

December 28, 2015

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NEW YORK  
DECEMBER 28, 2015 7:00 PM

Present: Supervisor Osborn  
Councilman Molinelli  
Councilman Corcoran  
Councilman Baker  
Councilman Koenig  
  
Danielle Cherubini, Deputy Town Clerk

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence  
*A moment of silence was observed for Captain Jack Rose.*

ITEM #3 Motion to approve agenda  
***Councilman Koenig made a motion to amend the agenda to add ITEM #7.5 Executive Session. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

***Councilman Koenig made a motion to amend the agenda to remove ITEM #13 Executive Session. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

***Councilman Baker made a motion to amend the agenda to add F) Resolution #109 To appoint full time Building/ZBA/Code Enforcement/Stormwater/Fire Secretary. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

***Councilman Koenig made a motion to approve the agenda as amended. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

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ITEM #4 Motion to approve minutes from the December 14, 2015 meeting  
***Councilman Molinelli made a motion to approve minutes from the December 14, 2015 meeting. Motion seconded by Councilman Baker.***

***Yeas: 5                      Nays: 0                      Carried***

Motion to approve minutes from the December 14, 2015 public hearing (LL No. 3 Modify the BC Overlay)  
***Councilman Baker made a motion to approve minutes from the December 14, 2015 public hearing (LL No.3 Modify the BC Overlay). Motion seconded by Councilman Koenig.***

***Yeas: 5                      Nays: 0                      Carried***

Motion to approve minutes from the December 14, 2015 public hearing (Verizon Wireless)  
***Councilman Baker made a motion to approve minutes from the December 14, 2015 public hearing (Verizon Wireless). Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

ITEM #5 Authorize payment of bills  
***Councilman Baker made a motion to authorize payment of the abstract in the amount of \$125,383.58. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

ITEM #6 Presentations

A) Presentation to Wade Davis

*Supervisor Osborn stated that the Town Board is going to present a Pride of Marlborough Award for Wade Davis who is a pitcher on the Kansas City Royals and was very instrumental in winning the World Series this year. Ulster County will also be recognizing Mr. Davis.*

ITEM #7 Comments on the agenda

*Supervisor Osborn took comments from the public.*

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ITEM #7.5 Executive Session

*Supervisor Osborn explained that they will have two topics to discuss in executive session. The first topic will be regarding an employee matter. The second topic will be regarding the Planning Board for which he will not be present and Al Lanzetta will be present.*

***Councilman Koenig made a motion to enter executive session at 7:05PM. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

***Councilman Koenig made a motion to end executive session and resume the regular meeting at 7:49PM. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

*No decisions were made on either of the topics.*

ITEM #8 Workshop topics

A). Design Standards for the overlay district

*No new information*

B). Sign Law

*No new information*

ITEM #9 Old Business

A). TOMVAC

*No new information*

B). Survey of St. Andrews property for purchase

*No new information*

C). Municipal Parking

*No new information*

D). Proposed agreement with Newburgh

*No new information*

E). Milton Sewer Expansion 9W

*Councilman Corcoran stated that the State Comptroller has everything, once approved they can move on to the next phase.*

F). Bayside

*Councilman Corcoran stated that they would like to have another meeting with Bayside and invite Pat Hines. Bayside is \$18,000.00 negative with their escrow; which will need to be followed up on.*

G). Design Standards for Overlay District

*No new information*

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H). Fueling System for the Town

*Councilman Corcoran reported that they received the certificate for the pressure test. The electrical work is complete and once the tanks are filled they need to get a certificate from the DEC. The certificate will include the old tanks until they are removed. The school district has all the information for key cards.*

I). Sign Law

*No new information*

J). Transfer Station

*Supervisor Osborn stated that they have the 5 year Municipal Solid Waste Agreement and need to motion to sign the agreement.*

***Councilman Baker made a motion to sign the 5 year Municipal Solid Waste Agreement with Ulster County Resource Recovery Agency. Motion seconded by Councilman Koenig.***

***Yeas: 5***

***Nays: 0***

***Carried***

ITEM #10 New Business

A) Bids for 2005 Ford Ranger XLT

***Councilman Koenig made a motion to accept the high bid of \$5,500.00 from Porco Energy for the 2005 Ford Ranger XLT. Motion seconded by Councilman Corcoran.***

***Yeas: 5***

***Nays: 0***

***Carried***

*Two other bids were submitted:*

*Liberty Motors - \$2,223.99*

*Bill Coughlin - \$2,201.11*

ITEM #11 Correspondence

*Supervisor Osborn said that he received a resignation letter from Kathi Natland. Her letter stated that she will be resigning from the Ethics Board as of December 31, 2015. Councilman Corcoran stated that Justin Pascale will now be the Town representative. The Board did not disagree.*

*Councilman Corcoran also stated that Michael Hall is being reappointed and David Ballou will be appointed and finish out Ms. Natland's term.*

*Supervisor Osborn said he also had a letter from the Department of State informing the Town of the Local Waterfront Revitalization Program CFA Award for \$135,000.00. The money will go a long way toward getting planning in place to get implementation grants. The majority of the Board briefly discussed grants. Councilman Corcoran thanked Supervisor Osborn for all the work he did getting grants in the last three years.*

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*Councilman Corcoran said the Board received a letter from Karen Quimby, Treasurer of the First Presbyterian Church of Marlboro, asking for a rent increase of \$1,450.00 for a year to update their facility for the senior citizens.*

*The Board briefly discussed. Councilman Corcoran stated that this will increase the total rent to \$7,000.00 and it will need to come out of the General Fund. The Board can let them know that if they would need any future increase they should get the numbers to the Board before budget time.*

***Councilman Corcoran made a motion to increase rent for the First Presbyterian Church of Marlboro by \$1,450.00 for the year to update their facility for the senior citizens which will come out of the General Fund. Motion seconded by Councilman Molinelli.***

***Yeas: 4                      Nays: 0                      Abstain: 1 (Baker)                      Carried***

*Councilman Corcoran stated that the Board had received a letter from Danielle Cherubini regarding e-Code 360. e-Code 360 is an up to date code from General Code that would be online and can be accessed on our website. Currently, each time there is a change to the code our IT Department manually loads a disk to the server and then is manually downloaded onto individual computers. The cost is \$1,495.00 for the first year including set up and \$1,195.00 per year thereafter.*

*There was a brief discussion regarding e-Code 360.*

***Councilman Corcoran made a motion to purchase e-Code 360 through General Code for \$1,495.00 for the first year which includes setup, and \$1,195.00 per year thereafter. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

*Councilman Corcoran added that the initial \$1,495.00 will come out of the IT Line for the 2016 budget.*

*Councilman Corcoran stated that Nick Galella is going to come before the Board again to discuss his building plans for nine houses and see if the Board would be willing to reduce the sewer entry cost for that project.*

#### **ITEM #12 Public Comment**

*James Garofalo stated that the front end loader that was put out for bid has been picked up from the Transfer Station. He also suggested getting bills from the seniors once they complete the work to their facility. Mr. Garofalo also suggested once more to get the survey of the St. Andrews property.*

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ITEM #13 Resolutions

- A). Resolution #104 to Authorize the filing of Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.
- B). Resolution #105 to adopt Local Law #3 of the year 2015
- C). Resolution #106 to appoint Full Time Police Officer
- D). Resolution #107 to accept an application for towing license -**TABLED UNTIL FURTHER NOTICE**
- E). Resolution #108 to appoint members to the Ethics Board
- F). Resolution #109 To appoint full time Building/ZBA/Code Enforcement/Stormwater/Fire Secretary

ITEM #15 Adjournment

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Supervisor Osborn proposes the following:

A). Resolution #104 To Authorize the filing of Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Local Law No3 of 2015, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 155-12(H) OF THE TOWN CODE TO MODIFY THE PROCEDURES FOR ESTABLISHMENT OF A BUSINESS CORRIDOR OVERLAY DISTRICT.

SEQRA NEGATIVE DECLARATION AND  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**Whereas**, the Town of Marlborough Town Board proposes to adopt Local Law No. 3 of 2015, a Local Law of the Town of Marlborough, Ulster County, New York amending Chapter 155-12(H) of the Town Code's Business Corridor Overlay District regulations to modify its procedures for establishment of an overlay zone; 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 Stephen Osborn, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

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**WHEREAS**, the Town of Marlborough Town Board, as lead agency, has classified this Action as a Type 1 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 (EAF) for review of the Action; and

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

The proposed zoning amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Marlborough. Rather, they serve to implement growth and development policies established by the Town Board, none of which have any actual physical impact on the environment. Consequently, the proposed zoning changes do not rise to the level of creating any adverse physical impacts in those areas of the Town for which they are intended to be implemented. In the policy judgment of the Town Board, the proposed zoning amendments will create positive and beneficial impacts to those areas of town for which they are intended. The regulations will offset existing unfavorable impacts caused by outdated land use regulations.

The proposed local law does not, of itself, cause any new action to occur.

The increase in the eligibility of sites for the establishment of the Business Corridor Overlay District treatment by floating zone is an exercise in creating merely the potentiality for re-adaptation or change of land uses along Route 9W within the current R-1 or R-Ag-1 zones,



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and only after future legislative and administrative review of each specific proposal for drop-down of the floating zone based upon a specific concept plan of development.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It may result in indirect or secondary effects in the event of future applications received by the Town that employ the standards or opportunities set forth in the legislation. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable and will not be ascertainable until site-specific proposals are received. Each individual proposal will be subject to the standards established by this local law or elsewhere set forth in the Town's land use regulations. The evaluation of individual proposals involves the exercise of future legislative or administrative discretion upon a full and complete analysis of the conditions and impacts related to the individual proposal, including SEQRA review of specific actions and their actual impacts.

The potential for these secondary effects do not support the conclusion that the legislation may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Further, the potential secondary impacts do not give rise to any currently identifiable potential adverse environmental effects of significance.

The proposed amendments to Marlborough's local zoning law 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]).

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They may give rise to secondary development impacts, in the nature of residential or commercial 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;

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 will not create a material conflict with the community's current plans or goals as officially approved or adopted;

4. 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;

5. The Action will not create a hazard to human health;

6. 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;

7. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and

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8. 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; and

**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 of Marlborough Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Osborn	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

This Negative Declaration is adopted this 28th day of December, 2015 and is ordered into the record of the Town of Marlborough Town Board with respect to the adoption of Local Law No 3 of 2015.

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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

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B) Resolution #105 to adopt Local Law #3 of the year 2015

Supervisor Osborn proposes the following:

WHEREAS a Local Law was introduced entitled Local Law No. 3 of 2015, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 155-12(H) OF THE TOWN CODE TO MODIFY THE PROCEDURES FOR ESTABLISHMENT OF A BUSINESS CORRIDOR OVERLAY DISTRICT.

WHEREAS, a public hearing in relation to said local law was held on December 14, 2015; and

WHEREAS, the public hearing was closed on December 14, 2015; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday in this form;

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

A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 155-12(H) OF THE TOWN CODE TO MODIFY THE PROCEDURES FOR ESTABLISHMENT OF A BUSINESS CORRIDOR OVERLAY DISTRICT.

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Section 1. Section 155-12(H) of the Town Code of the Town of Marlborough is amended in its entirety to read as follows:

H. BC - Business Corridor Overlay District

(1) Purpose. The Town of Marlborough is bisected along a north to south axis comprising New York State Route 9W which parallels the Hudson River. Historically, the Route 9W corridor has served the Town of Marlborough as both a significant transportation facility and the location of mixed residential, commercial, and light industrial land uses. There are various zoning district designations along the Route 9W corridor, including the HD, R, C-1, R-1, and RAG-1 districts. Within the areas of the Route 9W corridor which are zoned R-1 or R-Ag-1, there exist various improved or unimproved parcels with frontage on the state highway and which are currently, or previously have been, devoted to use for commercial or light industrial activities of the type which are currently allowable within the HD zoning district. Some of the existing structures are devoted to commercial or light industrial activities as non-conforming uses in the R-1 or R-Ag-1 zones. Some of these existing structures are not currently put to commercial or light industrial uses, and may be devoted to residential uses which, nonetheless, exist as meaningful opportunities for re-adaptation to commercial or light industrial uses for the benefit of public commerce and the generation of municipal revenues for the community depending upon the content and nature of a specific concept plan of development. The Town Board concludes that a Business Corridor Overlay District, in the nature of a floating zone, is an appropriate device to encourage re-adaptation of existing structures, business use of unimproved

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parcels, or to eliminate non-conformities of active uses, within eligible properties within the Route 9W corridor.

(2) The Business Corridor Overlay District is a floating zone which may be established through the exercise by the Town Board of the procedures stated herein with respect to properties located within eligible areas along the transportation corridor of Route 9W in the Town of Marlborough, as such areas of eligibility are more particularly defined within subsection (3) of this Section 155-12(H).

(3) Eligible areas. Parcels located within the R-1 or R-Ag-1 zoning districts within the Town of Marlborough are eligible locations for establishment of a Business Corridor Overlay District if they (a) enjoy highway frontage useable for access to and from Route 9W, and (b) are within 250 feet of the right of way line of NYS Route 9W and are currently devoted to, or were previously devoted to, residential, commercial or light industrial use and which are deemed an acceptable site for corridor overlay districting by the Town Board in order to implement a specific concept plan of development for commercial or light industrial activity.

(4) Permitted uses. In the event that the Town Board establishes a Business Corridor Overlay District designation, the principal permitted uses, the permitted accessory uses, and the permitted special uses of the property shall be those uses which are allowable within the HD - Highway Development district. In the exercise of legislative discretion, the Town Board shall be entitled to establish such lot, height, yard, bulk, and area requirements as the Town Board finds

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to be appropriate to the circumstances of each particular development proposal. In the exercise of legislative discretion, the Town Board may authorize mixed uses on lands to be rezoned to BC in order to allow for the continuation of pre-existing uses which might otherwise become non-conforming as a result of the zoning change. Notwithstanding the foregoing, new and used car sales, and adult entertainment uses, shall be prohibited in a BC district.

(5) Procedure for establishment.

(a) Petitions for the establishment of a Business Corridor Overlay District by amendment of the Zoning Map shall be made in writing to the Town Board. Applications shall be made by the owner or owners of the land proposed to be included in such district or by a person or persons possessing written contract or option rights to purchase such lands. In the event that an application is made by a person or persons holding contract or option rights to purchase the lands, the application shall be accompanied by a statement signed by the owner or owners granting authority on the part of such applicant to make the application. Upon submission of a complete application, the Town Board shall refer the application to the Planning Board for recommendation.

(b) Application materials. The applicant shall submit a conceptual development plan of sufficient detail as shall be determined by the Town Board. The conceptual development plan shall consist, at a minimum, of the following:



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- (1) A metes and bounds description of the proposed district;
  
- (2) A survey of the land prepared and certified by a licensed land surveyor;
  
- (3) A map drawn to scale showing existing conditions of the parcel, including:
  - [i] The name and address of the owner of record and, if the applicant is not the owner, then also the applicant;
  
  - [ii] The name of the person or firm preparing the plan;
  
  - [iii] The date, north arrow and scale of the plan;
  
  - [iv] The names, addresses and tax map parcels of owners of all parcels within 500 feet of the subject property. The applicant shall include mailing labels for all property owners of parcels within 500 feet of the subject parcel;
  
  - [v] The acreage of the parcel and the tax number or numbers;

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[vi] The location and width of existing and proposed state, county or town highways or streets and rights-of-way abutting or within 200 feet of the parcel;

[vii] The approximate location and outline of existing structures both on the parcel and within 100 feet of the property line;

[viii] The location of any existing storm or sanitary sewers, culverts, water lines, hydrants, catch basins, manholes and other visible infrastructure as well as other utilities within or adjacent to the parcel;

[ix] The existing zoning of the parcel;

[x] The approximate location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body;

[xi] The approximate boundaries of any areas subject to flooding or storm water overflows;

[xii] The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property);

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[xiii] The identification of any other significant natural features.

(4) The conceptual development plan, drawn approximately to scale, shall clearly show the following:

[i] The approximate location and dimension of proposed principal and accessory buildings on the site and their relationship to one another, and to other structures in the vicinity;

[ii] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas, and proposed access to the site;

[iii] The proposed source of water supply and method of delivery to the site;

[iv] A general plan for the collection and disposal of sanitary waste from the site;

[v] A general plan of proposed storm water management facilities;

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[vi] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.

(5) A vicinity map showing the proposed use in relationship to adjoining uses, transit services, food stores, community facilities, social service facilities, medical facilities, pharmacy, and religious institutions.

(6) Preliminary architectural treatment of any readapted or new buildings.

(c) Initial Review:

(1) In its review of the application, the Town Board may suggest such changes in the conceptual development plan as are found to be necessary or desirable by the Town Board in order to meet the standards of 155-12(H). The Town Board may notify the applicant of such changes and may discuss such changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or deny the rezoning application.

The Town Board may reject the application at any time.

(d) Planning Board review.

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(1) Upon the Town Board's satisfaction with the conceptual development plan, and upon the receipt of a request from the Town Board, the Planning Board shall review the project for purposes of site plan or special permit approvals, as such approvals may be required for the particular project under the regulations pertaining to the HD-Highway Development district. Upon the filing of complete application documents for site plan or special permit approval as otherwise set forth in this Chapter, the Planning Board shall schedule and hold a public hearing. It is anticipated that, as between the Planning Board and the Town Board, the Planning Board may serve as lead agency pursuant to the New York State Environmental Quality Review Act.

(2) In the event that the Planning Board approves the application for site plan approval or special permit, as the case may be, the Planning Board shall condition the approval upon the Town Board's amendment of the zoning map by local law to establish a business corridor overlay zone designation for the subject property.

(e) Town Board Review.

(1) Following conditional approval by the Planning Board, and after legislative public hearing by the Town Board, the Town Board may act to approve, approve with modifications or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result

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in amendment by local law of the Zoning Map established by this Chapter.

(f) Criteria for rezoning by the Town Board to Business Corridor Overlay District. In determining whether or not amend the Zoning Map to establish a BC district, the Town Board shall consider, together with the intent and objectives of this section, whether the proposed district and development plan meet the following criteria:

(1) How the site be served by potable water and sanitary sewer facilities, and whether such facilities will be adequate to accommodate any additional demand placed upon them by the proposed development or re-adaptation;

(2) Whether the site is well drained, and storm water generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding;

(3) Whether the site is located in an area suitable for the proposed elimination of non-conformity or re-adaptation of buildings and site development so as to be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, traffic volumes beyond the capacity of the existing road system or proposed road improvements, and other environmental constraints;

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- (4) The site shall be located in a manner that allows access to the site from a public street with adequate site distances and that meets current engineering standards of the Town;
  
  - (5) The architectural style of any proposed re-adaptation or modification of development and exterior materials, finish and color shall be consistent with the character of nearby properties;
  
  - (6) The re-adaptation or modification of the site shall not produce undue adverse effects on the surrounding neighborhood;
  
  - (7) The extent to which the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.
- (g) Time limit on validity of rezoning. Any zoning permitted by this section shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial designation on the Zoning Map by the Town Clerk, when directed by the Town Board, unless actual construction, pursuant to an approved site plan and a valid building permit is commenced within two (2) years from the date of adoption by the Planning Board of a resolution of site plan approval following the rezoning.

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(h) Fee. An application fee shall be charged in the amount provided for in the relevant fee schedule prevailing at the time of application. Actual consultant expenses incurred by the Town at all stages of processing a project under this section shall be defrayed by the applicant as provided within this chapter.

Section 2. This local law shall take effect upon filing with the New York State Secretary of State.

Section 3. 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.

RESOLVED, that the Ulster County Planning Board has issued an advisory statement which disapproves of the aforesaid amendments to Section 155-12(H) of the Town Code.

RESOLVED that the Town Board disagrees with the recommendations of the Ulster County Planning Board, and adopts this legislation by super-majority vote, for the following reasons: (a) the amendments do not yield the effective rezoning of the Route 9W corridor to entirely commercial or industrial district uses; (b) any implementation of the floating Business Overlay Zone would require legislative action by the Town Board based upon a specific and detailed concept plan of development, and the Town Board retains the inherent and virtually unchallengeable right to reject, to deny or to condition any proposed implementation of the floating zone based upon the worth of the specific concept plan, the circumstances of the site



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and neighboring sites, and environmental factors; (c) while the purpose of the legislation is to create expanded eligibility of sites for development of sorely needed public commerce and higher tax revenues, the enhanced eligibilities create mere potential for commercial and industrial development without creating any entitlements to same; and (d) the Town Board concludes that its advance conceptual approval of a concept development plan, and referral of the matter to the Planning Board for site plan or special permit review before establishment of an overlay zone change, will not occur absent significant chance that the overlay zone will be established, so that there is not undue burden placed upon applicants .

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 and that all proper proceedings have been had or taken for the enactment of this local law.

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

Supervisor Osborn	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
December 28, 2015

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COLLEEN CORCORAN, TOWN CLERK

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C). Resolution #106 to appoint Full Time Police Officer

Supervisor Osborn proposes the following:

Whereas, The Town of Marlborough Police Department has an open full time police officer position, and

Whereas, Nicolas Geremino has passed the Ulster County Civil Service Police Officer Exam, medical exam, and fitness exam, and

Whereas, it is the recommendation of the Chief of Police along with the Police Committee to appoint Nicolas Geremino as full time police officer.

Be it resolved that Nicolas Geremino be appointed as full time police officer effective January 1, 2016.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

December 28, 2015

*Supervisor Osborn stated that he believes the Board agrees that the company is operating on property that is not up to current Town Code.*

*There was a brief discussion between some of the Town Board members and the owner of E-Treme Rides.*

***Councilman Corcoran made a motion to table Resolution #107. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

**TABLED UNTIL FURTHER NOTICE**

December 28, 2015

D). Resolution #107 to accept an application for towing license

Supervisor Osborn proposes the following:

Whereas, the Town of Marlborough Town Code, Chapter 140 Tow Trucks, states the Town Clerk shall accept all applications for permits from persons desiring to town in the Town, and

Whereas, the Town Board of the Town of Marlborough must approve the application before the Town Clerk can issue a permit.

Be it resolved that the application from X-Treme Rides be approved.

And it moves for adoption

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Osborn	-----

December 28, 2015

December 28, 2015

E). Resolution #108 to appoint members to the Ethics Board

Supervisor Osborn proposes the following:

Whereas, the Town of Marlborough had adopted a Code of Ethics in 2009, and

Whereas, the code states the Town needs a Board composed of 5 members appointed by the Town Board, and

Whereas, we have 2 positions on the board, and

Whereas, it is the recommendation of the Ethics Committee to appoint David Ballou, and Reappoint Michael Hall to the Town of Marlborough Ethics Board.

Be it resolved, that Michael Hall and David Ballou be appointed to the Ethics Board.

Michael Hall end of term date 12/31/2018

David Ballou end of term date 12/31/2016 \* finishing resigned members term

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

December 28, 2015

December 28, 2015

F) Resolution #109 To appoint full time Building/ZBA/Code Enforcement/Stormwater/Fire Secretary

Supervisor Osborn proposes the following:

Whereas, The Town of Marlborough Building Department has a need for a full time secretary, and

Be it resolved, that Penny Cashman be appointed as full time secretary effective January 1, 2016, and

Be it further resolved, that the yearly rate is \$30,000.00.

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

December 28, 2015

*With this being Supervisor Osborn's last meeting, he thanked everyone and also the two Boards that he worked with over the last four years and he really enjoyed being the Supervisor.*

*The four councilmen each thanked Supervisor Osborn and wished him well.*

***Councilman Molinelli made a motion to adjourn the meeting at 8:30PM. Motion seconded by Councilman Corcoran.***

***Yeas: 5***

***Nays: 0***

***Carried***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*