

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NEW YORK
FEBRUARY 23, 2015 7:00 PM
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN
COUNCILMAN MOLINELLI (Arrived at 7:03pm)
COUNCILMAN CORCORAN
COUNCILMAN BAKER
COUNCILMAN KOENIG

DANIELLE CHERUBINI, DEPUTY TOWN CLERK

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Councilman Koenig made a motion to amend the date on the agenda to read February 23, 2015. Motion seconded by Councilman Corcoran.

Yeas: 4 Nays: 0 Carried

Councilman Baker made a motion to approve the agenda as amended. Motion seconded by Councilman Corcoran.

Yeas: 4 Nays: 0 Carried

Councilman Molinelli arrived at 7:03PM.

ITEM #4 Motion to approve minutes from the February 16, 2015 meeting

Councilman Corcoran made a motion to approve minutes from the February 16, 2015 meeting. Motion seconded by Councilman Koenig.

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 \$88,806.93. Motion seconded by Councilman Corcoran.

Yeas: 5 Nays: 0 Carried

ITEM #6 Presentation

Supervisor Osborn read a resignation letter from Deputy Supervisor Patricia Haidaoui and he accepted the resignation. He added that he understands and knows that she has always worked very hard and has accomplished many different things.

Supervisor Osborn said that he asked Scott Corcoran to be his Deputy. Since he has been on the Board he has lead the way on a lot of projects and has worked endless hours for the Town. He has also been very helpful with budgetary matters, which is one of the major duties of a deputy.

Councilman Corcoran thanked Supervisor Osborn for the opportunity to serve the community as Deputy Supervisor. His goal is to make the Town better and do what he can to serve that purpose. He also thanked Patricia Haidaoui for all of her service over the last three years.

Colleen Corcoran administered Scott Corcoran's Oath of Office for Deputy Supervisor.

ITEM #7 Comments on the agenda

No comments on the agenda

ITEM #8 Workshop topics

A). Zoning-Overlay district

Councilman Baker said that he has design guidelines from the Town of Lloyd and he will copy and give them to the Board. He also said that he has asked for design guidelines from the Ulster County Planning Board but hasn't received anything yet.

ITEM #9 Old Business

A). Wyms Heights

No new information

B). TOMVAC

No new information

C). McLaughlin Drive

No new information

D). Labor Negotiations

Supervisor Osborn said police negotiations are on Wednesday.

E). Survey of St. Andrews property for purchase

No new information

F). Municipal Parking

Supervisor Osborn said he is working with the bakery who is more interested in selling the land instead of the Town leasing it from them.

Councilman Baker said that they have an estimate from Phil Bell.

Supervisor Osborn said that they have estimates from Mr. Bell for the construction of the parking lot behind the bakery, the installation of a door at the Water Department, and for the construction of a garage at the Highway Department.

Councilman Corcoran said that they are considering constructing a garage at the Highway Department adjacent (to the north) of the existing salt shed. It would be a 4 bay garage

measuring 40' x 80' which would be large enough to fit all the equipment that is currently stored at the Transfer Station and the TOMVAC building. Phil Bell's estimate for engineering is \$19,100.00 and he estimates \$105,000.00 to build the garage and that number includes the Highway Department doing the excavation.

Councilman Koenig added that this building would also house the heavy equipment such as plows, sanders, and light towers that are stored outside and get weathered.

Councilman Corcoran said he asked Gael Appler about using his fund balance for the engineering costs, but Mr. Appler feels it should come out of the building fund since it is a building project.

Councilman Koenig said that Mr. Appler said he has it in writing that Highway funds cannot be used for this.

Ralph Walters said he believes that the building and the engineering cost would come out of the general fund.

Councilman Molinelli asked if this new building will be large enough for all the equipment so they only need to build once and so no equipment is left outside.

Councilman Koenig said they did a walkthrough with the Highways employees and the building is going to be high enough as well as long and wide so they can have shelves and stack equipment.

Councilman Corcoran made a motion to approve Task #1 of Phil Bell's proposal to design new construction and drawings for \$6,500.00 and funds to be taken out of the general fund. Motion seconded by Councilman Koenig.

Yeas: 5 Nays: 0 Carried

G). Proposed agreement with Newburgh

Supervisor Osborn said that our lawyer has sent correspondence to their lawyer.

Councilman Koenig said Charlie Muggeo is setting up the meeting with the DEP.

Supervisor Osborn said that they really need to have that meeting.

Councilman Baker suggested that Councilman Koenig should do the negotiating with the DEP.

H). Ethics Board -3 open positions

Councilman Molinelli made a motion to remove Letter H) Ethics Board- 3 open positions from Old Business on the agenda. Motion seconded by Councilman Corcoran.

Yeas: 5 Nays: 0 Carried

I). Vault Organization

No new information

J). Fence around the Basketball court

No new information

K). Playground equipment

No new information

L). Milton Sewer Expansion

No new information

M). Roof Biding Train Station

Councilman Koenig made a motion to move forward with the bidding process with McGoey, Hauser, and Edsall. Motion seconded by Councilman Molinelli.

Yeas: 5

Nays: 0

Carried

N). Bayside

No new information

O). Town Wide Historical Survey

P). Highway Garage

ITEM #10 New Business

A). EMT for summer camp

Supervisor Osborn said that a new EMT is needed for summer camp. Kim Pomeroy said she would like to be involved in choosing the EMT.

Councilman Corcoran made a motion to advertise for an EMT for summer camp. Motion seconded by Councilman Molinelli.

Yeas: 5

Nays: 0

Carried

Supervisor Osborn said he received correspondence from Bill and Kim Pomeroy regarding camp. The first item they would like the Board to be aware of is that would like to add another day of roller skating and have one less day of swimming. This will add about \$400.00 more to the camp budget but they think the budget should be able to cover it.

Councilman Molinelli made a motion to approve adding another day of roller skating to the camp schedule. Motion seconded by Corcoran.

Yeas: 5

Nays: 0

Carried

The second item is that they feel that residency should not be a requirement for counselor applications because it could be a problem when searching for qualified counselors.

Councilman Koenig made a motion to allow that residency should not be a requirement for counselor applications with the understanding that the Town Board would prefer preference to local residents. Motion seconded by Councilman Molinelli.

Yeas: 5

Nays: 0

Carried

The third item is the bus company approval and issue of fuel.

The Board had a brief discussion and decided they are unable to make any decisions about the buses or fuel just yet.

B). Group run and Wine tasting event

Supervisor Osborn said this took place last year and will take place again this year.

Supervisor Osborn said he would like to add another item to new business. The Economic Development Committee is adding historical interest items to the trails and Hamlet project. In order to do the specific historical aspects and getting them incorporated into grant applications they need to do a town wide survey of historical objects. He would like to have Cindy Lanzetta involved in this. He also asked the Board if they would allow him to meet with SHPO (State Historic Preservation Office) who would advise on how to do the survey. A private company would do the survey which does cost money and they can get three bids.

Supervisor Osborn said Town Wide Historical Survey can be added to Old Business on the agenda.

Councilman Corcoran said he would also like to add Highway Garage to Old Business on the agenda.

Councilman Baker said he has invited Civic Plus regarding the Town's website to present to the Town Board at the March 23, 2015 meeting. He is also planning to meet with the gentleman who does the Meet Me in Marlborough website sometime next week.

Supervisor Osborn said he had another contact as well.

Councilman Baker also invited Michelle Doran and John Demarco from the EDC (Economic Development Committee) to the March 9, 2015 meeting to give the Board updates. Also, some members of the EDC feel that we need to revisit the signage law. A lot of work was done in the past but wasn't adopted. He spoke with Al Lanzetta who suggested calling Ron Blass who did a lot of work on this.

James Garofalo said that he was a member of the Greenway Committee who worked on the sign ordinance. He doesn't think it was ever publicly debated but a lot of time was spent on it and it was very detailed. Supervisor Osborn said that he has all of Lisa Biggin's information from when she was involved with the sign ordinance.

Councilman Baker said that all the Planning Board members didn't see the CAC recommendations, but they should all have a copy now. He would like to follow up with the Planning Board to see if they have any feedback by a certain date.

Councilman Baker also said that Cindy Lanzetta will be the alternate for the Ulster County Planning Board once the county legislature approves it which should be in March.

The Board discussed a correspondence they received regarding PCB dredging in the Hudson River.

ITEM #11 Correspondence

Supervisor Osborn read the following correspondence from Highway Superintendant Gael Appler which is incorporated into the minutes as follows:

To: Supervisor Osborn

From: Gael Appler

CC:

Date: February 17, 2015

Re:

Supervisor Osborn:

We have recently received a notice from Cornell Local Roads Program that our secretary, Catherine Wilklow, has achieved Level II Roadmaster. This is the highest award of achievement from Cornell Local Road Program.

As Cathy handles all the billing for our one million plus Highway Budget, it is very helpful that she understands the process of road repairs, MS4 programs and everything else about our business. This is a plus for us and our taxpayers.

Thank you.

Gael

The Board congratulated Catherine Wilklow on her achievement.

ITEM #12 Public Comment

Ralph Walters asked if the Deputy Supervisor salary will be paid to the new Deputy in full. Supervisor Osborn said yes.

Mr. Walters asked if the necessary steps were taken to change who can sign checks.

Supervisor Osborn said yes.

Mr. Walters asked if there have been any further discussion with the school district regarding fuel for the new bus contract.

Supervisor Osborn and Councilman Corcoran said that Patrick Witherow will give a presentation to the Board at the next meeting.

James Garofalo suggested giving the NYSDOT a copy of Resolution #37 as soon as possible so they have an opportunity to comment on it.

Supervisor Osborn said there is a specific circulation for these resolutions and he doesn't think DOT is one of the recipients.

Councilman Koenig said that the state overrides the Town Code anyway and in his opinion the state allows the minimum and the Town can add to it.

James Garofalo said the state has come out with new regulations for accesses to the state highway and would like coordinated reviews.

Supervisor Osborn said that the DOT makes no effort to communicate with the Town, they didn't even let the police know they were painting arrows on 9W.

Mark Reynolds asked for an update on the missing fuel.

Supervisor Osborn said he doesn't have an update. He believes the state police are still investigating. He would like to have the equipment tested but he thinks the state police will be doing that but he hasn't heard anything.

Mark Reynolds asked if the applications for the youth recreation reimbursement program were submitted on time.

Supervisor Osborn said his secretary submitted them a month ago then they received a notice from them a day before they were due asking to submit the forms and his secretary called them to satisfied whatever the issue was.

Mark Reynolds asked if the full Board agrees that Patricia Haidaoui's resignation was a resignation or was there consideration that she would be let go.

Supervisor Osborn said the Board never discussed whether it would be either of those the resignation was brought up by Ms. Haidaoui.

Mark Reynolds said there are rumors that she was fired and just wants to make sure the full Board agrees that it was a resignation.

Supervisor Osborn said if it was a firing he would have her key right away and her tag.

Ralph Walters said the Supervisor has two appointments one being the Deputy and the other is their Confidential Secretary. It is the Supervisors prerogative to appoint and remove either of the two positions, he thinks the Board should be advised but he doesn't think it's the Board's decision.

Mark Reynolds asked what the annual salary is for the Deputy Supervisor position.

Supervisor Osborn said \$3,000.00.

James Garofalo said in regards to the fuel issue, he thinks the state has a unit that tests gas station pumps.

Supervisor Osborn said he's sure he would know if the state had that done. The state police are actively investigating.

Ralph Walters asked if Patricia Haidaoui will continue to work on the website and co-chairperson for recreation.

Supervisor Osborn said she will continue to collect \$1,000.00 per year for doing the website and she will volunteer for recreation.

ITEM #13 Resolutions

A). Resolution #37 To introduce a Local Law of the year 2015 Amending section 155-12(H)

ITEM #14 Adjournment

February 23, 2015

A). Resolution #37 To introduce a Local Law of the year 2015 Amending section 155-12(H)

Supervisor Osborn introduced the following proposed local law, to be known as Local Law No. ____ of 2015, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 155-12(H) OF THE TOWN CODE TO ADD TO THE TYPE OF PROPERTIES WHICH ARE ELIGIBLE FOR ESTABLISHMENT OF A BUSINESS CORRIDOR OVERLAY DISTRICT.

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

Section 1. Section 155-12(H) of the Town Code of the Town of Marlborough is amended as set forth below (additions are underscored and deletions are stricken through):

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 ~~RAG-1~~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 ~~of existing structures 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 ~~RAG-1R-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, and exist as meaningful opportunities for readaptation to ~~such 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 readaptation of existing ~~unused~~ structures, business use of unimproved 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 by the Town Board by potential amendment of the Zoning Map, 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 sub-section (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 ~~improved~~ within 250 feet of the right of way line of NYS Route 9W by an existing building(s) and currently devoted to, or previously devoted to, residential, commercial or light industrial use and which are

~~either currently devoted to commercial, retail, office, or light industrial activities, or if not currently devoted to such uses, the building was predominately devoted to such uses in the past according to land records or other written evidence deemed an acceptable site for corridor overlay districting and convincing to 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, subject to the same lot, height, yard and any supplemental regulations applicable to the subject use of the property in the event that it had been situated within the HD district. However, 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:

- (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;

[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 stormwater overflows;

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

[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 stormwater management facilities;

[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 and 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 plan as are found to be necessary or desirable by the Town Board in order to meet the requirements of this section. 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.

(d) Town Board review.

(1) Upon receipt of a recommendation from the Planning Board, the Town Board may schedule and hold a public hearing. Alternatively, the Town Board may reject the application.

(2) Following completion of the public hearing, 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 in amendment of the Zoning Map established by this chapter.

(e) Criteria for rezoning to Business Corridor Overlay District. In determining whether or not amend the Zoning Map for a BC district, the Town Board shall consider, together with the intent and objectives of this section, whether the proposed district and conceptual 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 readaptation;

(2) Whether the site is well drained, and stormwater 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 readaptation 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;
 - (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 readaptation or modification of development and exterior materials, finish and color shall be consistent with the character of nearby properties;
 - (6) The readaptation 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.
- (f) 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.

(g) 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.

(h) Site plan approval. Following a zoning amendment to create a BC district, site plan and or special use permit review and approval by the Planning Board shall be required prior to the issuance of a building permit for any readaptation or modification of development of the property to the same degree, and to the same extent, that such activity would be subject to site plan or special use permit review if it was located within the HD district.

(i) Conformity to conceptual development plan. The Planning Board shall not approve any site plan or special use permit within a BC district unless said Board finds that the plan is in substantial conformance with the conceptual development plan that was submitted to the Town Board and that served as the basis for the zone change to a BC district.

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

BE IT FURTHER RESOLVED, upon the advice of legal counsel, that the Town Board rescinds its prior resolution introducing this local law on February 16, 2015 and calling for a public hearing on February 23, 2015; and

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on March 23, 2015, at seven o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least ten (10) days before such hearing and that such notice shall be in the same or similar 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 23, 2015 at seven o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2015 for the purpose amending 155-12(H) of the Town Code by adding to the type of properties which are eligible for the establishment of a Business Corridor Overlay District.

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 12:30 p.m. and 1:30 p.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York
 February 23, 2015

COLLEEN CORCORAN, TOWN CLERK

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
February 23, 2015

COLLEEN CORCORAN, TOWN CLERK

U:\DOCS\10244\00288\RESOLUTION\21S488504.DOC

Councilman Molinelli made a motion to adjourn the meeting at 8:08PM. Motion seconded by Councilman Corcoran.

Yeas: 5 Nays: 0 Carried

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*