

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

AGENDA
WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
FEBRUARY 24, 2025 7:00PM

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 February 10, 2025 Town Board Meeting
Motion to approve minutes from the February 10, 2025 Public Hearing

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

ITEM #11 Workshop topics

A). Open Board discussion

ITEM #12 Correspondence

ITEM #13 Public Comment

ITEM #14 Resolutions

- A). Resolution #41 To Introduce a Local Law of the year 2025
- B). Resolution #42 To authorize the settlement of action with Someplace Upstate
- C). Resolution #43 To authorize the filing of a Negative Declaration
- D). Resolution #44 To adopt Local Law #1 of the year 2025
- E). Resolution #45 To amend the fee schedule

ITEM #15 Adjournment

February 24, 2025

A). Resolution #41 To Introduce a Local Law of the year 2025

Supervisor Corcoran proposes the following:

_____, seconded by _____,

introduced the following proposed local law, to be known as Local Law No. ____ of 2025, A
LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK
AMENDING SECTION 13-4, “BOARD OF ETHICS” OF THE CODE OF THE TOWN OF
MARLBOROUGH .

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

Section 1. Section 13-4(B) “Qualifications” of the Code is amended to read as follows
[deletions are stricken and additions are underscored]: (2) No more than two members of the Ethics
Board may be enrolled in the same political party. No member shall hold ~~office in a political party~~
~~or hold any local elective office. any local government elective office.~~

Section 2. Section 13-4(B) “Qualifications” of the Code is amended as follows
[deletions are stricken and additions are underscored]: (4) ~~Consecutive service on the Ethics Board~~
~~shall not exceed two full three year terms.~~

Section 3. If any of these sections 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. This local law shall be effective upon filing with the Secretary of State.

Pursuant to the Municipal Home Rule of the State of New York, it will be necessary to hold a public hearing upon this law. The following resolution was offered by _____ and seconded by _____, who moved its adoption:

WHEREAS, on February 24, 2025, _____ has introduced this local law for the Town of Marlborough, to be known as “Town of Marlborough Local Law No. ____ of the Year 2025, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 13-4, “BOARD OF ETHICS” OF THE CODE OF THE TOWN OF MARLBOROUGH; and

WHEREAS, this legislation is not an action subject to review under the New York State Environmental Quality Review Act (“SEQRA”); it is hereby.

RESOLVED that a public hearing be held in relation to the proposed changes 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 at the Town Hall, 21 Milton Turnpike, Milton, New York, 12547 on March 10, 2025, at 7:00 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 five (5) 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 March 10, 2025 at 7:00 o'clock p.m., prevailing time, on proposed Local Law No. ____ of 2025, amending Section 13-4 "Board of Ethics" of the Code of the Town of Marlborough to amend subsection (B)(2) and remove subsection (B)(4).

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 citizens and parties of interest shall have an opportunity to be heard on said proposal at the time and place aforesaid.

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 24, 2025

COLLEEN CORCORAN, TOWN CLERK

February 24, 2025

B). Resolution #42 To authorize the settlement of action with Someplace Upstate

Supervisor Corcoran proposes the following:

Be it resolved, that the Town Board of the Town of Marlborough does hereby authorize the settlement of an action involving the Town of Marlborough captioned TOWN OF MARLBOROUGH v. SOMEPLACE UPSTATE, et al Index No EF2024-2563 upon the terms outlined in the Stipulation of Settlement, and

Be it further resolved, that the Town Board finds that after due consideration having been given to the terms and conditions of the Agreement, that it is in the best interest of the Town to accept this Agreement, and

Be it further resolved that the Town Board does hereby authorize and direct attorney Kyle W. Barnett of Van De Water and Van De Water LLP to execute such papers as are necessary to effectuate said settlement

Dated: _____ 2025

Marlborough, New York

And it moves for adoption

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

1. The Property cannot be used in a manner that violates the Town Zoning Code.
 - a. It is understood that the Property is in the R-1 Zone, and has XX separate living quarters, which are rented to others. All uses accessory to the residential use are permitted for the families that are bona fide residents on the Property. The property also has pre-existing agricultural & equestrian uses, which will continue.
 - b. These residential and pre-existing uses do not allow the Property to be rented to others for weddings, and there shall be no 'sham' lease arrangements to allow the Property to be used by others in a manner that violates the Town Zoning Code.
 - c. In the event the Planning Board grants a special use permit(s), then such use(s) allowed by the permit(s) and those accessory thereto shall be allowed in accordance with the terms and restrictions in the special use permit(s).

Comment: The intent is to allow a bona fide tenant to have a birthday party for their child or family member, or similar celebration, but there is not to be an arrangement whereby someone who does not reside on the property to hold an event, such as a wedding. Please suggest other wording if you feel what I propose here – or elsewhere – is not sufficient.

2. Someplace Upstate will pay \$8,500 to the Town as a civil compromise that discharges the defendants from any and all liability for violation of the Town Code by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of this RELEASE. The payment of the \$8,500 shall also release and discharge the defendants from any and all liability and/or claim that they violated the TRO issued by the Court, and defendants shall not be subject to any claim or adjudication that they are to be held in contempt of court for violation of the TRO, as is alleged by the Town.
3. In the event the Town has reasonable cause to believe that a violation of the Town Code was committed by any defendant subsequent to the execution of this Agreement, then the Town shall make an application to this Court to prove such violation occurred, and in the event that the Court determines,

after a hearing, if necessary, that the alleged violation was committed by one or more defendants, then the Town shall be entitled to payment of an administrative fine in the amount of \$25,000 per violation. However, the Town shall not be entitled to “stack” violations to increase the amount of the administrative fine. Thus, if defendants hold a “commercial event” on the Property, then for each day the Town proves an event was held by defendants, then the Town will be entitled to an administrative fine of \$25,000.

- a. The Town shall file such application within thirty (30) days of its having reasonable cause to maintain that a violation occurred. In the event that it does not make its application within such time, its application as to that alleged violation shall be forever barred.
- b. In connection with any such application, the defendant shall be entitled to, at a minimum, a bill of particulars and such other discovery as the Court shall consider reasonable and appropriate.
- c. In connection with the adjudication of a claim hereunder, the Town shall be held to the standard of proof that would apply had the violation been brought before the Town Justice Court.
- d. The \$25,000 administrative fine shall be in lieu of any other fine, penalty, claim, remedy, damages, etc. that the Town has under any applicable law and/or in equity.

4. In the event the Town makes an application again a defendant but does not prove that defendant violated the Town Code, as alleged by the Town in its application, then the Town shall be liable for the defendant’s reasonable attorney fees incurred in connection with the defense of the application.
5. This agreement shall end upon the earlier of:
 - a. The signing of a site plan for the use of the Property as a resort hotel.
 - b. The withdrawal of the currently pending application (“Application”) before the Town Planning Board for site plan approval and a special use permit to operate a resort hotel on the Property.
 - c. The Planning Board voting to deny the Application.

February 24, 2025

C). Resolution #43 To authorize the filing of a Negative Declaration

Supervisor Corcoran proposes the following:

**TOWN OF MARLBOROUGH TOWN BOARD
SEQRA NEGATIVE DECLARATION AND
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

WHEREAS, the Town of Marlborough Town Board (the “Town Board”) proposes to adopt Local Law No. 1 of 2025, entitled “Local Law No 1 of 2025, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING VARIOUS PROVISIONS OF CHAPTER 155 “ZONING” OF THE CODE OF THE TOWN OF MARLBOROUGH AS FOLLOWS: AMENDING SECTION 155-1 “TERMS DEFINED”, ADDING AN ADDITIONAL SPECIAL USE TO SECTION 155-12(E) “HD HIGHWAY DEVELOPMENT DISTRICT”, AMENDING SECTION 155-12.1 “MIXED USES”, AMENDING SECTION 155-12.2 “ADDITIONAL RESTRICTIONS ON USES”, AND ADDING A NEW SECTION 155-29.3 “SENIOR CITIZEN HOUSING”; 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 adoption of the local law (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 the 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 Board, as lead agency, has classified the Action as a Type I Action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the 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. Changes the definition of Senior Citizen Housing
2. Adds Senior Citizen Housing as special use in the HD Highway Development District
3. Eliminates (E) Residential uses from Code Section 155-12.1.
4. Changes Code Section 155-12.2 to provide that more than one residential unit shall be considered compatible with other combinations of uses only in the C-1 and C-2 Zones.
5. Changes Code Section 155-12.2 to provide that its restrictions shall not apply to senior citizen housing.
6. Add new Section 155-29.3 to the Code to permit application to the Planning Board for a residential cluster development which provides senior citizen housing in which residential units contain two bedrooms or fewer and are served by municipal water and sewer systems and to establish lot, yard and density regulations;

WHEREAS, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Marlborough.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It will not result in indirect or secondary effects which threaten adverse physical impacts upon the environment.

The proposed legislative amendments will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). They will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). They are not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). They are not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). They will not cause a change in density of development that is not supported

by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). They are not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). They may give rise to secondary development impacts of limited 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 councilmen voting as follows:

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York
February 25, 2025

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

February 24, 2025

D). Resolution #44 To adopt Local Law #1 of the year 2025

Supervisor Corcoran proposes the following:

RESOLUTION OF ADOPTION

____ offered the following resolution which was seconded by
____, who moved its adoption:

WHEREAS, on January 13, 2025, a local law was introduced to be known as Local Law No. 1 of 2025, entitled "Local Law No. 1 of 2025, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULMSTER COUNTY, NEW YORK, AMENDING VARIOUS PROVISIONS OF CHAPTER 155 "ZONING" OF THE CODE OF THE TOWN OF MARLBOROUGH AS FOLLOWS: AMENDING SECTION 155-1 "TERMS DEFINED", ADDING AN ADDITIONAL SPECIAL USE TO SECTION 155-12(E) "HD HIGHWAY DEVELOPMENT DISTRICT", AMENDING SECTION 155-12.1 "MIXED USES", AMENDING SECTION 155-12.2 "ADDITIONAL RESTRICTIONS ON USES", AND ADDING A NEW SECTION 155-29.3 "SENIOR CITIZEN HOUSING";

WHEREAS, the proposed local law was referred to the Ulster County Planning Board; and

WHEREAS, the Ulster County Planning Board submitted an advisory comment to the Town Board on the proposed local law; and

WHEREAS, pursuant to Town Code § 155-49, the Town Board referred the proposed local law to the Town of Marlborough Planning Board, which recommended adoption of the proposed local law; and

WHEREAS, a public hearing on the proposed local law was held on January 27, 2024, at 7:00 p.m., prevailing time; and

WHEREAS, notice of the public hearing was given pursuant to the requirements 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 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 the proposed local law will have no significant adverse environmental impacts;

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

Section 1. Section 155-1 "Terms defined" of the Code is amended as follows [deletions are stricken and additions are underscored]: Senior Citizen Housing. Dwelling units within which residency shall be restricted to a permanent resident aged ~~62~~ 55 years or more ~~of age~~ and ~~one other person related by blood or marriage, or a permanent resident advanced in age who requires the services of a live-in aid.~~

Section 2. Section 155-12(E) "HD Highway Development District" of the Code is amended to add an additional special use as follows [deletions are stricken and additions are underscored]: (4)(p) Senior citizen housing.

Section 3. Section 155-12.1 "Mixed uses" of the Code is amended as follows [deletions are stricken and additions are underscored]: (E) ~~Residential uses. More than one residential unit shall be considered compatible with other combinations of uses only in the C-1 and C-2 Zones.~~

Section 4. Section 155-12.2 "Additional restrictions on uses" of the Code is amended as follows [deletions are stricken and additions are underscored]: (B) ~~Residential uses. More than one residential unit shall be considered compatible with other combinations of uses only in the C-1 and C-2 Zones.~~

(B) (C) ~~This restriction~~ The foregoing restrictions shall not apply to multiple-family dwellings, adult multiple dwellings, senior citizen housing, affordable senior citizen housing or any other specific section of the Code of the Town of Marlborough designed to make exception to this restriction.

Section 5. Chapter 155 of the Code of the Town of Marlborough is amended to add a new Section 155-29.3 as follows: Application may be made to the Planning Board for a residential cluster development which provides senior citizen housing in which residential units contain two bedrooms or fewer and are served by municipal water and sewer systems.

A. Lot, yard and density regulations.

(1) The minimum project area shall be three acres, with a minimum lot width of 200 feet.

(2) Residential units may be attached or detached with designs to be approved by the Planning Board and consistent with density requirements.

(3) Maximum density shall be 8 units per acre.

(4) All residential units must be served by and utilize public water and public sewer service.

(5) Setbacks for the front yard of the senior citizen housing project or the senior citizen housing component of a permitted mixed-use project shall be a minimum 75 feet, each side yard shall be a minimum of 75 feet and each rear yard shall be a minimum of 75 feet.

B. Planning Board review. Required information and Planning Board review shall be as set forth in § 155-31, Site plan review.

Section 6. If any 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 local law.

Section 7. Pursuant to Section 22 of the New York State Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 8. This local law shall be effective upon filing with the Secretary of State.

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
February 24, 2025

COLLEEN CORCORAN, TOWN CLERK

February 24, 2025

E). Resolution #45 To amend the fee schedule

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough maintains a fee schedule that is approved at the yearly reorganizational meeting, and

Whereas, the Town of Marlborough Town Board intends to amend the fee schedule

Now, therefore, be it resolved, that the Town Board hereby amends the fee schedule to add a new line item under the titles Community Center (North Room) (No Kitchen) Fees and Community Center (South Room) (Kitchen) Fees: State and County entities (profit or non-profit) will be charged the resident rate to use the Town of Marlborough Community Center plus the security deposit that corresponds with the resident rate.

And moves for its adoption:

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