

August 13, 2018

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
AUGUST 13, 2018 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran  
Councilman Koenig  
Councilman Baker

Colleen Corcoran, Town Clerk

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

## ITEM #2 Moment of Silence

*Supervisor Lanzetta asked for a moment of silence for Reverend David Ballou who recently passed away.*

### ITEM #3 Motion to approve agenda

*Councilman Baker made a motion to amend the agenda to add Resolution #64 To appoint a part time Data Collector to ITEM #14 and Motion to approve minutes from the July 23, 2018 Public Hearings to ITEM #4. Motion seconded by Councilman Corcoran.*

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

ITEM #4 Motion to approve minutes from the July 23, 2018 Town Board Meeting  
*Councilman Corcoran made a motion to approve minutes from the July 23, 2018 Town Board Meeting. Motion seconded by Councilman Baker.*

*Yeas: 5 Nays: 0 Carried*

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Motion to approve minutes from the July 23, 2018 Public Hearings  
*Councilman Baker made a motion to approve minutes from the July 23, 2018 Public Hearings. Motion seconded by Councilman Corcoran.*

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

ITEM #5 Authorize payment of bills  
*Councilman Baker made a motion to authorize payment of the abstract in the amount of \$162,807.50. Motion seconded by Councilman Corcoran.*

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

ITEM #6 Comments on the agenda  
*No comments on the agenda.*

ITEM #7 Presentations  
*No presentations.*

ITEM #8 Report of Departments and Boards

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**A) SUPERVISOR - ALPHONSO LANZETTA**

**Supervisor's Report August 2018**

Several meetings, throughout the month, with Cluett Schantz Playground Committee and various vendors of all inclusive playground equipment

Met with Ted Bartlett and contractors of rehabilitation of Milton Train Station to review work

Met with Michael Herzog, Kedem, on status of business needs

Attended Ulster County Association of Supervisors

Met with CAC to discuss Rt. 9W Design Guidelines

Attended meeting for the Rt. 9W Corridor Plan

Attended Ulster County Transportation Council Meeting, which included discussion about Milton CSX crossing

Met with Jessica Caserto and Building Inspector Tom Corcoran to discuss Central Hudson issue

Met with Phil Bell and Building Inspector Tom Corcoran to discuss potential Recreation Center

Worked on trail at Milton Landing with Jolly Rover Trail Group

Photo op with press with Senator Larkin, Council members and Playground Committee for \$150,000 grant

Worked at Senior Picnic in Schantz Park

Met with Father Tom and representatives of St. Mary's Church to discuss the leases at St. Mary's parking on Rt. 9W

Attended memorial for Pastor David Ballou

Respectfully submitted,  
Al Lanzetta

*Supervisor Lanzetta added that CSX should be fixing the crossing at the Milton Landing in the fall. He also explained that Father Tom will consider that the Town would like to take over the parking lot across from St. Mary's Church and be the only lessee; if that is not feasible, the Town would like a few parking spots.*

August 13, 2018

B) BUILDING INSPECTOR - THOMAS CORCORAN

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

CERTIFICATE OF OCCUPANCY 6 STOP WORK ORDER 3

REQUEST FOR INFORMATION 13 ZBA APPLICATION 0

TRAILER PARK RENEWALS 0 ORDER TO REMEDY 16

BUILDING EXTENSIONS 0 COMPLAINTS 29

FIRE INSPECTIONS 17 BURN PERMITS ISSUED 16

FIRE CALLS 1 CLOTHING BIN RENEWALS 0

**BUILDING PERMITS 43**

<u>2</u> ONE FAMILY	<u>1</u> CLOTHING BIN
<u>1</u> TWO FAMILY	<u>1</u> SIGNS
<u>1</u> ELECTRICAL/GENERATOR	<u>1</u> BARN
<u>1</u> FURNACE/BOILER (INDOOR)	<u>2</u> ADDITIONS/RENOVATIONS
<u>1</u> DEMOLITION	<u>1</u> COMMERCIAL STRUCTURE
<u>4</u> TANK INSTALLATION/REMOVAL	<u>7</u> DECKS/STAIRS
<u>1</u> STOVES (WOODSTOVE, PELLET)	<u>1</u> WIRELESS COMMUNIATION
<u>2</u> POOL/HOT TUB	<u>16</u> BURN PERMITS
<u>4</u> SHED	<u>1</u> CARPORT/GARAGE
<u>2</u> ROOF	<u>1</u> SOLAR PANELS

**ESTIMATED COST OF BUILDINGS \$1,090,697.00**

CERTIFICATE OF OCCUPANCY	\$ <u>900.00</u>
REQUEST FOR INFORMATION	\$ <u>1,300.00</u>
BUILDING EXTENSIONS	\$ <u>0</u>
TRAILER PARK RENEWALS	\$ <u>0</u>
BUILDING PERMITS	\$ <u>6332.45</u>
FIRE INSPECTION FEES	\$ <u>1,000.00</u>
ZBA ESCROW FEES	\$ <u>0</u>
ZBA APPLICATION	\$ <u>0</u>
BURN PERMIT FEES	\$ <u>70.00</u>
TOTAL MILEAGE: <u>1511</u> MILES	
TOTAL GAS USAGE <u>133</u> GALLONS	
TOTAL MONTHLY RECEIPTS	\$ <u>9,602.45</u>

*Some of the Board members briefly discussed stop work orders with Tom Corcoran. Tom Corcoran added that the Dunkin Donuts project should resume again soon. Their engineers had to redesign the retaining wall so it will be stronger because the material that will be behind it is softer than anticipated.*

August 13, 2018

C) POLICE CHIEF - GERALD COCOZZA

Police Department  
Town of Marlborough

**MEMORANDUM**

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: August 13, 2018  
Subject: Activity Summary for the Month of July 2018



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

<u>MOTOR VEHICLE ACCIDENT</u>	July 18	Yr. Date 18	July 17	Yr. Date 17
Personal injury	1	21	1	25
Fatal	0	0	0	0
Property Damage	16	85	13	92
Report Not Required	1	28	1	20
Total	18	134	Total 15	137

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	85	659	120	1055
Parking	2	17	8	27

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	338	2216	332	2329
Total Arrests	19	174	30	234

<u>TOTAL TELEPHONE CALLS</u>	1698	13685	1757	12171
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POLICE DEPARTMENT OVERTIME HOURS payroll 15 & 16

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 Grant O/T	(see attached)	(see attached)
Full Time Dispatchers Overtime	0 (\$0) 0	0 (\$0) 0
Part Time Dispatchers Overtime	0 (\$0) 48	0 (\$0) 34

<u>Police Mileage</u>	11173	81912	12330	84494
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*Supervisor Lanzetta added that the Police Department will be doing details for the crosswalks in Marlboro.*

*Chief Cocozza also added that the department received a Traffic Safety Award for \$5,880.00 which will be used beginning October 1<sup>st</sup> for seatbelt safety, aggressive driving, bus safety, and other details.*

*Also, there will be a resolution on the agenda for a new part time police officer on the next agenda.*

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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 July 2018**

**ROADS:** We continue to mow the roadsides throughout the Town. We did numerous c.b. and pipe end patrols. We repaved a swale on Orange St. with 7 Ton of blacktop. We milled out bad spots on Peach Lane, Mahoney Road and Bailey's Gap Road, then repaved all of these.

**DRAINAGE:** We cleaned out a c.b. and replaced one 24 in. piece of pipe on South Street Extension. We replaced 160 ft. x 24 in. pipe on South St. Extension, down the hill, by the mall, to the c.b. on 9W. We finished by blacktopping this road cut. We repaired a collapsed pipe on Ridgecrest Drive with 12 in. PVC. We repaired a 150 ft. run of rotted galvanized CMP with PVC on Briarwood Lane. We repaired ditch lines on Old Indian Road and South Rd.

**SHARED SERVICES:** We mowed the Landfill cap and around the Landfill. We assisted Marlboro Hose by removing a dirt berm and a black top area, then replaced a curtain drain and installed a new one. They will black top this. We assisted the Water Department with a water main break on Milton Turnpike.

**TREES:** We had to clear brush on Old Post Road, Idlewild Road and Sands Ave. and chipped this up. We trimmed and chipped trees on Hillside Drive, Willow Tree Road, Bailey's Gap Road and Rt. 9W.

**FUEL USEAGE:** Gas: 299.621 gallons Diesel: 1012.121 gallons.

Gael R. Appler, Sr.  
Highway Superintendent

GRA/cw

*Supervisor Lanzetta added that the Highway Department along with Local 17 started framing the sidewalks on Grand Street.*

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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: 8/13/2018

TO: SUPERVISOR AL LANZETTA  
TOWN BOARD MEMBERS  
TOWN CLERK

RE: MONTHLY REPORT FOR JULY

Water consumption totaled 16.3 million gallons, which is a daily usage of 525,000. Compared to last month 15.049 million gallons, which is a daily usage of 501,000. Compared to a year ago water consumption was 15.3 million for the month which is a daily usage of 493,000.

**SUMMARY FOR THE MONTH:**

WATER MAINS: We had to repair Two-10 inch water mains on Milton Turnpike with the help of the Highway Dept.

CURB BOXES: We had to repair curb boxes on Anna Pl. and also Highland Ave.

SERVICE LINES: Had to repair a service line on Old Indian Rd.

STORAGE TANKS: We inspected, took samples, and mowed around our storage tanks.

CLASSES: Went to class about Badger Meters future.

RESERVIOR: We mowed and weed wacked around the reservoir, also the Sewer plants.

SEWER LINE INSPECTIONS: 1

CLOSINGS: 3

MARKOUTS: 45

Gallons of Gas: 270

Gallons of Diesel: 20

Mileage for the month: 1670

*Mr. Muggeo briefly explained the Badger meter class.*

*There was a discussion about frequent water main breaks along a 1,200 foot main on Milton Turnpike. The Board would like to get the price of installing a whole new water main instead of fixing it all the time.*

***Councilman Molinelli made a motion to add New Water Main Line on Milton Turnpike under New Business. Motion seconded by Councilman Koenig.***

**Yeas: 5**

**Nays: 0**

**Carried**

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F) TOWN CLERK - COLLEEN CORCORAN

08/02/2018

Town Clerk Monthly Report Monthly Report  
July 01, 2018 - July 31, 2018

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Account Description	Fee Description	Account#	Qty	Local Share
building Dept/ Burn permits	Burn Permits	00-2110	1	155.00
			<b>Sub-Total:</b>	<b>\$155.00</b>
Conservation	Conservation	A1255	9	18.72
			<b>Sub-Total:</b>	<b>\$18.72</b>
Dog Licensing	Female, Spayed	A2544	23	115.00
Dog Licensing	Female, Unspayed	A2544	1	10.00
Dog Licensing	Male, Neutered	A2544	24	120.00
Dog Licensing	Male, Unneutered	A2544	6	60.00
			<b>Sub-Total:</b>	<b>\$305.00</b>
General Fund	Water Service	2144SW	2	3,000.00
			<b>Sub-Total:</b>	<b>\$3,000.00</b>
LANDFILL FEES	T/s Permits	00-2130	8	270.00
LANDFILL FEES	T/s Punch Cards	00-2130	26	1,655.00
			<b>Sub-Total:</b>	<b>\$1,925.00</b>
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	3	52.50
			<b>Sub-Total:</b>	<b>\$52.50</b>
Misc Fees	Building Fees\Building Dept	00-2110	1	16,285.50
Misc Fees	Fire Fees/Building Dept	00-2110	1	830.00
Misc Fees	YRP Camp	00-2025	71	13,600.00
Misc Fees	YRP Zumba	00-2025	2	300.00
			<b>Sub-Total:</b>	<b>\$31,015.50</b>
MISC. FEES	Accident Reports	00-1255	8	40.00
MISC. FEES	Certified Copies	00-1255	4	40.00
MISC. FEES	Foi Requests	00-1255	2	5.50
MISC. FEES	Park Fees	00-2001	4	900.00
			<b>Sub-Total:</b>	<b>\$985.50</b>
YRP Jiu-Jitsu	YRP Jiu-Jitsu	00-2025	2	300.00
			<b>Sub-Total:</b>	<b>\$300.00</b>
				<b>Total Local Shares Remitted: \$37,757.22</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				68.00
Amount paid to: NYS Environmental Conservation				320.28
Amount paid to: State Health Dept. For Marriage Licenses				67.50
<b>Total State, County &amp; Local Revenues:</b>	<b>\$38,213.00</b>			<b>Total Non-Local Revenues: \$455.78</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 \_\_\_\_\_

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G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

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

August 11, 2018

Report on The Marlboro Wastewater Treatment Plant for July 2018  
The average flow meter readings to the plant was 90,000 gallons per day.

The design capacity is 175,000 gallons per day.  
We used 51% of capacity.

The process is meeting all other SPDES requirements.  
Lab results show that we removed 99% of BOD and 97% of Suspended Solids during the month.

Milton Wastewater Treatment Plant:  
The Average flow to the Milton plant during July 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 96% 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.

Tony 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

AndrewMcKee-DogControlOfficer

Monday, August 6, 2018

### Monthly Report - 7/1/2018 through 7/31/2018

#### Overview:

We received a total of **11** calls this month including **5** 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 1 stray dog, which was redeemed by its owner.

3 appearance tickets were issued this month.

We currently have 0 dogs in the kennel

We had 2 Dog Bites reported this month. 1 case is closed as the dog was returned to the rescue it was adopted from and voluntarily euthanized in lieu of a court preceding.

The 2<sup>nd</sup> case is due in the Marlborough Justice Court on August 8<sup>th</sup> and involved 3 dogs who got loose and attacked the neighbors domestic cat.

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:** August 13, 2018  
**Re:** **August** Report

Our office processed 34 real property sales transfers.

We worked on 7 property tax estimates.

After interviewing several applicants, we have decided to hire Mr. Michael Sommer to fill the position of Data Collector for the Town. Mr. Sommer is highly qualified for the position with many years of assessing experience.

We worked with the school district to process the pro-rated tax reevaluations.

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J) PLANNING - CHRIS BRAND

Town of Marlborough

## Planning Board Review

### July 2018

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Meeting: July 2, 2018 / 7:30 PM / Town Hall

MEETING CANCELLED

#### NEXT Deadline

Friday, July 6, 2018

#### NEXT Scheduled Meeting

Monday, July 16, 2018

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Meeting: July 16, 2018 / 7:30 PM / Town Hall

#### ATTENDEES

Manny Cauchi, Steve Clarke, Cindy Lanzetta, Joe Lofaro, Ben Trapani, Joel Truncali [Acting Chair]

#### AGENDA

Approval of Stenographic Minutes for 5/7/2018, 6/4/2018, and 6/18/2018

Approval for the above minutes was granted unanimously.

Paul Gladman, 107 South Street, Marlboro: Sketch, Lot Line

- Neither the applicant nor their representatives were present.

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**Marlboro on Hudson, Hudson Circle, Marlboro: Sketch, Site Plan**

- The project's representative presented plans to complete a previously approved, but unfinished, project. Twenty four new condominiums, a clubhouse, and pool are part of the new proposal, bringing the total number of condominiums on the site to thirty six. Modifications to the original stormwater management plan were proposed in order to comply with current regulations. Clarification regarding water mains and their respective easements were discussed. The Board also requested more information on proposed landscaping, lighting, and grading plans. Outstanding comments from Ron Blass and Town of Marlborough Water Department require additional review. Town Engineer Pat Hines recommended adjustments to the proposed sprinkler/potable water lines. Construction phasing, trash collection, architectural renderings [if new units do not mirror existing units], and frontal porches/steps on some units will all require further evaluation from the Board. This project will require a Public Hearing as well as review by the Ulster County Planning Board. The Board moved unanimously to have the intent to be lead agency for this project.

**NEXT Deadline**

Friday, July 20, 2018

**NEXT Scheduled Meeting**

Monday, August 6, 2018

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board

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**ITEM #9 Report of Committees**

**A) RECREATION COMMITTEE**

*Councilman Corcoran reported that Supervisor Lanzetta got a grant from Senator Larkin for a new playground which will be an upcoming project. After the Board discussed and took public comments regarding changes to the plans for the new recreation/community center at the last meeting they decided to make the kitchen and building bigger and include a wraparound drop off area for easier access to the building. They are presenting the plans to the school to start negotiations/shared service. Supervisor Lanzetta added that he thinks the Town should own the property were the building would go. The Board briefly discussed leasing vs. owning that property.*

**B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE**

*No report.*

**C) CONSERVATION ADVISORY COMMITTEE**

*Supervisor Lanzetta reported that the committee met and they are close to being done with design guideline suggestions.*

**D) IT COMMITTEE**

*Supervisor Lanzetta reported that there will be an inter-municipal agreement with the school for two 80" televisions in the meeting room and 7 Chromebooks are on order with the total bill being approximately \$7,000.00. The school will install all of the equipment. Meetings will soon be paperless. Supervisor Lanzetta also thanked all the people who have help make this happen.*

**E) MILTON TRAIN STATION FOUNDATION**

*Supervisor Lanzetta reported that there will be a gathering on October 20, 2018 at the Milton Train Station to celebrate all the work that has been done and all the people who made it happen.*

**F) MILTON LANDING CITIZENS COMMITTEE**

*Councilman Koenig reported that there have been new people using the dog park. He also reported that he was told by NYSDOT to pass a resolution to invite CSX to a public meeting to discuss the safety issues. Whether they come or not will decipher how DOT can proceed. Supervisor Lanzetta stated that he will get a resolution together and invite CSX.*

**G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE**

*No report*

**H) MEET ME IN MARLBOROUGH**

*Councilman Baker reported that he attended the new brochure launch party at Benmarl Winery. They are also working on tourism projects with groups from Ireland, China, and New York City.*

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I) HAMLET OF MILTON ASSOCIATION COMMITTEE

*Councilman Koenig reported that the flowers are still looking great and they are beginning to talk about fall flowers.*

J) TRANSFER STATION REVIEW COMMITTEE

*No report.*

ITEM #10 Old Business

A) Sale of TOMVAC property

*Supervisor Lanzetta stated that the potential buyer of TOMVAC signed a contract and put down a \$20,000.00 deposit. Once the Town attorney receives the two items they can proceed with the sale process.*

B) Design Standards for RT 9W Corridor Overlay District

*No new information.*

C) LWRP

*No new information.*

D) Route 9W Corridor study

*No new information.*

E) Zoning Changes

*Supervisor Lanzetta stated that our attorney will need to speak to Robert Leibowitz, Ulster County Planning, with regards to the response to the zoning changes.*

ITEM #11 New Business

A) New Water Main Line on Milton Turnpike

ITEM #12 Correspondence

*No correspondence.*

ITEM #13 Public Comments

*Ralph Walters explained why he doesn't feel that there is not a problem with the state police doing their details in the St. Mary's parking lot. He suggested that a study be done to see how much revenue the town may lose if this were stopped. He also suggested that maybe the state could have some sort of waiver for a certain amount of time for trucks if they are in good standing so they won't have to get inspected each time they get stopped. Some of the Board members gave their opinions and discussed this topic with Mr. Walters. There has not been a resolution to this topic.*

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*James Garofalo stated that the town should ask the police where they would move their detail because it may not be a better place. He also encourages the police to do any details.*

ITEM #14 Resolutions

- A). Resolution #60 To appoint a part time traffic control officer
- B). Resolution #61 To Adopt SEQRA negative declaration and notice of determination of non-significance
- C). Resolution #62 To adopt Local Law #4 of the year 2018
- D). Resolution #63 To re appoint a Board of Assessment Review Member
- E). Resolution #64 To appoint a part time Data Collector

ITEM #15 Adjournment

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A). Resolution #60 To appoint a part time traffic control officer

Supervisor Lanzetta proposes the following:

Whereas, the Police Committee has interviewed for the position of part time traffic control officer, and

Whereas, it is the recommendation of the Police Committee as well as the Chief of Police to appoint Carlo Squilla as part time traffic control officer.

Now therefore be it resolved that, Carlo Squilla be appointed effective immediately.

Now therefore be it further resolved, that the hourly rate is \$20.00 an hour

And moves for its adoption

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

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B). Resolution #61 To Adopt SEQRA negative declaration and Notice of determination of non-significance

**SEQRA NEGATIVE DECLARATION AND  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No. 4 of 2018, a local Law of the Town of Marlborough, Ulster County, New York, amending Section 130-14.16(A), Private Roads, of the Town Code; and

**WHEREAS**, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

**WHEREAS**, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

**WHEREAS**, the name and address of the lead agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Milton, NY 12547 and the Responsible Officer is Al Lanzetta, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency, has classified this Action as an unlisted action pursuant to the SEQRA Regulations; and

**WHEREAS**, the Town of Marlborough Town Board has caused the preparation of a Short Environmental Assessment Form (EAF) for review of the Action, including Parts 1 and 2 of the EAF; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action which restores a prior rule regarding the maximum number of lots or residences on a private road; and

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

The proposed code changes regulate the maximum number of lots or residences on a private road. They do not rise to the level of creating any adverse physical impacts in those areas of the Town for which they are intended to be implemented. In the policy judgment of the Town Board, the proposed code amendments will create positive and beneficial impacts to those areas

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of Town for which they are intended by reducing the potential for clusters of lots or residences on private roads of substandard quality as compared to public highways.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Marlborough Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;

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

4. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;

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

6. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;

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

8. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

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

August 13, 2018

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

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

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C). Resolution #62 To adopt Local Law #4 of the year 2018

Councilman Koenig offered the following resolution, which was seconded by Councilman Molinelli, who moved its adoption:

WHEREAS, a local law was introduced entitled Local Law No. 4 of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 130-14.16(A), PRIVATE ROADS, OF THE TOWN CODE; and

WHEREAS, a public hearing in relation to said local law was held on August 13, 2018 at 7:00 p.m., Prevailing Time; and

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

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

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

Section 1. Subdivision (A) of Section 130-14.16 of the Town Code is amended as follows. Deletions are shown by strikethroughs and additions are underscored.

§ 130-14.16 Private roads.

A. A "private road" shall be defined as a right of way for vehicular traffic, privately owned and maintained as an access way for lots or parcels. The Planning Board, at its

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discretion, may approve the use of private road to serve subdivisions or multifamily residential developments, including condominium or townhouse projects. A “private road” shall be defined as a road privately owned and maintained as an access way for between two to four lots, connecting to a public street. No more than four lots may be served by a private road. However, up to two additional lots may use the private road, if a private agreement so allows, provided that those two additional lots have the minimum required frontage under Chapter 155, Schedule I of the Town Code on a public street or highway. Lots enjoying frontage variances on a public street or highway shall not be eligible to increase the number of lots on a private road. For purposes of the private road use count, no distinction shall be made between developed or undeveloped lots having the right to utilize said private road. However, the private road use count as addressed under this subsection must be considered prior to any building permit being issued for any lot. Excess lots on a private road shall not eligible for a building permit. No subdivision shall contain more than one private road. The Planning Board shall not approve the use of a private road in any subdivision or multifamily residential development, including a condominium or townhouse project, if it is determined that the use of said private road is not consistent with the health, safety, welfare and convenience of the proposed users of the road and the people of the Town of Marlborough in general.

**B.** The owner of any lot or parcel that abuts an approved private road shall be the fee owner to the centerline of the private road along the full width of the lot or parcel. A proposed easement as necessary to provide for ingress, egress and/or access to and over a private road for all parcels on the private road shall be submitted to the Planning Board for review and approval by the Planning Board attorney prior to granting of final approval for any subdivision or site plan application containing a private road.

**C.** In all cases, dimensions used in determining compliance with zoning bulk, frontage and setback regulations shall be measured from or along the right-of-way lines indicated for the private road.

**D. Responsibility for maintenance.**

**(1)** Where a subdivision plat containing a private road is approved and filed with the Ulster County Clerk, such subdivision plat shall contain a note clearly stating that the subdivision contains a private road which the Town of Marlborough has no responsibility to maintain, nor provide services for, nor make any improvements to; that all such costs shall be borne by the property owners approved to use said road in accordance with the terms of maintenance declaration or agreement, as referenced herein below.

**(2)** All private road will have provisions for the maintenance of said private road, pertinent drainage facilities and other improvements incorporated in a maintenance declaration or agreement which shall be recorded in the Ulster County Clerk's office at the time of filing of the subdivision plat and prior to the transfer in ownership of any subdivision lot. A proposed private road maintenance agreement shall be submitted to the Planning Board for review and approval by the Planning Board attorney prior to granting of final approval for any subdivision application containing a private road. The private road maintenance agreement shall require the maintenance of all aspects of the private road, including, but not limited to, snowplowing, sanding, pavement repairs, maintenance and cleaning of drainage structures and mowing, and shall provide that such maintenance shall be the responsibility of the owners of the private road. Such private road maintenance agreement shall further provide for an annual safety access inspection for fire and emergency services. Private road maintenance agreements shall not prohibit future modifications to allow for extensions or upgrades to the private road. A copy of the private road maintenance agreement shall be filed with the Town of Marlborough Building Department and Ulster County Clerk.

**(3)** A private road may not be offered for dedication to the Town of Marlborough unless the owners of the private road shall first have caused it to meet the current applicable street specifications in the Town of Marlborough, identified in Article **I** of this chapter. In the event

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a private road is dedicated to the Town of Marlborough, the front lot line of all parcels adjacent to such road shall be located at least 25 feet from the centerline of the road.

**(4)** There shall be adequate provision for maintenance of private roads serving multifamily residential developments, including condominium or townhouse projects, by means of an acceptable homeowners' association or similar entity.

**E.** Private road construction specification. If the Planning Board shall authorize the construction of a private road in accordance with the standards set forth in this chapter, said private road shall at a minimum conform to the standards set forth below.

**(1)** The maximum permitted length of a private road to serve a proposed subdivision or multifamily residential development, including a condominium or townhouse project, shall be determined by the Planning Board upon a finding that such maximum length would not be detrimental to the public health, safety, welfare and general convenience.

**(2)** The private road will have the subbase prepared and compacted to the maximum density. Where grade alteration is required, the same shall be by use of run-of-bank or other no-frost-susceptible material, compacted to maximum density.

**(3)** Said private road will have a base course which conforms to the requirements for a minor road as set forth in this chapter.

**(4)** The paved portion of a private road shall not be less than 24 feet in width and shall have, in addition, shoulders three feet in width on both sides of the road, which shoulders shall be compacted to maximum density, and shall also have a three-foot-wide drainage swale adjacent to each shoulder

**(5)** The right-of-way reserved for all private roads shall not be less than 50 feet in width; rights-of-way for cul-de-sac shall not be less than 80 feet in diameter.

**(6)** Dead end private roads shall end in a cul-de-sac; said cul-de-sac shall have a finished surface being not less than 60 feet in roadway diameter. The maximum length of a private road which ends in a cul-de-sac shall not exceed 2,000 feet.

**(7)** No portion of any private road shall have a grade exceeding 14% except that all work within the public road rights-of-way shall conform to the appropriate standards of the agency having jurisdiction over the same. Where the slope of a private road exceeds 10%, the Planning Board may set reasonable requirements, including but not limited to the provision of temporary parking areas, in order to protect the public health, safety and welfare.

**(8)** All side slopes of lands adjacent to the private road within the private road right-of-way shall not be steeper than a slope of 2:1. Alternate side slopes using alternate methods of stabilization and control may be approved by the Planning Board on a case-by-case basis.

**(9)** If a private road is constructed over a place where water runs regularly or intermittently underneath said road or will be caused to do so as part of the proposed subdivision, coated corrugated metal pipe (CMP) culvert or any alternative pipe materials approved by the Planning Board shall be installed underneath the road to permit the passage of water under said road. The size of such pipe shall be as determined to be acceptable by the Town Engineer.

**(10)** All private road names shall be approved by the Town Board. Such road name shall be posted by street sign which is identical in construction, character and manner of posting as those currently installed by the Town of Marlborough for public roadways, except that the sign shall also be equipped with a separate additional sign of similar construction which identifies the road as a private road.

**F.** Road plan for private roads.

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**(1)** A plan of the proposed private road shall be included in the subdivision plat or site plan and shall be prepared by a qualified professional engineer and/or qualified land surveyor licensed by the state of New York for such design functions. The plan shall clearly define the limits of the proposed private road and any necessary easements by metes and bounds and shall include the location, widths, profiles and grades of the proposed roadway, storm drainage, including culverts, and other drainage structures and the location of all utilities.

**(2)** Provisions for drainage and stormwater management shall be a part of the engineering plan for construction of the private road. No drainage districts shall be formed for the maintenance of such drainage facilities. In the event one or more retention ponds are included in such plans, their maintenance and the cost of such maintenance shall be included in the private road maintenance agreement required for the private road.

**(3)** Plans for private roads approved by the Planning Board shall not be altered without resubmittal and approval of the Planning Board.

**G.** Private road construction completion. If the Planning Board shall authorize the construction of a private road in accordance with the standards set forth in this chapter, said private road shall be completed prior to the issuance of any building permit(s) for the approved subdivision plat or site plan, except as provided below in this subsection. Construction of the private road shall be completed within 36 months, or three years, of the date of final approval of the subdivision plat or site plan. Failure to complete construction within such time will require a new application and review by the Planning Board. The Planning Board, at its discretion, at the time of approval, may allow for issuance of a maximum of one building permit prior to completion of the private road. The posting of a performance security in lieu of such construction completion is prohibited.

**H.** Inspection, escrow and certification.

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(1) The construction of the private road must be inspected by the Town Engineer and Superintendent of Highways.

(2) An initial escrow to cover the costs of such inspection must be established in the amount of \$5,000, which escrow shall not be allowed to fall below the amount of \$1,000 and which shall be replenished to an amount agreed upon between the applicant and the Town Engineer.

(3) Upon completion of the private road, the applicant shall provide a certification to the Town by a professional engineer and/or licensed land surveyor, in writing, stating that this authorized representative has inspected all phases of the road construction and that the construction of the private road has been completed in accordance with the approved plans and specifications in a workmanlike manner.

#### I. Preexisting private roads.

(1) ~~Private roads preexisting the adoption of Local Law No. 7 of 2010 which have a right of way width of greater than 25 feet and a surface suitable for travel of at least 16 feet in width may be extended in length. Such extension shall meet all of the requirements of this chapter for a private road, including recording of a private road maintenance agreement. Preexisting private roads which do not meet the standards of this subsection may not be extended.~~

(2) ~~Undeveloped parcels of land fronting on a private road, preexisting the adoption of Town of Marlborough Local Law No. 7 of 2010, whether or not the preexisting private road is improved to the standards set forth in this section, may be used, developed or subdivided without obstacle or impediment resulting solely from location on the preexisting private road. This~~

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~~opportunity is subject to whatever private constraints exist as a function of landowner agreements concerning the preexisting private road.~~

Section 2. 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 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

RESOLVED, that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of Marlborough that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

August 13, 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  
August 13, 2018

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COLLEEN CORCORAN, TOWN CLERK

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D). Resolution #63 To re appoint a Board of Assessment Review Member

Supervisor Lanzetta proposes the following:

Whereas, position was advertised in the local paper for a Board of Assessment Review, and

Whereas, Joel Truncali has been on the Board for the past 10 years, and

Whereas, Joel Truncali wishes to remain on the Board of Assessment Review.

Now therefore be it resolved that Joel Truncali be re appointed to the Board of Assessment Review effective October 1, 2018.

Be it further resolved that his term date will end 9/30/2023.

And moves for its adoption

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

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E). Resolution #64 To appoint a part time Data Collector

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough has an opening for a part time data collector, and

Whereas, the Assessor Committee as well as the Town Assessor has conducted interviews for this position.

Now therefore be it resolved, that Michael Sommer be appointed as part time data collector effective immediately.

And moves for its adoption

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

*Councilman Koenig made a motion to adjourn the meeting at 8:30 p.m. Motion seconded by Councilman Molinelli.*

*Yeas: 5 Nays: 0 Carried*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*