

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
AUGUST 26, 2024  
MINUTES OF MEETING

Present: Supervisor Corcoran  
Councilman Zambito  
Councilwoman Sessa  
Councilman Molinelli  
Councilman Cauchi

Danielle Cherubini, Deputy Town Clerk

Also Present: Mici Simonofsky, CAC Chair  
Cindy Lanzetta, Resident  
Maribeth King, Resident  
Diane Merrill, Resident  
Todd Diorio, Business Owner

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

*Councilman Molinelli made a motion to approve the agenda. Motion seconded by Councilman Cauchi.*

*Yea: 5      Nays: 0      Carried*

ITEM #4 Motion to approve minutes from the August 12, 2024 Town Board Meeting

*Councilman Molinelli made a motion to approve minutes from the August 12, 2024. Motion seconded by Councilwoman Sessa.*

*Yea: 5      Nays: 0      Carried*

ITEM #5 Authorize payments of bills

*Councilman Cauchi made a motion to authorize payment of the abstract in the amount of \$901,607.65. Motion seconded by Councilman Zambito.*

*Yea: 5      Nays: 0      Carried*

ITEM #6 Supervisor Updates

*Supervisor Corcoran gave the following updates:*

*The dock is in place for the north pier. The cement is formed for the gangway that will match the south pier.*

*Things are moving forward with CSX on Phase II of the crossing at Milton Landing. He explained the responsibilities of DOT and the Town regarding the crossing. The work will be designed and engineered by Behan Planning & Design and Pitingaro Engineers. The Highway Department will help with what they are able to.*

*The poles for the Young's field lighting project should arrive in about two weeks and hopefully be installed for fall ball.*

*The community center is being used a lot by our community; Pat Ryan is using it, the Board of Elections would like to use it for voting and HGTV would like to film there.*

*Councilwoman Sessa reported that Trunk or Treat will be October 26, 2024 from 3:30-5:30 p.m. Plans for the Polar Express event at the Train Station and the Tree Lighting at the Town Park are underway.*

*Supervisor Corcoran thanked the committee.*

**ITEM #7 Presentations**

*No presentations.*

**ITEM #8 Comments on the agenda**

*No comments on the agenda.*

**ITEM #9 Reports of Committees**

*Mici Simonofsky read the CAC report which is incorporated into the minutes as follows:*

*Town of Marlborough Conservation Advisory Committee*

*Report to the Town Board*

*August 26, 2024*

*To Supervisor Corcoran and Town Board Members:*

*We enjoyed our new meeting space at the Community Center and look forward to our next meeting there on Thursday, September 12 at 6:30 PM.*

*Member Naseem Haidaoui continues to represent us via his participation in the Ulster County Climate Smart Committee and in the Clean Energy Communities program. We will be participating in their upcoming September roundtable discussions.*

*We also discussed producing an event of some type to highlight the use of solar energy. In that regard, would you update us on the progress of the solar farm? We could schedule the event to support the opening of the solar farm and Nexamp marketing of the services to the community.*

*We had the opportunity to review the current situation in regards to the adoption of the Ridgeline Protection Law prior to the vote scheduled for this evening. Our thoughts are reported in an attached letter and included in this report for your minutes..*

*Respectfully submitted,  
Mici Simonofsky, Chair*

***Town of Marlborough Conservation Advisory Committee***

*21 Milton Turnpike*

*PO Box 305*

*Milton, New York 12547*

August 26, 2024

Dear Supervisor Corcoran and Town Councilmembers:

*The CAC members are very appreciative that some of the recommendations for additional wording to the proposed Ridgeline Protection Law have been included in the second suggested amendment to the law, namely, inclusion of appropriate aesthetic values on color of structures, and attention to lighting types and requirements. These compliment the Town's desire to address environmental considerations in compliance with the objectives of the Comprehensive Plan.*

*The CAC joins the Town Planning Board and Ulster County Planning Board requests to retain the original "no disturbance" 50 foot area setback allowance. We also concur with them and urge you to maintain the original wording "shall demonstrate to the reviewing board or Town Engineer and the Town Code Enforcement Officer".*

*If the new wording eliminates the words "reviewing board or," there is no directive to dictate and reiterate the applicant's responsibility to produce their plans to the Planning Board or the Zoning board of Appeals. This omission seems unwise at best in terms of the duties of Town Planning Board or ZBA members. It also leads to a new ambiguity in the code for the applicant's responsibility. You have stated you are trying to correct such confusion by introducing a change to Code 155.41. We feel that consistency of the wording as originally created would maintain the protections and duties of all Town employees and agencies, and help to foster the present checks and balances of the original document.*

*In reviewing the minutes of Town Board meetings since the April 22 Public Hearing on this revision, there are no notes of discussion on this resolution. We wonder how the Board can come to a decision on this controversial issue if you have not had a public discussion about the Attorney's directives or the comments from the Town and County Planning Boards. We have no record of such a discourse as required by NYS Open Meetings Law.*

*Perhaps you have individually considered all of the objections and will be voting "no" to this resolution tonight to put the matter aside and rely on the original wording. However, should you be planning on voting "yes" on the existing reintroduction Code changes, we urge you to reconsider. General Municipal Law requires that the legal foundation for overriding the Ulster County Planning Board's rejection of the present wording must be disclosed and we would also like to understand such a decision tonight, before your vote.*

*As Board members and our representatives, we request that you vote no on this resolution until this matter is adequately addressed and disclosed to the public.*

*Thank you for your consideration.*

*Respectfully submitted,  
Mici Simonofsky as Chair for members of the CAC*

*Ms. Simonofsky stated that the CAC is willing to work with the Board/Recreation Committee to get granting for plantings at Young's Park ballfield.*

*There was a brief discussion about the status of the solar at the landfill.*

#### **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 *Supervisor Corcoran read a letter from Highway Superintendent John Alonge requesting permission to use Absolute Auctions to sell a 2008 John Deere tractor.*

***Councilwoman Sessa made a motion to allow the Highway Department to post a 2008 John Deere tractor including a roadside flail mower and hitch flail mower on Absolute Auctions for sale. Motion seconded by Councilman Molinelli.***

**Yea: 5      Nays: 0      Carried**

ITEM #11 Workshop topics

A). Open Board discussion

ITEM #12 Correspondence

*Supervisor Corcoran read the following correspondence:*

*A letter from Margaret Horton, Chair of Milton Marlboro Methodist Church, requesting use of the pavilion at no charge on September 15, 2024 for church service.*

***Councilwoman Sessa made a motion to allow the Milton Marlboro Methodist Church use of the pavilion at no charge on September 15, 2024. Motion seconded by Councilman Molinelli.***

**Yea: 5      Nays: 0      Carried**

*A letter from the Girl Scouts of the Hudson Valley requesting use of the Community Center on October 3, 2024 at no charge for a recruitment event.*

***Councilman Molinelli made a motion to allow the Girl Scouts of the Hudson Valley use of the Community Center on October 3, 2024 for a recruitment event at no charge. Motion seconded by Councilman Zambito.***

**Yea: 5      Nays: 0      Carried**

ITEM #13 Public Comment

*Cindy Lanzetta read the following comments with regard to the ridgeline law which are incorporated into the minutes as follows:*

*I'm still disappointed in the revisions of the changes to the Ridgeline Protection Law.*

*There is language that needs to be cleaned up and a few other items that need to be addressed. I think if the Board would reject this revision and take a Collaborative Approach we could make this a much better code.*

*For example:*

*Since the changes only apply to the construction stage there is still the problem that caused the original confusion.*

*Any new subdivision still has to come before the Planning Board to make sure that the location of the house & infrastructure, is consistent with the metes, bounds and any special land requirements in the zone in which the development is taking place.*

*The Board, in conjunction with the Engineer, is responsible for making sure the applicant can meet the requirements BEFORE they can give approval and that is necessary BEFORE the building inspector is able to entertain a building permit.*

*If the Planning Board had the Engineer require the home envelope to be staked on the plat it would ensure that the location would meet code. Then the construction would be easier to permit and make the process more cost*

*effective and easier for the applicant.*

*There are also issues with the authorizing resolution and SEQRA - in particular the reference to this being consistent with the goals of the Town's Comprehensive Plan, which I can dispute, if you want specifics.*

*The main thing I would like to say is I think we can do better.*

*I would ask the Town Board to reject this law and take a collaborative approach with the Engineer, Planning Board, CAC and other interested Town departments to propose a better law that would end confusion for property owners and be consistent with the Master Plan's goal to protect our Marlboro Mountains.*

*Maribeth King read the following comments regarding the Ridgeline Protection Law which are incorporated into the minutes as follows:*

*Good Morning Supervisor Scott Corcoran and Council Members Sherida Sessa, Manny Cauchi, Ed Molinelli, and Dave Zambito:*

*I see on the Town Board's agenda for Monday August 26 that you will be voting on the "Ridgeline Resolution."*

*You are well aware of the objections that have been brought to your attention many times over the course of the several public hearings, namely the failure to include in the revised resolution oversight of the Town's Planning Board or the Zoning Board of Appeals, assigning sole authority to the Code Enforcement Officer and Town Engineer for approval; concerns regarding the 50 foot ridgeline designation; lack of consistency with the Comprehensive Master Plan; and a failure to publicly respond to the adverse recommendations of our own Town's Planning Board, the Ulster County Planning Board as well as Scenic Hudson.*

*Consider if you will the destruction that just one citizen has engendered with the current resolution in place, seemingly without being held accountable for his actions. A precedent has been set and we can only surmise that with the proposed resolution, landowners will feel unimpeded in what is done with their land knowing that the likelihood of being held accountable is low.*

*All of you have lived most if not all of your lives here in this beautiful land, so richly blessed. You are elected as stewards not only of our tax dollars but our land as well. You have said if the townspeople don't like it, "they can vote us out." While true, this response is cavalier and fails to address the questions and comments as described above. Your expressed desire for transparency and "to do what's best for Marlborough" is jeopardized by your actions on this measure.*

*So what is best for Marlborough?*

*I ask that you give thought to the Iroquois proverb, "In our every deliberation, we must consider the impact of our decisions on the next seven generations." Passing this resolution as it stands will leave a stain on this board that will long be remembered for allowing our lands to be potentially scarred for many moons if not permanently.*

*Respectfully,  
Maribeth Wooldridge-King*

*PS I ask that this letter be included in the public record of tonight's Town Board meeting.*

*Supervisor Corcoran read letters from Elsie Nicklin-McKay and Joseph Caserto respectively which are incorporated into the minutes as follows:*

*Dear Town Board members:*

*I am writing with my concerns about the new Town Code for the Marlborough Mountain Ridgeline.*

*I'm asking the Board to explain its reasoning for excluding the Town Planning Board and/or the ZBA in the approval process for ridgeline development. Would it not be better to have more eye on the process than less, considering the confusion which has arisen in past subdivisions?*

*Also, what is the rationale the Board is using in rejecting the Ulster County Planning Board's counsel? What information did the members use to decline that board's advice?*

*I would like direction on where I could obtain information about how the Town Board came to its decision to spurn the collective knowledge of the Ulster County Planning Board.*

*Thank you for your time and consideration on this matter.*

*Elsie Nicklin-McKay  
15 Birdsall Ave  
Marlboro, NY*

34 New Rd  
Milton, NY 12547-5029

August 26, 2024

Supervisor Scott Corcoran  
Marlborough Town Board  
Town of Marlborough  
21 Milton Turnpike  
Milton, NY 12547

Dear Scott:

I'm writing this on my own behalf and not as a member of the CAC. Please include it in the correspondence to be read at tonight's meeting. I ask that the Town Board incorporate the original 50-foot height restriction, as advised by the Ulster County Planning Board, and the review board's mention, both of which are in the existing Town Code, into the proposed changes to the Town Code regarding protecting the ridgeline.

I firmly believe that retaining these elements from the existing Town Code does not mean the Board and the public have wasted time and effort over the last several months. On the contrary, adding them to the proposed changes that emerged from the public hearings will significantly enhance the protection of residents and property on the Marlborough Mountains and the local environment, thereby strengthening the Town Code.

The ongoing Ridgeline discussion has been an admirable example of the government and the public working together. I commend the Town Board for their efforts. I express my gratitude to you and other community members for your active participation in the public hearings and for presenting diverse opinions on the issue.

I respectfully request that you vote against the proposed changes and reintroduce them with the essential language defining the 50-foot height restriction and including the reviewing board. Thank you for the opportunity to share my thoughts for your consideration.

Sincerely,

Joseph Caserto

*Diane Merrill, Resident read a letter with regard to parking and signage on West Street which is incorporated into the minutes as follows:*

Physical Address	Mailing Address
14 West St	PO Box 712
Marlboro, NY 12542	Marlboro, NY 12542
08/20/2024	

Scott Corcoran  
Marlborough, NY  
Town Supervisor

Dear Town Supervisor Corcoran,

I am writing to ask you to introduce and support a change to the Marlboro Town Codes 145-12-1, prohibiting parking on both sides of West Street from 6 AM – 6 PM and Town Code 145-10, Parking and/or standing prohibited at all times in certain locations.

Code 145-12.1 was added May 24, 1999 but never enforced. Neither I nor my neighbors were aware of this code at the point of purchase of our homes.

As you know, this problem arose as a result of the customers of the Bar and Grill, at the corner of West St and Western Ave, parking on West Street in front of the Danskammer House Bed and Breakfast.

My neighbors and I realize the problem this created for the owners of the B and B, the Cools. But solving their problem only resulted in causing parking problems for us. Our guests and family members cannot park in front of our own homes. My ability to rent the apartment in my legal two-family house is hindered because my tenant has to find parking away from their residence.

The parking space availability in the municipal parking lot next to the Marlboro Market is limited. Zambitos Landscaping is allotted 5 spaces. There is still a dilapidated camper, that was supposed to be removed in June of 2024, taking up space. The residences of the building behind the Marlboro Market use the municipal parking lot as their driveway and parking lot. There is an unsightly dumping area at the end of the municipal parking lot. There are no ground painted parking spaces.

Additionally, the no parking from 6 AM – 6 PM does not stop the Bar and Grill customers from parking in front of the Cools property in the evening hours.

**REQUESTED SIGNAGE CHANGE:**

1. Change the sign in front of 10 West St to say "No Parking Anytime", with an arrow only pointing towards Western Ave.
2. Change the sign in front of 5 West St to say "No Parking Anytime", with an arrow only pointing towards Western Ave.
3. Change the sign in front of 16 West St to say "No Parking 6AM – 6 PM", with an arrow only pointing towards Dubois St.
4. Change the sign in front of 11 West St to say "No Parking 6AM – 6 PM", with an arrow only pointing towards Dubois St.

**REQUESTED CODE VERBAGE CHANGE:**

**145-12.1 Parking and/or standing prohibited at certain times in certain locations.**

The parking of vehicles is hereby prohibited at certain times in the following locations: West Street 6:00 a.m. to 6:00 p.m.; .... feet from Dubois Street north on West Street on the eastern side and .... feet north of Dubois Street on the western side. West Street, the entire length from DuBois St to Bloom Street both sides.

**145-10 Parking and /or standing prohibited at all times in certain locations.**

West Street to a point of .... feet south of Western Ave on the western side. West Street to a point of ....feet south of Western Ave on the eastern side

We believe these changes are considerate to all the residences of West St.

We thank you for your support,

*Diane Merritt* DIANE MERRITT 14 West St.

*Aurelia Luz Dearmas* AURELIA LUZ DEARMAS  
14 West St.

*Franklin Harmon* FRANKLIN HARMON 141 West St.

*Ralph Valente* RALPH VALENTE 7 West St  
MARBORO, NY 12542

*James D. Pappas* JAMES D. PAPPAS 12 West Street PAB 332  
Marlboro, NY 12542

Councilman Zambito clarified that all the businesses have five on street parking spots that overlap. There was a discussion about parking on West Street and the two municipal parking lots.

*Supervisor Corcoran explained that the signs went up because someone on the street complained. The Board can review the law with Chief Cocozza and act on the complaint; parking is difficult in the hamlets for businesses and residents.*

*Todd Diorio, Owner of The Garage Bar & Grill, explained how parking was discussed during the Planning Board process. Parking is difficult and has affected the business as well. He suggested taking the signs down and let people park on the street. The Planning Board discussions included the idea of putting lines on the street. Mr. Diorio suggested improving the Marlboro Market parking lot like the one by Supply Captain. He appreciates anything that can be done and will work with the Town however he can.*

*Councilwoman Sessa stated that she would like to touch base with Danielle Cherubini to get the word out via website announcements and social media to attract volunteers for the Marketing Committee that was discussed earlier in the year.*

*Councilman Cauchi commented with regard to the Ridgeline Law that the Board was transparent. The public hearing was left open and discussion lasted for months. The Town asked for advice from professionals. He feels that the Board came up with a common ground to satisfy the community as a whole and make the law clearer. The process was not rushed.*

*Councilwoman Sessa explained how challenging this process has been for the Board and that they have been insulted and called names by the people in the audience. She explained how there were, and are differing opinions and confusion. The confusion in the existing code around how 50' was to be measured. The Town engineer ultimately clarified the intention that it is from the base. Confusion around the terms "the ridgeline affected by the code". The engineer, Planning Board and Code Enforcement officer all interpreted that differently. The Board spent months discussing these changes including meeting with Pat Hines, meeting with each other, meeting with the CAC, holding public forums and listening to everyone's comments. She feels that the Board was transparent and not looking to stir up controversy; there was a clear need to look at the code and clarify the gray areas. The code being presented at this meeting clarifies the two issues in question. A code that now requires a topographical map, that keeps buildings under the ridgeline, that has added more protections for the viewshed by prescribing colors and lighting to be used to minimize visual impact (she gave her opinion that the color of the structure does more damage to the viewshed than the placement), that now allows a 1-story structure to be built with slightly more flexibility while still staying under the ridgeline. The new code is still preserving the integrity of the ridgeline, no structure will extend above the ridgeline. She personally thinks the new code is too restrictive and would like to give property owners more flexibility; this is a compromise. The clarity of the code and preservation of the ridgeline support the Town's comprehensive plan.*

*Councilman Zambito stated that is insulting that people said the Board was not transparent. He personally spoke with people on the opposing side and understands their views and is recusing himself from the vote because he owns property on the ridge. He stated his opinion that it is unconstitutional to tell someone what they can or can't do with their property.*

*Councilman Molinelli stated that he has lived in Marlboro for 68 years and gave a bit of his family history in the Town. He explained that everyone had good points. At first, he felt that anyone should be able to build anywhere but now feels the ridgeline should be preserved. He doesn't feel that the new law is too restrictive and is a compromise.*

*Supervisor Corcoran stated that the Board was transparent and went above and beyond allowing public comments; he read every email and comment publicly and took public comments and*

*questions at the meetings and they were entered into the record. They updated the code again after comments. The Board invited the Town engineer to a meeting; they had drawings at the meeting. They came up with a compromise. Not all the Board members agree with the whole law, there are still many restrictions, but they are compromising for the whole Town. There was question about taking the Planning Board and Zoning Board out of the law; he clarified that someone would have to go to the Code Enforcement Officer first then the Town Engineer to review the plan to build on the ridge first which saves the applicant a lot of money. If they meet the criteria, then they proceed to the Planning Board. He explained that the Ulster County Planning Board made recommendations but the Town Board had the final say. They are in line with the Master Plan.*

#### 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.

*Supervisor Corcoran reported that Assemblyman Jacobsen and Senator Hinchey are going to work together to get the town money toward the project. The first five years of the bond is a BAN where you can pay down interest before it turns into a bond. Currently, the \$69,995.00 difference will come out of the building fund.*

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

*Councilman Molinelli made a motion to adjourn the meeting at 8:42 p.m. Motion seconded by Councilman Cauchi.*

*Yea: 5                    Nays: 0                    Carried*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*

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:**    **SUPERVISOR CORCORAN**  
                  **COUNCILMAN ZAMBITO**  
                  **COUNCILWOMAN SESSA**  
                  **COUNCILMAN MOLINELLI**  
                  **COUNCILMAN CAUCHI**

**ABSENT:**

The following resolution was offered by Supervisor Corcoran, who moved its adoption, seconded by Councilman Zambito, 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	Yes
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

## CERTIFICATION OF POSTING

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

I, the undersigned Clerk of the Town of Marlborough, Ulster County, New York, DO HEREBY CERTIFY:

That on the 26 day of August, 2024, I caused to be posted on the official signboard maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of Adoption of a bond resolution adopted by the Town Board of said Town on the 26<sup>th</sup> day of August, 2024.

A true and correct copy of such Notice of Adoption is attached hereto.

Colleen Fororan  
Town Clerk

d15f7623

dcherubini@marlboroughny.us

**AFFIDAVIT OF PUBLICATION**  
**Southern Ulster Times**

State of New York,  
County of, Ulster County,

The undersigned is the authorized designee of Southern Ulster Times, a Weekly Newspaper published in Ulster County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

09/05/2024

This newspaper has been designated by the County Clerk of Ulster County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

*Christina Henke Rea*

\_\_\_\_\_  
Signature

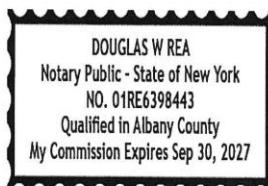
Christina Henke Rea

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me,

This 07 day of September 2024

Digitally signed  
by douglas w rea  
Date: 2024.09.07  
15:51:28 +00:00



LEGAL NOTICE OF ESTOPPEL

NOTICE IS HEREBY GIVEN that the resolution, a summary of which is published herewith, have been adopted by the Town Board of the Town of Marlborough, Ulster County, New York, on the 26<sup>th</sup> day of August, 2024, and the validity of the obligations authorized by such resolutions may be hereafter contested only if such obligations were authorized for an object or purpose for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution. Such resolution was subject to a permissive referendum. The period of time has elapsed for the submission and filing of a petition for a permissive referendum, and a valid petition has not been submitted and filed.

A complete copy of the resolutions summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of twenty days from the date of publication of this Notice.

Dated: Milton, New York,  
September 26, 2024

  
\_\_\_\_\_  
Colleen Corcoran  
Town Clerk

BOND RESOLUTION DATED AUGUST 26, 2024

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.

The period of probable usefulness of such 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.

b47816f0

dcherubini@marlboroughny.us

**AFFIDAVIT OF PUBLICATION**  
**Southern Ulster Times**

State of New York,  
County of, Ulster County,

The undersigned is the authorized designee of Southern Ulster Times, a Weekly Newspaper published in Ulster County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

10/03/2024

This newspaper has been designated by the County Clerk of Ulster County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

*Christina Henke Rea*

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Signature

Christina Henke Rea

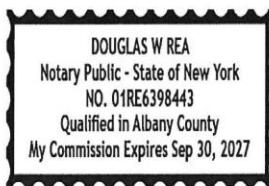
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Printed Name

Subscribed and sworn to before me,

This 04 day of October 2024

Digitally signed  
by douglas w rea  
Date: 2024.10.04  
14:31:05 +00:00



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	Yes
Councilman Molinelli	Yes
Councilman Cauchi	Yes
Councilman Zambito	Abstain
Councilwoman Sessa	Yes

DATED: Milton, New York  
August 26, 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

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	Yes
Councilman Molinelli	Yes
Councilman Cauchi	Yes
Councilman Zambito	Abstain
Councilwoman Sessa	Yes

DATED: Milton, New York  
August 26, 2024

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COLLEEN CORCORAN, TOWN CLERK