highly reflective shiny metal or similar materials. All structures shall be of natural coloring that blend in with the ridgeline natural color scheme. Use of colors such as brown, black, gray, beige and green are preferred.

(e) Lighting shall not be excessive. Bright LED lighting shall not be used. Only fully shielded, natural lighting and fixtures must be used. Lighting shall be Dark Sky compliant.

(f) Definitions

- (i) “Ridgeline” is defined as the highest elevations of land running North and South across the Marlborough Ridgeline Protection Map.
- (ii) “Tree Line” is defined as the edge of the habitat at which trees and vegetation are capable of growing above the Ridgeline.
- (iii) “NAVD88” is defined as North American Vertical Datum of 1988.

Section 3. 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 4. 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 5. This local law shall be effective upon filing with the Secretary of State.

AND IT IS FURTHER RESOLVED, that the Town Board has received comments from the Ulster County Planning Board (“UCPB”) dated May 1, 2024. The Town Board has weighed and considered the comments and UCPB/s disapproval of certain portions of Proposed Local Law Amendment. The first comment is that the draft amendment removes the restriction on structures allowed closer than 50’ in elevation to the ridgeline and the restrictions on disturbance within that 50’ area, except for driveways that cannot be located outside the 50’ area. The purpose of this

change was to provide limited opportunities for property owners to develop their properties with residential structures, no part of which may be visible above the Ridgeline. Disturbance of steep slopes shall be subject to the same construction control limitations, which shall be rigidly enforced. The visual impact of structures which can be built within such construction control limitations shall be mitigated by limitations of the kinds of materials and lighting that are allowed, so that such structures shall blend in with the land and not stand out from the land. Trees at the top of the Ridgeline should not be disturbed as the Ridgeline is defined as the highest elevation of the land and no disturbance of the tree line above the highest point of the structure is permitted. Providing owners with limited, reasonable development opportunities and mitigating visual impacts of such development are consistent with the goals of the Town's Comprehensive Plan. The second comment is that the proposed amendment removes the review function from the Planning Board and grants it instead to the Town Code Enforcement Office and applies the law so that "no proposed building or structure extends above the highest elevation of the Marlborough Ridgeline...". The text of the existing local law refers to "reviewing board", not "Planning Board" and also assigned the review function to the reviewing board **or** the Town Engineer. The Town Engineer will continue to have the same review function under the Proposed Local Law Amendment. The Code Enforcement Officer has the following powers and duties (Town Code section 67-3(a)):

- "(1) To receive, review and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications.
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of this article;"

It is the role of the Code Enforcement Officer to review an application for a permit, review the newly mandated topographic survey and decide whether the application should be granted, denied, or referred to the Planning Board or Zoning Board of Appeals for any required permits and approvals. This results in no inconsistency with the Town's Comprehensive Plan. The final comment is that restricting structures and buildings from only highest elevation does not account for visual impacts elsewhere and does not consider the extent of the area where a proposal within the Ridgeline Protection Area is being made. The Proposed Local Law Amendment requires the mitigation of the visual impacts of the entire structure, not just at the highest elevation. The following existing Code provisions, which address visual impacts elsewhere and the extent of the area where a proposal is being made, shall remain in effect:

"Buffers of undisturbed land shall be maintained between adjoining properties to the extent practicable as determined by the Town Engineer." Town Code section 155.41.1(E)(5).

"Development should be sited behind or below visual barriers such as trees, ridgelines and other topographic features. The height and location of development shall not alter the views of, and from, the natural ridgeline." Town Code section 155.41.1(E)(5). The Ulster County Planning Board comments have been properly addressed, as set forth above; and it is further

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  
August\_\_\_\_, 2024

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COLLEEN CORCORAN, TOWN CLERK