

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NEW YORK  
JANUARY 29, 2015 7:00 PM  
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN  
COUNCILMAN MOLINELLI  
COUNCILMAN CORCORAN  
COUNCILMAN BAKER  
COUNCILMAN KOENIG

PATRICIA HAIDAoui, DEPUTY SUPERVISOR  
COLLEEN CORCORAN, TOWN CLERK

## ITEM #1 Call to order - Pledge of Allegiance

## ITEM #2 Moment of Silence

*A moment of silence was observed for Marian Davis, Grace Rappa, and Ernita Jones.*

### ITEM #3 Motion to approve agenda

*Councilman Corcoran made a motion to amend the agenda to include Resolution #34 and Resolution #35. Motion seconded by Councilman Koenig.*

*Yeas: 5 Nays: 0 Carried*

*Councilman Corcoran made a motion to amend the date on the agenda to read January 29, 2015. Motion seconded by Councilman Koenig.*

*Yeas: 5 Nays: 0 Carried*

*Councilman Corcoran made a motion to amend the agenda under Item #13, Letter D to read Resolution #33 To introduce a Local Law #3 of the year 2015. Motion seconded by Councilman Koenig.*

*Yeas: 5 Nays: 0 Carried*

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

*Yea*s: 5                    *Nay*s: 0                    *Carried*

ITEM #4 Motion to approve minutes from the January 12, 2015 meeting  
*Councilman Baker made a motion to approve minutes from the January 12, 2015 meeting. Motion seconded by Councilman Molinelli.*

*Yea*s: 5                   *Nay*s: 0                   *Carried*

ITEM #5 Authorize payment of bills  
*Councilman Corcoran made a motion to approve payment of the abstract from 2014 in the amount of \$82,463.97. Motion seconded by Councilman Koenig.*

*Yea*s: 5                   *Nay*s: 0                   *Carried*

*Councilman Corcoran made a motion to approve payment of the abstract from 2015 in the amount of \$174,617.91. Motion seconded by Councilman Baker.*

*Yea*s: 5                   *Nay*s: 0                   *Carried*

ITEM #6 Presentation

*No presentations*

ITEM #7 Comments on the agenda

*Mark Reynolds asked for a geographic description of the properties "at or near" the SBL number that is listed on Resolution #34 regarding the sewer extension.*

*Supervisor Osborn said that the SBL is for True Value which would be an extension of the Milton Harvest sewer pipe. Resolution #35 covers more parcels like Young's Motors, the parcel between Young's Motors and True Value, and also others who may want to join the sewer extension.*

*Ralph Walters asked if the engineering for the sewer extension is being paid by the sewer district or the Town General Fund because as a taxpayer if it comes out of the General Fund he doesn't want to pay for something that doesn't benefit him.*

*Supervisor Osborn said that it will be paid out of the General Fund. The majority of the Board added that it will be paid back by the property owner. Supervisor Osborn said that it will benefit the taxpayers because it will bring business to the Town and taxes will go down.*

ITEM #8 Workshop topics

A). Water Supply

*Councilman Koenig said the Water Committee met last week and Gerry Moerschell who is the Water Superintendent for Westchester County said that having a secondary supply for water is very important at this time. Mr. Moerschell also agreed that Marlboro should not sign the agreement with Newburgh and he felt that it's worded that Marlboro could sell water up to one*

million gallons but it would need to be more clear. He also said that Marlboro should look at their pumping stations for a secondary supply although the water wouldn't be drinkable. He didn't recommend using Highland as a secondary supply because their system is antiquated and not the best quality. Charlie Muggeo is going to set up a meeting with the DEP because they need a definite date when the aqueduct will be shut down. Then they will need to meet with Newburgh to tighten up the agreement.

Supervisor Osborn suggested having Ron Blass at that meeting.

Councilman Baker asked if Newburgh is going to supply Marlboro with a secondary supply of water then wouldn't that be the best plan.

Councilman Koenig said that even if Newburgh does supply us there are restrictions for how much we can use, the agreement is 1 million gallons per day for 30 years. Therefore, the Town should look for another supply.

The Board discussed the different options for a secondary supply of water.

#### B). Train station use policy

Councilman Corcoran said that he rewrote the use policy for the Train Station and merged what they already had and the current park policy. The fees would be as follows: \$100.00 refundable security deposit, \$75.00 non-refundable deposit which would be applied to the \$150.00 rental fee. The Train Station Committee also wants to charge \$40.00 for meetings. Councilman Corcoran added in the policy that the building is a historic site from 1883 and should be treated as such. There are no appliances, cookware, or utensils and all renters would need to have their event catered. He also added in the policy that no flammable equipment is permitted.

Supervisor Osborn suggested that barbeques could maybe be allowed within a certain distance outside.

Councilman Corcoran said that the contact people would be Tom Schroeder and Bill Hohmann and all reservations and payment would go through the Town Clerk's Office. The Train Station Committee only wanted to allow certain types of events and groups to rent the Train Station. The Board disagreed and they discussed what kind of groups should be allowed and also if there should be a fee for not for profit organizations for the Train Station and the Town Park and they decided to think about it.

Ralph Walters suggested placing a charcoal grill outside of the Train Station in a safe place and prohibiting anyone bringing a gas grill.

#### C). TOMVAC use policy

Councilman Corcoran said that he feels there should be a cover page included with the policy. Councilman Baker said there is a typographical error and he also thinks it should specifically state that the inside, outside, and grounds of the TOMVAC building should not be altered in any way. He asked Patti Haidaoui what is currently going on in the building and if this policy would hurt anyone trying to bring in any other recreational programs.

Patti Haidaoui said that Zumba is the only program currently in the building. Joe Wiles has done a Boot Camp in the winter at TOMVAC in the past and if he does plan on it this year he would wait until the policy is in place before beginning classes.

Supervisor Osborn added that Joe Wiles could present what his intentions are and the Board can decide at that time how they would proceed.

*The board discussed the insurance requirements in the policy because there was concern that it might be too costly for an instructor to provide such insurance since they are only charging a small fee for the class.*

*Councilman Koenig suggested that the Board should pass the policy as is since the requirements were suggested by legal and if it does end up being an issue they Board can make changes as they become necessary.*

D). Zoning-Overlay district

Supervisor Osborn said there is a resolution on the agenda regarding zoning. The idea is to take away a lot of restrictions that were originally in the overlay district. Property owners will still need to come before the Board to get permission to do certain things and the Board will decide on a case by case basis. The Board is working on design guidelines to add to the overlay district but they don't want to hinder any current property owner who wants to be a part of the overlay district.

*Councilman Baker asked for clarification on the change in Section 3 in the resolution. He asked if the Highway Development code would now be allowed to be applied to the R-1 and R-Ag-1 zones within the overlay.*

*Supervisor Osborn said yes and the property owner would need to come before the Town Board. Councilman Corcoran said that the resolution does not include vacant land as an eligible location.*

*The Board had a brief discussion about how Number 3 under Section 1 of the resolution should read.*

*Councilman Corcoran made a motion to remove the following words from letter (b) in section (1) of number 3 on Resolution #33 "improved" and "by an existing building(s)". Motion seconded by Councilman Koenig.*

*Years: 5 Nays: 0 Carried*

*Councilman Koenig made a motion to add the word "to" to letter (e) on page 14 of Resolution #33 and therefore read - In determining whether or not "to" amend the Zoning Map... Motion seconded by Councilman Molinelli.*

*Yeas: 5 Nays: 0 Carried*

*The Board briefly discussed how they would like to go about getting ideas for design guidelines.*

*Supervisor Osborn said he would like to discuss the Master Plan.*

*Supervisor Osborn said he thinks they should be more specific in the Master Plan because the old Master Plan is too broad. He would like to add the new ideas for the waterfront for Marlboro and Milton. He would also like to add the Hamlet Plans and the Overlay District.*

*Also, possibly put something in the Master Plan letting future Boards know to consider properties that may become available along the aquifer. He asked the Board to let him know if they have any other ideas and he will call Barton & Loguidice.*

## ITEM #9 Old Business

#### A). Wyms Heights

### *No new information*

B). TOMVAC

### *See Workshop Topics Letter C*

C), McLaughlin Drive

*No new information*

#### D). Labor Negotiations

Supervisor Oshorn said

#### E) Survey of St. Andrews property for purchase

E). Survey of St. Andrews property for purchase  
*No new information*

No new information

F). Municipal Parking  
Supervisor Oshorn said

Supervisor Osborn said the EDC had a meeting and they decided they really would like to go forward with the municipal parking lot behind the bakery. They would have to remove pine trees by the bakery and have a 24 foot wide road by the house that the bakery owns because they would need to have both and ingress and egress. Supervisor Osborn said that he spoke with Gael Appler about building the parking lot and he spoke to the bakery owner and they are still discussing what the terms would be. An estimated cost would be approximately \$200,000.00. In order for the Town to bond this out they would need to have at least a 10 year lease.

*Councilman Koenig suggested asking the bakery owner about purchasing the property instead of leasing.*

G). Proposed agreement with Newburgh

### *See Workshop Topics Letter A*

H). Ethics Board -3 open positions

*Councilman Corcoran made a motion to remove Letter H) Ethics Board – 3 open positions from the agenda. Motion seconded by Councilman Molinelli.*

Years: 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.D. Milton Sewer Expansion

See Resolution #'s 34 & 35

### M) Roof Biding Train Station

*The Board had the specifications from McGoey, Hauser, and Edsall for the Train Station roof but no bid package and they discussed the bid process and what needs to be done next. Supervisor Osborn said he will contact McGoey, Hauser, and Edsall.*

N). Bayside

*Supervisor Osborn said that he and Councilman Baker have had two meetings with Bayside. The first meeting was also with Tony Falco to see if there is enough sewer capacity for the proposed Bayside project and he said yes. All of the calculations were based on the study that was done in 2007-2008. The amount for someone to join the sewer district is \$13.50 at 120 gallons per bedroom and that is the amount the Town would need to build out the sewer plant. The DEC uses 120 gallons per day per bedroom for calculations although it's probably more like 80 gallons per bedroom. Bayside is asking for a reduction in that amount although the original DEIS document is based on the 120 gallons per bedroom.*

*Councilman Baker added that based on Mr. Falco's calculations the projected usage of this project would be 37,800 gallons per day for 105 - 3 bedroom units. There will still be approximately 47,000 gallons per day reserve after the project.*

*Supervisor Osborn said that at the second meeting they brought up that the Board is concerned about losing the commercial building on 9W. Since TOMVAC will eventually sell and the Town will lose recreational space, he suggested to Bayside making the commercial building a 3000 square building for recreational space and lease it to the Town and they would get their recreation fees waived. This could also create parking not far from the hamlet.*

*Councilman Koenig said that lot could be part of the Town's income. If TOMVAC sells that would go on the tax roll and doesn't think that the town should take another lot off the tax roll.*

*Supervisor Osborn added that Bayside said they would subdivide and sell that lot as commercial if the Town wants to get their tax base back.*

*Councilman Baker said that Bayside wants to phase their project and pay the sewer entry fees when they get their Certificate of Occupancy for each of 3 phases.*

*Councilman Koenig said he thinks they should pay the sewer entry fees when they begin building. He also feels that it should be renegotiated with Bayside that they go with their original plan to build a commercial building on 9W.*

*Councilman Molinelli said that Bayside had left 2 or 3 properties in Orange County unfinished.*

*The Board discussed how this would affect the Town if that were to happen here.*

*Supervisor Osborn said that they are the only owner of that property to deal with. The Town Board would approve the sewer entry after they build which protects the Town then the reserve can be given back.*

*Councilman Corcoran asked if Bayside was willing to subdivide where they were going to build a commercial building.*

*Supervisor Osborn said that Bayside was willing to subdivide (approximately 2 acres) and he asked the Board if they were willing to allow that.*

*Councilman Koenig said he may be in favor of them subdividing. He also thinks the Town should build a recreation building on the 1650 Route 9W site already owned by the Town which has a well and a septic and is in the middle of the two Hamlets. The sale of*

*TOMVAC would generate funds to pay for the recreation building and TOMVAC would be back on the tax roll.*

*The Board briefly discussed the density issues if Bayside were to subdivide.*

*Supervisor Osborn said he will let Bayside know that if they subdivide 2 acres they won't lose any units and that they will pay the full sewer entry fee, the recreation fee. He will also discuss building a parking lot on the property with them.*

*Councilman Koenig reiterated that he would like to get the sewer fees up front and have Bayside sign an agreement because if for some reason they don't build for 10 years the Town will need to build out the sewer because they are reserving space for them.*

*Councilman Corcoran also said that he thinks they should pay the sewer entry fees when they begin the project and get their building permit.*

#### **ITEM #10 New Business**

*Councilman Corcoran said that the Transfer Station is going to be closed this weekend due to unforeseeable circumstances.*

*The Board discussed who should put up a closed sign.*

*Councilman Koenig asked Supervisor Osborn if he could contact the company who was bringing the top soil for the Sands Avenue property to see when they plan to deliver it so it can be spread and seeded for the spring.*

#### **ITEM #11 Correspondence**

*Supervisor Osborn read the following letter from Gael Appler, Highway Superintendent which is incorporated into the minutes as follows:*

*"Gentlemen,*

*Current work practice at the Highway Department when we were excavating is to utilize the dirt etc... as fill. Generally, we dump and bury the material on Town owned property. We are currently running out of sites to utilize this material as fill and shortly we will have no place to put these excess materials. We have at times dumped on private property with owner permission that always seemed to generate some problems such as too many big rocks, no concrete, being asked to dump in inaccessible sites. Due to these problems we have stopped this practice. The reality of this is that we will soon be forced to recycle our materials ourselves or take them to a recycle center at a cost of \$20-\$40 per ton. It seems that it would benefit to our taxpayer to do the recycling ourselves. We can get rid of any asphalt or concrete at Argenio Bros. Recycle Center in Newburgh. Any large or small stone we can pay a person with a crusher to turn it into  $\frac{1}{2}$  or  $\frac{3}{4}$  inch gravel with a cost of \$4 and \$5 a ton. The Town of Rochester and Wawarsing have gravel banks and mine their own sand. When they have a significant pile of stone they call a company to grind it into gravel. I'm sure we can do the same. We have already tested a screen machine that looks like it will handle all our needs. We are looking at price of approximately \$46 to \$50*

*thousand dollars. I respectfully ask that we utilize Highway surplus monies to go out and bid on this machine."*

*Councilman Koenig said he has talked to Mr. Appler about this and they don't have any more room for the material. The Highway Department would be able to process their own material and have his own storage piles instead of buying certain items.*

*Supervisor Osborn said he had another piece of correspondence from a resident who was letting the Town know for legal reasons that when there was a water main break at Custom Compost that there may be damage to their brand new driveway.*

*Supervisor Osborn read the following resignation letter from Erin Litts which is incorporated into the minutes as follows:*

Dear Jenn and Chief,

As you know, I have been having an internal battle about working three agencies and how to divide my time equally among them all, and all the scheduling issues that have arisen due to requirements placed on part-time dispatchers from MPD. I feel I have done a good job over the past year balancing them, with only a few blips here and there. I have been offered more hours at a higher pay rate with my other jobs, and have also been offered another part time position with a new agency starting next month that may lead to full-time employment, my desired end goal. Due to these changes, I do not think it will be possible for me to stay on as an employee at Marlborough Police because my request to only work mid-week A-line shifts (when I have more time to dedicate to MPD) was denied.

I have learned a great deal while working at MPD and I really appreciate the time I have invested here. It is a great job being part of the MPD team. I respect the majority of the officers that work here; they have built a great foundation for this department and this new chapter of MPD in its new location. I feel that I not only made professional contacts here, but also some friends. I thank you for giving me the opportunity; I feel I am a better dispatcher because of it.

Let this letter serve as my official resignation from Marlborough Police Department. I will finish out the month of January and work the shifts I am scheduled and/or any that I can work if there happen to be call-outs from the call-out list.

Thank you for your time and understanding,

## ITEM #12 Public Comment

*Ralph Walters asked how the investigation is going for the missing gasoline.*

*Supervisor Osborn said the State Police are investigating it. He has finished up an internal investigation and coordinated with the State Police who have talked to a lot of people but he hasn't heard anything from the State Police in a few days.*

*Councilman Corcoran said they have some issues that need to be resolved with the pumps such as how it is pumped and coded and documented. Prior to this issue the Town was starting negotiations with the school district to replace the pumps and have a better computerized system with cameras.*

*Mark Reynolds asked if Bayside was planning 105 units at 2 bedrooms each.*

*Councilman Baker said that the calculations are based on 105 units at 3 bedrooms each. The calculation is 105(units) x 3(bedrooms) x 120(gallons per day) = 37,800 gallons per day. Then they would get a credit for 3,600 gallons per day because a portion of the property is already in the sewer district which would bring it down to 34,200 gallons per day multiplied by the charge of 13.50 per gallon.*

*Mark Reynolds asked if Bayside wanted to use the calculation of 80 gallons per day per bedroom.*

*Supervisor Osborn added that everyone agrees that 120 gallons is not actually what comes out of a bedroom so Bayside would like to base the amount on 80 gallons per day. The number that is used is higher than it's going to be. That number is used to make sure there is enough capacity. The Town has already done the work and it is based on the 120 gallons.*

*Mark Reynolds asked if other developers have paid that amount.*

*Supervisor Osborn said he doesn't know but there are special cases.*

*Mark Reynolds asked if a developer can be given higher density and go beyond the percentage stated in the code.*

*Supervisor Osborn said the Board can decide that. He added that Bayside is not proposing 105 units at 3 bedrooms each, Mr. Falco used those numbers to make sure there is enough capacity in the sewer plant.*

ITEM #13 Resolutions

- A). Resolution#30 To appoint part time police officer
- B). Resolution #31 To appoint Ethic Board members
- C). Resolution #32 To accept the usage agreement for the TOMVAC building
- D). Resolution #33 To introduce a Local Law of the year 2015
- E). Resolution #34 To approve the expenditure of the maximum of \$2,500 for engineering and legal services for the potential extension of Milton Sewer District at or near Marlborough tax parcel no. 103.1-4-3, NYS Route 9W
- F). Resolution #35 To approve the expenditure of the maximum of \$4,500 for engineering and legal services for the potential extension of Milton Sewer District at or near NYS Route 9W and Milton Turnpike

ITEM #14 Adjournment

January 26, 2015

A). Resolution#30 To appoint part time police officer

Supervisor Osborn proposes the following:

Whereas, Cory Pingiczer was appointed as a part time police officer on October 27, 2014 for the purpose of attending the Ulster County Police Academy, and

Whereas, Cory has completed and graduated top of his class, and

Whereas, it is the recommendation of the Chief of Police to appoint Cory to a “regular” part time police officer.

Be it resolved that Cory Pingiczer be appointed as a part time police officer effective February 1, 2015.

And moves for its adoption

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

January 26, 2015

B). Resolution #31 To appoint Ethic Board members

Supervisor Osborn proposes the following:

Whereas, The Town interviewed for positions on the Town of Marlborough Ethics Board, and

Whereas, it is the recommendation of the Town Board to appoint the following members to the Town of Marlborough Ethics Board.

Kathy Natland ( R ) term date ending 12/31/2016-municipal member

Justin Pascale ( R ) term date ending 12/31/2017

Joan Delatorre ( D ) term date ending 12/31/2017

And moves for its adoption

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

January 26, 2015

C). Resolution #32 To accept the usage agreement for the TOMVAC building

Supervisor Osborn proposes the following:

Be it resolved, that the Town Board of the Town of Marlborough accepts the usage agreement for the TOMVAC building.

And moves for its adoption

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

January 26, 2015

D). Resolution #33 To introduce a Local Law of the year 2015

See attached

## RESOLUTION OF INTRODUCTION

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 R-Ag-1, there exist various improved 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 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 readaptation 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 readaptation of existing structures, 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) currently devoted to, or previously devoted to, residential, commercial or light industrial use and which is

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, 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 readadaptation 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, 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 February 9, 2015, at 7:00 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 five (5) 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 February 9, 2015 at 7:00 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  
                  January 29, 2015

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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  
January 29, 2015

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COLLEEN CORCORAN, TOWN CLERK

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E). Resolution #34 To approve the expenditure of the maximum of \$2,500 for engineering and legal services for the potential extension of Milton Sewer District at or near Marlborough tax parcel no. 103.1-4-3, NYS Route 9W

**TOWN BOARD RESOLUTION PURSUANT TO  
TOWN LAW SECTION GENERAL MUNICIPAL LAW 99-d  
REGARDING POTENTIAL EXTENSION OF MILTON SEWER DISTRICT  
AT OR NEAR MARLBOROUGH TAX PARCEL No. 103.1-4-3, NYS ROUTE 9W**

Supervisor Osborn proposes the following:

WHEREAS, the Town Board has received preliminary proposals for professional engineering and legal services in connection with planning for future capital improvements pertaining to possible extension of the Milton Sewer District to include properties at or near Marlborough Tax Parcel No. 103.1-4-3, Route 9W; and

NOW, IT IS HEREBY RESOLVED, as follows:

1. Pursuant to General Municipal Law Section 99-d, the Town Board hereby approves the expenditure of the maximum amount of \$2,500 for the preparation of surveys, preliminary plans, specifications, or estimates by engineers or other professionals, including attorneys, for the Town of Marlborough for the planning of capital improvements to be undertaken in the future and relating to potential extension of the Milton Sewer District to include properties at or near Marlborough Tax Parcel No. 103.1-4-3, Route 9W.

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  
January 29, 2015

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COLLEEN CORCORAN, TOWN CLERK

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F). Resolution #35 To approve the expenditure of the maximum of \$4,500 for engineering and legal services for the potential extension of Milton Sewer District at or near NYS Route 9W and Milton Turnpike

**TOWN BOARD RESOLUTION PURSUANT TO  
TOWN LAW SECTION GENERAL MUNICIPAL LAW 99-d  
REGARDING POTENTIAL EXTENSION OF MILTON SEWER DISTRICT  
AT OR NEAR NYS ROUTE 9W AND MILTON TURNPIKE**

Supervisor Osborn proposes the following:

WHEREAS, the Town Board has received preliminary proposals for professional engineering and legal services in connection with planning for future capital improvements pertaining to possible extension of the Milton Sewer District to include properties at or near the intersection of Route 9W and Milton Turnpike; and

NOW, IT IS HEREBY RESOLVED, as follows:

1. Pursuant to General Municipal Law Section 99-d, the Town Board hereby approves the expenditure of the maximum amount of \$4,500 for the preparation of surveys, preliminary plans, specifications, or estimates by engineers or other professionals, including attorneys, for the Town of Marlborough for the planning of capital improvements to be undertaken in the future and relating to potential extension of the Milton Sewer District to include properties at or near the intersection of Route 9W and Milton Turnpike.

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

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

DATED: Milton, New York  
January 29, 2015

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COLLEEN CORCORAN, TOWN CLERK

*Councilman Molinelli made a motion to adjourn the meeting at 10:00PM. Motion seconded by Councilman Corcoran.*

*Yeas: 5 Nays: 0 Carried*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*