

July 9, 2018

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
JULY 9, 2018 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran (Arrived at 7:15 p.m.)  
Councilman Koenig  
Councilman Baker

Colleen Corcoran, Town Clerk

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

## ITEM #2 Moment of Silence

### ITEM #3 Motion to approve agenda

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

ITEM #4 Motion to approve minutes from the June 25, 2018 Town Board Meeting  
*Councilman Baker made a motion to approve minutes from the June 25, 2018 Town Board meeting. Motion seconded by Councilman Molinelli.*

ITEM #5 Authorize payment of bills  
*Councilman Baker made a motion to authorize payment of the abstract in the amount of \$97,419.92. Motion seconded by Councilman Molinelli.*

*Years: 4 Nays: 0 Carried*

## ITEM #6 Comments on the agenda

## ITEM #7 Presentations

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## ITEM #8 Report of Departments and Boards

### A) SUPERVISOR - ALPHONSO LANZETTA

#### **Town of Marlborough Supervisor's Report July 2018**

Meet & Greet with Region 8 DOT representatives at Town Hall

Site visit with Councilman Corcoran, Phil Bell Engineering and MCSD Lawrence Cavazza to discuss potential use of property for recreation center

Meeting with Councilman Corcoran, Police Chief Coccoza & PBA representatives for contract discussions

Met with State Auditors

Site visit with DOT Representative Dave Corrigan & Cindy Lanzetta to discuss possible TAP grant for sidewalks

Attended the DARE Graduation Program at Marlboro Elementary School

Met with Lisa Carver (Central Hudson) to discuss the installation of LED lights throughout the Town

Discussion with DOT Gregory Hart on Railroad Crossing at Milton Landing

Convened a meeting with the Cluett Shantz Inclusive Playground Committee

Met with Code Officer Tom Corcoran & Ron Blass (Lawyer for Town) to discuss proposed Town Code changes

Attended Governor Cuomo announcement of Economic Revitalization Grants

Conference call with UC Planning about TAP grant

Met with Councilman Corcoran, members of the IT Committee, and MCSD Michael Bakatsias to compare final quotes for tech equipment

Trail building with the "Jolly Rovers" in Milton Landing Park

Attended Eagle Scout Court of Honor for Robert Ahlers for his project building the Dog Park in Milton Landing Park

Respectfully submitted, Al Lanzetta

*Supervisor Lanzetta added that he personally hosted an employee pizza party at the Train Station.*

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B) BUILDING INSPECTOR - THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR  
MONTHLY REPORT/BUILDING DEPARTMENT  
MONTH OF: JUNE 2018**

CERTIFICATE OF OCCUPANCY 3 STOP WORK ORDER 1  
REQUEST FOR INFORMATION 19 ZBA APPLICATION 0  
TRAILER PARK RENEWALS 0 ORDER TO REMEDY 14  
BUILDING EXTENSIONS 8 COMPLAINTS 38  
FIRE INSPECTIONS 12 BURN PERMITS ISSUED 33  
FIRE CALLS 1 CLOTHING BIN RENEWALS 0

**BUILDING PERMITS 33**

<u>1</u> ONE FAMILY	<u>0</u> CLOTHING BIN
<u>0</u> TWO FAMILY	<u>0</u> SIGNS
<u>2</u> ELECTRICAL/GENERATOR	<u>1</u> BARN
<u>4</u> FURNACE/BOILER (INDOOR)	<u>1</u> ADDITIONS/RENOVATIONS
<u>4</u> DEMOLITION	<u>1</u> COMMERCIAL STRUCTURE
<u>2</u> TANK INSTALLATION/REMOVAL	<u>4</u> DECKS/STAIRS
<u>0</u> STOVES (WOODSTOVE, PELLET)	<u>0</u> WIRELESS COMMUNIATION
<u>4</u> POOL/HOT TUB	<u>0</u> MOBILE HOME
<u>3</u> SHED	<u>2</u> CARPORT/GARAGE
<u>2</u> ROOF	<u>2</u> SOLAR PANELS

**ESTIMATED COST OF BUILDINGS \$6,179,646.00**

CERTIFICATE OF OCCUPANCY	\$ <u>650.00</u>
REQUEST FOR INFORMATION	\$ <u>1,900.00</u>
BUILDING EXTENSIONS	\$ <u>800.00</u>
TRAILER PARK RENEWALS	\$ <u>0</u>
BUILDING PERMITS	\$ <u>12,935.50</u>
FIRE INSPECTION FEES	\$ <u>830.00</u>
ZBA ESCROW FEES	\$ <u>1500.00</u>
ZBA APPLICATION	\$ <u>0</u>
BURN PERMIT FEES	\$ <u>155.00</u>
TOTAL MILEAGE: 1390 MILES	
TOTAL GAS USAGE 116 GALLONS	
TOTAL MONTHLY RECEIPTS	\$ <u>18,770.50</u>

July 9, 2018

C) POLICE CHIEF - GERALD COCOZZA

**Police Department  
Town of Marlborough**

**MEMORANDUM**

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: July 9, 2018  
Subject: Activity Summary for the Month of June 2018



Following is a summary of the activity of the Police Department for the month of June 2018

<u>MOTOR VEHICLE ACCIDENT</u>	June 18	Yr. Date 18	June 17	Yr. Date 17
Personal injury	4	19	3	24
Fatal	0	0	0	0
Property Damage	9	69	12	79
Report Not Required	0	27	5	19
Total	13	115	Total 20	122

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	130	574	220	935
Parking	1	15	4	19

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	348	1878	345	1997
Total Arrests	33	155	42	204

<u>TOTAL TELEPHONE CALLS</u>				
	1710	11987	1715	10414

POLICE DEPARTMENT OVERTIME HOURS payroll 12 & 13

Full Time Officer Overtime	(see attached)	(see attached)		
Full Time Officer Grant O/T	(see attached)	(see attached)		
Part Time Officer Overtime	(see attached)	(see attached)		
Part Time Officer Gant O/T	(see attached)	(see attached)		
Full Time Dispatchers Overtime	0 (\$0) 0	0 (\$0) 0		
Part Time Dispatchers Overtime	0(\$0) 48	32 (\$854) 34		
<u>Police Mileage</u>	13833	70739	13363	72164

*The Board discussed the need for a Traffic Control Officer with the Chief. The advertisement has been placed multiple times and is still on the town website and the Town Clerk's signboard.*

*Councilman Koenig made a motion to re-advertise for a Traffic Control Officer and raise the pay rate to \$20.00 per hour. Motion seconded by Councilman Molinelli.*

*Yea*s: 5

*Nay*s: 0

*Carried*

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D) HIGHWAY SUPERINTENDENT - GAEL APPLER, SR.

**HIGHWAY SUPERINTENDENT**

Town of Marlborough  
1650 Rt. 9W, P.O. Box 305  
Milton, New York 12547



**GAEL R. APPLER, Sr.**  
Superintendent of Highways

Home: (845) 795-2469  
Office: (845) 795-2272 ext. 6  
Fax: (845) 795-6037

Supervisor Lanzetta  
Town Clerk Colleen Corcoran  
Town Board Members

**Monthly Report for June 2018**

**ROADS:** We had put a concrete entrance to the parking lot off Western Avenue and finished it by restoring the pavement cuts, put up the signage and painted stripes in the parking lot. We continued mowing the Township for sight distance. We milled out and repaved bad spots on Bloom St., Orchard St. and Anna Place with hot asphalt. We had two crews out for two days cutting brush back for sight distance around Town. We had one man applying herbicide under guide rails around the Township. We had to cut up a large maple struck by lightning on Jonathan Place on 6/24.

**DRAINAGE:** We replaced 70 ft. x 12" CMP and replaced it with PVC plus added 1 c.b. to this run on Grand St. We dug up and replaced 160 ft x 12" PVC pipe and 1 c.b. on Grand St. We repaired catch basins on Orange St., Church/Grand and Grand St. We installed 200 ft. x 15" in PVC and 1 c.b. on Mt. Zion Road. We dug out and repaired a ditch line on Old Post Road. We replaced two driveway pipes on Lillie Lane and repaved these and a previous repair on Mt. Zion. We replaced driveway pipes on Felicello Dr. and Old Indian Rd. and repaved these on 6/28. We had Town of Lloyd assist us cleaning some clogged pipes on Breezy Heights, Orange St. and Ridgecrest.

**GUIDE RAILS:** We installed 160 ft. of guide rail off Warren Street and 48 ft. at the Municipal Parking off Western Ave.

**WATER DEPARTMENT:** We assisted WD with a water main break on Milton Turnpike the night of 6/26.

**FUEL USEAGE:** Gas: 306.044 gallons Diesel: 774.316 gallons.

Gael R. Appler, Sr.  
Highway Superintendent

GRA/cw

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E) WATER SUPERINTENDENT - CHARLIE MUGGEO

WATER SUPERINTENDENT  
TOWN OF MARLBOROUGH  
1650 ROUTE 9W, PO BOX 305  
MILTON, NY 12547

CHARLES MUGGEO  
WATER SUPERINTENDENT

FAX (845) 795-2031  
PHONE (845) 795-5100

DATE: 7/11/2018

TO: SUPERVISOR AL LANZETTA  
TOWN BOARD MEMBERS  
TOWN CLERK

RE: MONTHLY REPORT FOR JUNE

Water consumption totaled 15,049,000 gallons, which is a daily usage of 501,000.  
Compared to last month 15,070,000 gallons, which is a daily usage of 486,000.  
Compared to a year ago water consumption was 15.1 million for the month which is a daily usage of 503,000.

**SUMMARY FOR THE MONTH:**

**WATER MAINS:** We had to repair a 10 inch water main in Milton Turnpike with the help of the Highway Dept.  
**HYDRANTS:** We weed wacked around hydrants. Repaired hydrants on New Road and 9W, Highland Ave. and Church St. and also on South Street  
**SEVICE LINES:** Had to repair a service line on Sands Ave.  
**STORAGE TANKS:** We inspected, took samples and mowed around our storage tanks.  
**CLASSES:** Cliff and I attended a New York State Backflow class.

SEWER LINE INSPECTIONS: 1  
CLOSINGS: 3  
MARKOUTS: 45  
Gallons of Gas: 290  
Gallons of Diesel: 0  
Mileage for the month: 2000

*There was a very brief discussion regarding people hooking up to sewer.  
Councilman Koenig and Mr. Muggeo discussed the multiple water main breaks that have been occurring on Milton Turnpike.*

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F) TOWN CLERK - COLLEEN CORCORAN

07/02/2018

Town Clerk Monthly Report Monthly Report  
June 01, 2018 - June 30, 2018

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Account Description	Fee Description	Account#	Qty	Local Share
building Dept/ Burn permits	Burn Permits	00-2110	1	205.00
			<b>Sub-Total:</b>	<b>\$205.00</b>
Conservation	Conservation	A1255	9	11.16
			<b>Sub-Total:</b>	<b>\$11.16</b>
Dog Licensing	Female, Spayed	A2544	15	75.00
Dog Licensing	Male, Neutered	A2544	14	70.00
Dog Licensing	Male, Unneutered	A2544	4	40.00
			<b>Sub-Total:</b>	<b>\$185.00</b>
LANDFILL FEES	T/s Permits	00-2130	5	110.00
LANDFILL FEES	T/s Punch Cards	00-2130	43	2,270.00
			<b>Sub-Total:</b>	<b>\$2,380.00</b>
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	1	17.50
			<b>Sub-Total:</b>	<b>\$17.50</b>
Misc Fees	Building Fees/Building Dept	00-2110	1	14,270.00
Misc Fees	Fire Fees/Building Dept	00-2110	1	520.00
Misc Fees	YRP Camp	00-2025	46	17,625.00
			<b>Sub-Total:</b>	<b>\$32,415.00</b>
MISC. FEES	Accident Reports	00-1255	20	100.00
MISC. FEES	Certified Copies	00-1255	3	110.00
MISC. FEES	Foi Requests	00-1255	1	2.00
MISC. FEES	Park Fees	00-2001	4	1,250.00
			<b>Sub-Total:</b>	<b>\$1,462.00</b>
YRP Jiu-Jitsu	YRP Jiu-Jitsu	00-2025	1	150.00
			<b>Sub-Total:</b>	<b>\$150.00</b>
			<b>Total Local Shares Remitted:</b>	<b>\$36,825.66</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				41.00
Amount paid to: NYS Environmental Conservation				190.84
Amount paid to: State Health Dept. For Marriage Licenses				22.50
<b>Total State, County &amp; Local Revenues:</b>	<b>\$37,080.00</b>			<b>Total Non-Local Revenues:</b> <b>\$254.34</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Colleen Corcoran Town Clerk, Town of Marlborough during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

\_\_\_\_\_  
Supervisor \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Town Clerk \_\_\_\_\_ Date \_\_\_\_\_

*Some of the Board members and Ms. Corcoran spoke about the recreation instructors paying their rent for use of the TOMVAC.*

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## G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

Water Quality Management, Inc.  
P.O. Box 733  
Marlboro, NY 12542

July 9, 2018

Report on The Marlboro Wastewater Treatment Plant for June 2018  
The average flow meter readings to the plant was 91,700 gallons per day.  
The design capacity is 175,000 gallons per day.  
We used 52% of capacity.

The process is meeting all other SPDES requirements.  
Lab results show that we removed 98% of BOD and 95% of Suspended Solids  
during the month.

Milton Wastewater Treatment Plant:  
The Average flow to the Milton plant during June 2018 was 28,000 gallons per day.  
This is about 51% of design capacity (55,000 gallons per day).  
We showed 99% of BOD and 95% of TSS removal.  
The process is working well meeting SPDES requirements.

Overall both wastewater treatment plants are in good working order but getting  
older.  
The collection system is being monitored and maintained by Charlie Muggeo & the  
Water Dept.

If you need any additional information, please do not hesitate to contact me.

Julian Falco  
Water Quality Management, Inc.

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H) DOG CONTROL OFFICER - ANDREW MCKEE

21 Milton Turnpike  
Marlborough, New York, 12547

## Town of Marlborough Dog Control

Andrew McKee-Dog Control Officer

Monday, July 9, 2018

### Monthly Report - 6/1/2018 through 6/31/2018

#### Overview:

We received a total of **14** calls this month including **10** calls to service from Marlborough PD, State Police and Ulster County Sheriff

We responded to **5** active complaints and/or cases which are now closed or resolved

We currently have **1** open cases that have been addressed but are ongoing or un-resolved.

We Impounded 0 stray dog,

5 appearance tickets were issued this month.

We currently have 0 dogs in the kennel

We had 1 Dog Bites reported this month. This dog bite involved a recently adopted rescue dog attacking its new owner. I strongly advise our residents to take great caution in adopting and always consult your vet or a dog behavior professional prior to adopting.

We have 2 cases in the Marlborough Justice Court at this time.

End of report.

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I) ASSESSOR - CINDY HILBERT

**Assessor's Office**

# Memo

**To:** Town Board  
**From:** Cindy Hilbert  
**CC:** Colleen Corcoran  
**Date:** July 9, 2018  
**Re:** **July** Report

Our office processed 21 real property sales transfers.

We worked on 2 property tax estimates.

We filed our Final Assessment Roll on July 1, 2018.

We have recently advertised for the position for Data Collector for the Town Assessor's Office. The want ad was placed in the local paper on Wednesday, June 27, 2018, and ran for two consecutive weeks. The cut off to apply for the position is Friday July 13, 2018. All letters of interest and employment resumes should be mailed directly to the Town Clerk. A full description of the job posting is listed on the Town website under "Town Job Opportunities."

We have recently started reviewing every assessor file within our office. We will be reviewing ALL exemption paperwork for all the eligible properties within the Town. This project should take several months.

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J) PLANNING - CHRIS BRAND

Town of Marlborough

## Planning Board Review

### June 2018

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**Meeting: June 4, 2018 / 7:30 PM / Town Hall**

#### ATTENDEES

Chris Brand, Manny Cauchi, Steve Clarke, Cindy Lanzetta, Joe Lofaro, Ben Trapani, Joel Truncali

#### AGENDA

##### **Bayside Mixed Use, 18 Birdsall Ave, Marlboro: Public Hearing, Subdivision**

- A Public Hearing was opened and closed with participation from several residents voicing their concerns. The Subdivision was approved via resolution by 6-1 vote.

##### **Pascale/Taddeo, Pascale Place/Cameron Court, Marlboro: Sketch, Lot Line**

- Representatives for the applicant presented plans for a proposed lot change to transfer 1.75 +/- acre of property between contiguous lots, generally along an existing stone wall on the site. The site and change comply with the Town's streamlined lot line change procedure. The applicant's representative was advised to provide clarification regarding property deeds, mortgages, and surveying. The applicant was added to the June 18, 2018, Planning Board Agenda for a Public Hearing.

#### NEXT Deadline

Friday, June 8, 2018

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## **NEXT Scheduled Meeting**

Monday, June 18, 2018

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**Meeting: June 18, 2018 / 7:30 PM / Town Hall**

## **ATTENDEES**

Chris Brand, Manny Cauchi, Steve Clarke, Cindy Lanzetta, Joe Lofaro, Ben Trapani, Joel Truncali

## **AGENDA**

### **Approval of Stenographic Minutes for 5/21/2018**

Approval for the above minutes was granted unanimously.

### **Ridge Road Subdivision, Ridge Road, Marlboro: Public Hearing, Subdivision**

- The applicant returned for a Public Hearing, which garnered limited input. Board Member Cindy Lanzetta expressed her concerns regarding the pre-existing Drainage District established on the site in 2010. Changes to site development in 2014, as well as currently proposed changes, did not include re-submission and/or modification of the 2010 Drainage District regulations by the Town Board as per law. The Planning Board therefore withheld decision in order for the Town Board to review modifications to the Drainage District.

### **Paradise Valley Orchards, LLC, Peach Lane, Milton: Public Hearing, Lot Line**

- A Public Hearing was opened and closed for the proposed consolidation plans of three large parcels, resulting in a single, 106 acre parcel were presented. A single neighboring resident asked that any clearing of said parcel did not result in materials being piled on, or near, a shared stone wall, which acts as a property line. The project received approval via Resolution, which was preceded by unanimous approval of the Short Environmental Assessment Form and SEQRA Negative Declaration.

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**Pascale/Taddeo, Pascale Place/Cameron Court, Marlboro: Final, Lot Line**

- The project received approval via Resolution, which was preceded by unanimous approval of the Short Environmental Assessment Form and SEQRA Negative Declaration.

**Marlboro Distr. RTE 9, LLC, 1100 Route 9W, Marlboro: Final, Site Plan**

- At the request of the applicant, the Resolution for Final Approval was modified to revise the DEC Stormwater Management to become a condition of receiving a Building Permit. An additional stipulation that no clearing or grading take place prior to issuance of the Building Permit was also added and approved unanimously.

**Jim Graziosi, 292-294 Old Post Road, Marlboro: Discussion w/o Attorney, Engineer, and/or Stenographer**

- The applicant appeared to gather information to obtain a Special Use Permit at the above addresses to host special events. As the property is split between the Towns of Newburgh and Marlborough, he was advised to seek out the requirements for the Town of Newburgh, as any development would require approval by both municipalities. As the property does not meet the minimum acreage requirements stipulated by the Town of Marlborough Zoning Regulations, he was further advised the proposal would require relief from the Marlborough ZBA.

**NEXT Deadline**

Friday, June 22, 2018

**NEXT Scheduled Meeting**

Monday, July 16, 2018

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board

ITEM #9 Report of Committees

**A) RECREATION COMMITTEE**

*Supervisor Lanzetta reported that the first concert in the park was well attended and parking worked out.*

**B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE**

*No report*

**C) CONSERVATION ADVISORY COMMITTEE**

*Supervisor Lanzetta reported that the next meeting will be July 18<sup>th</sup> at 7:00 p.m. at Town Hall.*

**D) IT COMMITTEE**

*Supervisor Lanzetta reported that it will cost \$7,911.00 for new technology which will include 7 Chromebooks and a screen to use at meetings for presentations and agendas. The school plans to share the cost and install the system.*

**E) MILTON TRAIN STATION FOUNDATION**

*Supervisor Lanzetta reported that there will be a walkthrough regarding the rehabilitation with Ted Bartlett of Crawford & Stearns who drew up the RFP and the contractors this week. He also stated that the foundation is planning a celebration sometime in October.*

**F) MILTON LANDING CITIZENS COMMITTEE**

*Supervisor Lanzetta reported that there have been multiple problems with CSX blocking the tracks, the landing, and access to the river. He has notified many representatives by phone and email to make them aware of the ongoing problems and see if they could assist in a resolution. A representative from the NYSDOT is trying to help out.*

*Councilman Koenig explained that CSX is not communicating and haven't been cooperative for years. He has contacted multiple emergency responders to make them aware of all the safety situations. Milton Engine has an emergency river boat that is not able to get across the tracks. CSX tried to fix the existing crosswalk but placed uneven gravel piles in the crosswalk which makes it difficult to cross.*

*The Board discussed the crossing at the landing and how they would like to proceed with CSX. There was a very brief discussion with resident Ron Tatelbaum with regards to the trains blowing their horns.*

**G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE**

*Councilman Baker reported that the trail committee met with a representative from the National Park Service who gave them good information on developing a trail plan. There was a brief discussion about the status of using the St. Mary's parking lot for municipal parking.*

*Councilman Baker also reported that business owners are complaining that the weekly State Police traffic detail by the St. Mary's parking lot is hurting their business because people are taking a different route to avoid the traffic on Route 9W; it is also not a very welcoming sight when entering town.*

**H) MEET ME IN MARLBOROUGH**

*Supervisor Lanzetta reported that the Highway Department filled in some holes in the top lot at the park and the farmers market is ongoing.*

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I) HAMLET OF MILTON ASSOCIATION COMMITTEE

*Councilman Koenig reported that the committee has two small vehicles for watering the flowers in town; the Milton Fire Department donated \$2,000.00 to the HMA in order to help fix/purchase the vehicles.*

J) TRANSFER STATION REVIEW COMMITTEE

*Councilman Baker stated that they are going to reschedule their meeting until they can speak with Dennis Young from the Village of New Paltz Board who is knowledgeable about the recent bid for garbage hauling.*

*Tim Lawton complemented the Transfer Station Attendants on how they are handling the recycling due to the new county regulations.*

*Councilman Koenig stated that he will forward an article to the committee about how recycling is changing in California.*

ITEM #10 Old Business

A) Sale of TOMVAC property

*No new information.*

B) Design Standards for RT 9W Corridor Overlay District

*No new information.*

C) LWRP

*Councilman Baker explained that Rosemary Wein is working on a grant for over 100 trees for the town and it is due July 11, 2018. The Board thanked Senator Larkin, Mike Hein, Dave Zambito, John Behan, and Rosemary Wein for helping with this grant. The deadline for the other 3 CFA's is July 27<sup>th</sup>. Councilman Baker added that although it is unlikely the town would get all three grants; he spoke with the Budget Officer to get some figures for a BAN instead of a bond for the remainder of money that the town would need to pay for the projects.*

D) Route 9W Corridor study

*Councilman Baker stated that the next meeting will be on July 19, 2018.*

E) Zoning Changes

*Resolution #51*

ITEM #11 New Business

*No new business.*

ITEM #12 Correspondence

*Supervisor Lanzetta read correspondence from Senator Larkin confirming that he secured a grant for \$150,000.00 to assist with the construction of an inclusive playground at Cluett Schantz Park.*

*Supervisor Lanzetta read correspondence from Marlboro United Soccer Club requesting usage of the soccer field at the park for specific dates. The Board agreed that it would be okay.*

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*Supervisor Lanzetta also read correspondence from Mason's Voice and Faith Church of God requesting to waive the fee for use of the pavilion for their annual events. The Board allowed use of the pavilion for both at no charge.*

*Councilman Koenig stated that there will be a memorial service for Reverend Dave Ballou at the Lattingtown Baptist Church on August 11, 2018.*

#### **ITEM #13 Public Comments**

*Tim Lawton asked the Board if they were planning on filling the vacant position on the Ethics Board since Reverend Ballou had passed. They Board agreed that they will be looking to fill that position.*

*James Garofalo commented regarding the local law resolutions. He stated his concern for people getting a signal on their satellite dish if there were a four story building near them. He also suggested adding to the noise law a time limit for noises so people don't complain about instantaneous noises. Tom Corcoran explained that if the noise can be measured at the property line and it exceeds the decibel level stated in the law then it is a violation regardless of how long it has been happening.*

*Mark Reynolds asked, regarding Resolution #51, if the Zoning Map amendment, Section 1 and 2 are the same owner. Supervisor Lanzetta and Tom Corcoran explained that it is not the same owner; the owner in Section 1 is asking for the change and the town is changing the second one because it has been in the wrong zoning district and it will also be continuous and not be spot zoning.*

*Mr. Reynolds also asked if the town has a fire truck that can reach a four story building. Councilman Koenig stated that Highland, Middlehope, and other surrounding towns have one.*

#### **ITEM #14 Resolutions**

- A). Resolution # 51 To introduce a Local Law of the year 2018
- B). Resolution # 52 To introduce a Local Law of the year 2018
- C). Resolution #53 To introduce a Local Law of the year 2018
- D). Resolution #54 To create a more effective transfer station

#### **ITEM #15 Adjournment**

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A). Resolution # 51 To introduce a Local Law of the year 2018

Supervisor Lanzetta introduced the following proposed local law, to be known as Local Law No.--- of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING THE ZONING MAP AND VARIOUS SECTIONS OF CHAPTER 155, ZONING, OF THE TOWN CODE REGARDING (A) CHANGE THE ZONING DISTRICT DESIGNATION OF 132 MILTON TURNPIKE (TAX PARCEL NUMBER 103.1-1-33.200) FROM THE R-1 DISTRICT TO THE R-Ag-1 DISTRICT; (B) CHANGE THE ZONING DISTRICT DESIGNATION OF A 2.99 ACRE PARCEL FRONTING ON MILTON TURNPIKE (TAX PARCEL NUMBER 103.1-1-33.100) FROM THE R-1 DISTRICT TO THE R-Ag-1 DISTRICT; (C) AMENDING SCHEDULE I OF CHAPTER 155 WITH RESPECT TO MAXIMUM HEIGHT AND MINIMUM LOT SIZE IN THE HD ZONE; (D) AMENDING SECTION 155-12(D)(e) TO PROVIDE FOR A MAXIMUM OF TWO DWELLING UNITS OVER A GROUND FLOOR RETAIL COMMERCIAL USE FOR PARCELS WITH PUBLIC WATER AND PUBLIC SEWER; (E) AMENDING SECTION 155-12(D) TO ADD A SUBSECTION (g) READING AS FOLLOWS: "FOR PARCELS WITH PUBLIC SEWER AND PUBLIC WATER, THERE MAY BE UP TO A MAXIMUM OF FOUR MULTI-FAMILY DWELLING UNITS ABOVE A GROUND FLOOR RETAIL COMMERCIAL USE; (F) AMENDING SECTION 155-12(D) TO ADD A NEW

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SUBSECTION (h) READING AS FOLLOWS: "FOR PARCELS WITH PUBLIC SEWER AND PUBLIC WATER, THERE MAY BE UP TO A MAXIMUM OF FOUR MULTI-FAMILY DWELLING UNITS ABOVE A GROUND FLOOR RETAIL COMMERCIAL USE, AND THE UNITS MAY BE OF TWO-STORY DESIGN; (G) AMENDING SECTION 155-30 TO ADD A NEW SUBSECTION (3) TO REGULATE MULTI-FAMILY DWELLING UNITS IN THE C-1 DISTRICT; AND (H) REFERENCING THE ACTIVE AGRICULTURAL LAND SPECIAL SETBACK OF 75 FEET IN SECTION 155-52 WITHIN SCHEDULE I TO CHAPTER 155.

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

Section 1. The Zoning Map established under Section 155-8 of the Town Code is amended to change the zoning district designation of the following 108.41 acre parcel located at 132 Milton Turnpike from R-1 to R-Ag-1: Tax Parcel Number 103.1-1-33.200.

Section 2. The Zoning Map established under Section 155-8 of the Town Code is amended to change the zoning district designation of the following 2.99 acre parcel located on Milton Turnpike from R-1 to R-Ag-1: Tax Parcel Number 103.1-1-33.100.

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Section 3. Schedule I of Chapter 155 of the Town Code is amended to increase the maximum height in the HD zone from 35 feet to 45 feet, and to increase the maximum number of stories **from 2 ½ to 4.**

Section 4. Schedule I of Chapter 155 of the Town Code is amended to reduce the minimum lot area in the HD District for properties with public water and public sewer from 2 acres to 1.5 acres.

Section 5. Section 155-12(D)(e) of the Town Code is amended to provide for a maximum of two dwelling units over a ground floor retail commercial use for parcels **with** public water and public sewer.

Section 6. Section 155-12(D) of the Town Code is amended to add a subsection (g) reading as follows: “for parcels with public sewer and public water, there may be up to a maximum of four multi-family dwelling units above a ground floor retail commercial use.

Section 7. Section 155-12(D) of the Town Code is amended to add a new subsection (h) reading as follows: “for parcels with public sewer and public water, there may be up to a maximum of four multi-family dwelling units above a ground floor retail commercial use, and the units may be of two-story design.

Section 8. Section 155-30 of the Town Code is amended to add a new subsection (3) reading as follows:

- (3) C-1 District.
  - (a) Minimum lot area shall be 5,000 square feet.
  - (b) Lots shall be served by and utilize public water and public sewer.
  - (c) Setbacks for front yard shall be minimum 5 feet, each side yard may be zero feet, and rear yard shall be minimum 20 feet.
  - (d) Notwithstanding the design standards in subsection B, maximum density shall be four dwelling units over a ground floor retail commercial use. The maximum number of four dwelling units may be of two-story design.
  - (e) Notwithstanding other provisions found within Chapter 155, and notwithstanding design standards set forth within subsection B, adjacent buildings may be connected to provide multi-family dwellings over ground floor retail commercial uses in order to share infrastructure such as a common elevator or other common infrastructure, subject to Planning Board approval.
  - (f) Extension of a public water or public sewer service area shall not burden an existing water or sewer district with any cost or debt associated with the extension.

Section 9. Schedule I of Chapter 155 is amended (a) to add reference to footnotes 1 and 2 immediately to the right of title to Schedule I which is “LOT, YARD AND HEIGHT REGULATIONS”, and (b) to add the following footnote 2: Minimum setbacks are subject to Section 155-52 in R-Ag-1, R-1, and HD zones that are next to active agricultural lands in efforts

July 9, 2018

to preserve and protect agricultural practices. This minimum setback of 75 feet from the property line will supersede other minimum setbacks identified in Schedule I.

Section 10. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 11. This local law shall be effective upon filing with the Secretary of State. Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. He offered the following resolution which was seconded by Councilman Molinelli, who moved its adoption:

WHEREAS, Supervisor Lanzetta has introduced this local law for the Town of Marlborough, to be known as Local Law No. --- of 2018, amending various provisions of Chapter 155 as described within the title of this local law and within the following public hearing notice.

July 9, 2018

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 July 23, 2018, at 7 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:

July 9, 2018

**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 July 23, 2018 at 7o'clock, p.m., prevailing time, on proposed Local Law No. --- of the Year 2018 to **(a)** change the zoning district designation of 132 Milton Turnpike (Tax Parcel Number 103.1-1-33.200) from the R-1 District to the R-Ag-1 District; **(b)** change the zoning district designation of a 2.99 acre parcel fronting on Milton Turnpike (Tax Parcel Number 103.1-1-33.100) from the R-1 District to the R-Ag-1 District; **(c)** amending Schedule I of Chapter 155 with respect to maximum height and minimum lot size in the HD zone; **(d)** amending Section 155-12(D)(e) to provide for a maximum of two dwelling units over a ground floor retail commercial use for parcels **with** public water and public sewer; **(e)** amending Section 155-12(D) to add a subsection (g) reading as follows: "for parcels with public sewer and public water, there may be up to a maximum of four multi-family dwelling units above a ground floor retail commercial use; **(f)** amending Section 155-12(D) to add a new subsection (h) reading as follows: "for parcels with public sewer and public water, there may be up to a maximum of four multi-family dwelling units above a ground floor retail commercial use, and the units may be of two-story design; **(g)** amending Section 155-30 to add a new subsection (3) to regulate multi-family dwelling units in the C-1 District; and **(h)** referencing the active agricultural land special setback of 75 feet in Section 155-52 within Schedule I to Chapter 155.

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TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

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

DATED:       Milton, New York  
                 July 9, 2018

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COLLEEN CORCORAN, TOWN CLERK

July 9, 2018

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

Supervisor Lanzetta Yes

Councilman Molinelli Yes

Councilman Corcoran Yes

Councilman Baker Yes

*(Councilman Baker stated for the record that he does not support the increase of the maximum height in the HD zone from 35 feet to 45 feet, and increase the maximum number of stories from 2 1/2 to 4. He would rather handle this on an individual basis.)*

Councilman Koenig Yes

DATED: Milton, New York  
July 9, 2018

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COLLEEN CORCORAN, TOWN CLERK

July 9, 2018

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B). Resolution #52 To introduce a Local Law of the year 2018

Supervisor Lanzetta, introduced the following proposed local law, to be known as Local Law No. -- of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 105, NOISE, OF THE TOWN CODE.

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

Section 1. Section 105-2 of Chapter 105 is amended as follows. Deletions are shown by strikethroughs and additions are underscored.

§105-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AMPLIFICATION**

Any means by which a sound is magnified.

**CODE ENFORCEMENT OFFICER**

Any officer appointed by resolution of the Town Board, including but not limited to police, building inspector, or code enforcement officer.

**NOISE**

Any sound that exceeds decibel limit as described herein at the property line from which property the sound emanates or is produced.

**PLAINLY AUDIBLE**

~~Sound detected by a person using unaided faculties for hearing.~~

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DECIBEL METER INSTRUMENT – A decibel meter is a measuring instruments used to assess noise or sound levels by measuring sound pressure. To be eligible as proof of a violation, the decibel meter instrument must be maintained and calibrated on a regular basis, according to manufacturer's recommendations.

Section 2. Section 105-3 of Chapter 105 of the Town Code is amended as follows.

Deletions are shown by strikethroughs and additions are underscored.

§ 105-3 Prohibited noises.

- A. Between the hours of 10:00 p.m. and 7:00 a.m. ~~Monday Sunday through Friday Thursday~~ and 11:00 p.m. and 7:00 a.m. ~~Saturday Friday and Sunday Saturday~~, any sound that exceeds 5570 decibels as measured at the property line of the property from which the sound emanates or ~~which is of such a manner or volume as to be plainly audible inside any residence or building with closed windows and doors by those who are not voluntary listeners~~ is prohibited is produced.
- B. Between the hours of 7:00AM and 10:00PM Sunday through Thursday and 7:00AM through 11:00PM on Friday and Saturday any sound that exceeds 65 decibels as measured at the property line of the property from which it emanates or is produced is prohibited. Sounds generated, created, or caused to be made by any individual with the intent to cause annoyance, alarm, or undue inconvenience to owners or occupants of adjoining properties and which exceed 75 decibels at the property line are prohibited.
- C. ~~Sounds of machinery/equipment or any internal combustion engine that exceed a duration of six continuous hours and exceed 75 decibels at a distance of 100 feet from the source are prohibited.~~
- D. ~~Amplified sound, including but not limited to music, voices, chanting, bells, chimes, animal sounds, shall not exceed 75 decibels at the property line from which the sound is generated.~~

Section 3. Section 105-4 of Chapter 105 of the Town Code is amended as follows.

Deletions are shown by strikethroughs and additions are underscored.

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§ 105-4 Exemptions.

Exemptions are as follows:

- A. All sounds produced by any accepted agricultural activity/practice or as defined in the Right to Farm Law of the Town of Marlborough are exempt from this chapter.
- B. Sounds connected with sporting or educational events of any public or private entity including schools are exempt. Use of loudspeaker, public address systems, or other amplified speaker systems for these uses are exempt from this chapter.
- C. Sounds created by any government agency for a public purpose **are exempt**.
- D. Emergency construction repair work at all times to preserve safety or prevent property damage is exempt.
- E. Sounds created by public utilities in carrying out their franchises are exempt. Refuse removal by public or private companies are exempt.
- F. Music or other sounds produced in connection with any military or civic parade, ceremony, or celebratory procession, are exempt. A holiday festival which that is transitory in nature is exempt.
- G. Sounds created by lawnmowers, leaf blowers, snow blowers, chain saws and other small engines between the hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 9:00 p.m. Sunday are exempt.

Section 4. Section 105-7 of Chapter 105 of the Town Code is amended as follows.

Deletions are shown by strikethroughs and additions are underscored.

§ 105-7 Penalties for offenses.

Penalties are as follows:

- A. A fine of up to \$1,000 for each offense. A violation of this chapter is hereby declared to be an offense, with conviction of the first offense punishable by a fine of up to \$1,000 or imprisonment not to exceed 15 days, or both. For the conviction of a second or subsequent offense that was committed within a period of 5 years from the prior offense, a violator shall be

July 9, 2018

subject to a fine of up to \$5,000 or imprisonment not to exceed 15 days, or both. Each day shall constitute a separate violation.

Section 5. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 6. This local law shall take effect immediately upon filing with this state's Secretary of State.

Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. He offered the following resolution which was seconded by Councilman Koenig, who moved its adoption:

WHEREAS, Supervisor Lanzetta has introduced this local law for the Town of Marlborough, to be known as Local Law No. --- of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 105, NOISE, OF THE TOWN CODE.

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, 21 Milton Turnpike, Milton, New York on July 23, 2018, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting

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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:

July 9, 2018

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall, 21 Milton Turnpike, Milton, New York on July 23, 2018 at 7:00 o'clock, p.m., prevailing time, on proposed Local Law No. --- of the Year 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 105, NOISE, OF THE TOWN CODE.

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, at the aforesaid Town Hall between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

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

DATED:       Milton, New York  
                 July 9, 2018

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COLLEEN CORCORAN, TOWN CLERK

July 9, 2018

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

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
July 9, 2018

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COLLEEN CORCORAN, TOWN CLERK

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C). Resolution #53 To introduce a Local Law of the year 2018

Supervisor Lanzetta introduced the following proposed local law, to be known as Local Law No. --- of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 67-4(B) "BUILDING PERMITS" OF THE TOWN OF MARLBOROUGH TOWN CODE.

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

Section 1. Section 67-4(B) of the Marlborough Town Code is amended as follows (deletions are stricken and additions are underscored):

B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) ~~Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area is less than 144 square feet (13.38 square meters);~~

(12) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

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- (23) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (24) Installation of fences which are not part of an enclosure surrounding a swimming pool;
- (25) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (26) Construction of temporary motion-picture, television and theater stage sets and scenery;
- (27) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (28) Installation of partitions or movable cases less than five feet nine inches in height;
- (29) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (30) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (31) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (32) Repairs, provided that such repairs do not involve:
  - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
  - (b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;
  - (c) The enlargement, alteration, replacement or relocation of any building system; or

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(d) The removal from service of all or part of a fire protection system for any period of time.

Section 2. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

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

Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this local law. He offered the following resolution which was seconded by Councilman Corcoran, who moved its adoption:

WHEREAS, Supervisor Lanzetta has introduced this local law for the Town of Marlborough, to be known as Local Law No. --- of 2018, AMENDING SECTION 67-4(B) "BUILDING PERMITS" OF THE TOWN OF MARLBOROUGH TOWN CODE.

July 9, 2018

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 July 23, 2018, at 7o'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:

July 9, 2018

**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 July 23, 2018 at 7o'clock, p.m., prevailing time, on proposed Local Law No. --- of the Year 2018 amending Section 67-4(B) "Building Permits" of the Town of Marlborough Town Code to delete existing subsection (1) and to renumber the subsections.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

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

DATED:       Milton, New York  
                 July 9, 2018

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COLLEEN CORCORAN, TOWN CLERK

July 9, 2018

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

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
July 9, 2018

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COLLEEN CORCORAN, TOWN CLERK

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July 9, 2018

July 9, 2018

D). Resolution #54 To create a more effective transfer station

Supervisor Lanzetta proposes the following:

Whereas, the transfer station committee along with the Town Board of the Town of Marlborough wishes to have a more cost effective Transfer Station, and

Whereas, the following changes are the recommendations of the transfer station committee.

1. New B permit holders will be allowed to dispose of only two thirty gallon containers of yard waste (brush) per transfer station visit.
2. The rate for C&D disposal will be changed from \$80.00 to **\$100** per pickup truck load.
3. The rate for brush disposal will be changed from \$55.00 per truck load to **\$10**

Now therefore be it resolved, that the above changes become effective August 1, 2018.

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Lanzetta	Yes

***Councilman Molinelli made a motion to adjourn the meeting at 8:54 p.m. Motion seconded by Councilman Koenig.***

*Yeas: 5 Nays: 0 Carried*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*