

July 23, 2018

**WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NEW YORK  
JULY 23, 2018 7:00 PM  
MINUTES OF MEETING**

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

Danielle Cherubini, Deputy Town Clerk

Absent: Councilman Koenig

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

## ITEM #2 Moment of Silence

### ITEM #3 Motion to approve agenda

*Councilman Baker made a motion to amend the agenda to add Resolution #59 To authorize the town to pursue a bond to cover critical funding for projects that will revitalize our hamlets as recommended in our Local Waterfront Revitalization Program project. Motion seconded by Councilman Molinelli.*

*Years: 4 Nays: 0 Carried*

## ITEM #4 Motion to approve minutes from the July 9, 2018 Town Board Meeting

***Councilman Molinelli made motion to approve minutes from the July 9, 2018 Town Board Meeting. Motion seconded by Councilman Baker.***

## ITEM #5 Authorize payments of bills

*Councilman Baker made a motion to authorize payments of the abstract in the amount of \$244,178.63. Motion seconded by Councilman Molinelli.*

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ITEM #6 Presentations

*No presentations.*

ITEM #7 Comments on the agenda

*No comments on the agenda.*

ITEM # 8 New Business

A). Board of Assessment Review open position

***Councilman Corcoran made a motion to advertise for the open position on the Board of Assessment Review. Motion seconded by Councilman Molinelli.***

**Yea: 4**

**Nays: 0**

**Carried**

ITEM #9 Workshop topics

A). Sale of TOMVAC-Proposed new rec/community center (high school across from Cross Rd.)

*Councilman Corcoran stated that the gentleman who put in an offer on the TOMVAC building for \$380,000.00 is now asking to put in the contract that he has the right to cancel if there is a public opposition to the project although he has known that there could be possible petitions and a referendum. He also wants the Town to pay for title searches and other fees. The Town is not going to accept those requests and is waiting for the response from his attorney.*

*Councilman Corcoran explained that Phil Bell drew up plans for a new recreation/community center to be located on high school property that the town is looking to obtain. The plans were for a 5,600 square foot barn style building with a gym, community room, bathrooms, kitchen, office, and storage rooms. The Board discussed what changes they would like to make to the plans; they may change the style of the building, increase the square footage to about 6,000 square feet, and move around some of the bathrooms.*

*There was a brief discussion with Tom Corcoran regarding sprinkler requirements and ceiling height.*

*Councilman Corcoran also stated that they plan to put in a softball field for the school and there will be shared services with the building, bathrooms, and parking. The Board discussed some of the logistics; once they have good plans from Phil Bell they can present to the school.*

B). CSX Crossing

*Supervisor Lanzetta explained that the lawyer for the New York State Department of Transportation (NYSDOT), Donna Hintz wanted to speak with Ron Blass, Town Attorney regarding the possibility of getting a second crossing at the Milton Landing Park; they spoke and there is no chance of getting a second crossing. Mr. Blass drafted a letter on behalf of the Town intended for Ms. Hintz and also Greg Hart who also works for the NYSDOT, regarding the pedestrian crossing issues and safety hazards with CSX. The letter was also sent to Dennis Doyle – Ulster County Planning, Lou Frangella – Federal Railroad Administration, and CSX. Supervisor Lanzetta read the letter to the public. They may also need to get some higher*

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*political representatives involved if CSX doesn't address the safety issues with the pedestrian crossing.*

*Councilman Baker updated the Board on the Route 9W Corridor Study. The consultant had done more work and decided a road diet would be effective; there is no need for 4 lanes and suggested wider shoulders and turning lanes. The NYSDOT still needs to give their opinion on this plan.*

*Supervisor Lanzetta stated that the Town is now going to apply for the Transportation Alternatives Program (TAP) grant for sidewalks from Young Avenue to Western Avenue and crossings by the flagpole up Western Avenue. Dennis Doyle, Ulster County Planning, spoke to the NYSDOT about the easement issues.*

#### ITEM #10 Correspondence

*Supervisor Lanzetta stated that he received a letter of interest from Joel Truncali who wishes to continue being on the Board of Assessment Review.*

*Supervisor Lanzetta also received a resignation letter from Dispatcher, Matthew Hart.*

*Councilman Molinelli made a motion to accept the resignation of Dispatcher, Matthew Hart. Motion seconded by Councilman Baker.*

*Supervisor Lanzetta read correspondence from the NY State Police stating that they have assigned a supervisor to investigate and address the concern of the town regarding the traffic details that are performed in the St. Mary's parking lot.*

## ITEM #11 Public Comment

*Ralph Walters suggested that the community room at the proposed recreation/community center should accommodate about 150 and his opinion is that the kitchen should be bigger.*

Tim Lawton questioned the grade of the land where the recreation/community center is proposed to go. He also suggested some changes to have easier access to the building for the senior citizens and also suggested having all gender bathrooms so people don't have to wait in line. Mr. Lawton asked if the center will need approval by referendum and also, if the school grants the town the property in exchange for a softball field, will the cost of the field be on paper. Supervisor Lanzetta stated that the financing would need to get approval and the cost of the softball field would be available.

*James Garofalo suggested putting the plans for the recreation/community center on the website once the school looks at them. He suggested having passing lanes on both side of the road on Route 9W in Marlboro. Mr. Garofalo asked what existing private roads would do if they wanted to develop under the new law.*

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*Supervisor Lanzetta explained that the problem is that the owner of the private road usually has a problem getting everyone to contribute toward maintaining the road; Resolution #55 is to change the law so there can only be 4 lots on a private road and 6 lots if the other 2 are adjacent to a main road.*

*Tom Corcoran explained that an existing subdivision on a private road can continue its use as was approved by the Planning Board; any additional lots would have to conform to the new law.*

**ITEM #12 Resolutions**

- A). Resolution # 55 To introduce a Local Law of the year 2018 Amending Section 130-14.16(A) Private Roads
- B). Resolution #56 To authorize the supervisor to Sign the Negative Declaration
- C). Resolution # 57 To adopt Local Law #2 of the year 2018 Amending Chapter 105 Noise
- D). Resolution # 58 To adopt Local Law #3 of the year 2018 Amending Section 67-4 (B)

**ITEM #13 Adjournment**

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A). Resolution # 55 To introduce a Local Law of the year 2018 Amending Section 130-14.16(A) Private Roads

Supervisor Lanzetta proposes the following:

Councilman Molinelli, seconded by Councilman Baker, 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 130-14.16(A), PRIVATE ROADS, 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. 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 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

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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

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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 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.**

**(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

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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.

**(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-~~

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~~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 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.

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 Baker, who moved its adoption:

WHEREAS, Councilman Molinelli 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, ULMSTER COUNTY, NEW YORK AMENDING SECTION 130-14.16(A), PRIVATE ROADS, 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

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an opportunity to be heard, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York on August 13, 2018, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least ten (10) days before such hearing and that such notice shall be in the same or similar following form:

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**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 August 13, 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 SECTION 130-14.16(A), PRIVATE ROADS, 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 23, 2018

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COLLEEN CORCORAN, TOWN CLERK

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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	Absent

DATED: Milton, New York  
July 23, 2018

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COLLEEN CORCORAN, TOWN CLERK

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B). Resolution #56 To authorize the supervisor to Sign the Negative Declaration

**LOCAL LAW NO 2 of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 105, NOISE, OF THE TOWN CODE.**

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

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No. 2 of 2018, a local Law of the Town of Marlborough, Ulster County, New York, amending Chapter 105, Noise 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 a Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

**WHEREAS**, the Town of Marlborough Town Board has caused the preparation of a 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

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reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

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

The proposed code changes regulate noise. 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 of Town for which they are intended, particularly the opportunity for lower energy costs for Town customers who elect to participate. The code changes are of public benefit in that they strengthen and expand noise regulations.

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;

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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.

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	Absent

This Negative Declaration is adopted this 23rd day of July, 2018 and is ordered into the record of the Town of Marlborough Town Board with respect to the adoption of Local Law No. 2 of 2018.

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COLLEEN CORCORAN, TOWN CLERK

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C). Resolution # 57 To adopt Local Law #2 of the year 2018 Amending Chapter 105 Noise

Supervisor Lanzetta proposes the following:

WHEREAS, a local law was introduced entitled Local Law No. 2 of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 105, NOISE, OF THE TOWN CODE; and

WHEREAS, a public hearing in relation to said local law was held on July 23, 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. 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:

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**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.~~

**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

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~~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.

#### § 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.

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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 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.

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.

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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	Absent

DATED: Milton, New York  
July 23, 2018

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COLLEEN CORCORAN, TOWN CLERK

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D). Resolution # 58 To adopt Local Law #3 of the year 2018 Amending Section 67-4 (B)

Supervisor Lanzetta proposes the following:

WHEREAS, a local law was introduced entitled Local Law No 3 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; and

WHEREAS, a public hearing in relation to said local law was held on July 23, 2018 at 7:00 p.m., Prevailing Time; and

WHEREAS, this building code amendment is a Type 2 action for purposes of SEQRA as it carries out routine administration of an existing program; 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:

July 23, 2018

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);
- (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;
- (34) Installation of fences which are not part of an enclosure surrounding a swimming pool;
- (45) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (56) Construction of temporary motion-picture, television and theater stage sets and scenery;
- (67) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (78) Installation of partitions or movable cases less than five feet nine inches in height;
- (89) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (910) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

July 23, 2018

(1044) 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

(1142) 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
- (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.

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.

July 23, 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	Absent

DATED: Milton, New York  
July 23, 2018

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COLLEEN CORCORAN, TOWN CLERK

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July 23, 2018

July 23, 2018

E). Resolution # 59 To authorize the town to pursue a bond to cover critical funding for projects that will revitalize our hamlets as recommended in our Local Waterfront Revitalization Program project,

Supervisor Lanzetta proposes the following:

Whereas the Town of Marlborough is currently pursuing multiple grants from multiple granting agencies for the Milton Pier Reconstruction, implementation of the landscaping plans for the upper and lower portions of the Milton Landing Park, and a sidewalk along the western side of Rt. 9W from the Marlboro Elementary School to the center of the hamlet of Marlboro at Western Avenue, and

Whereas it is anticipated that the grants will not cover the full amount of funding needed for these projects necessitating the need for town based funding.

Therefore, be it resolved that the town board of the Town of Marlborough should exercise its authority to procure a bond(s) to cover the funding shortfall not to exceed \$1.5M pursuant to all the requirements set forth by the State of New York, and votes for its adoption.

And moves for its adoption

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

*Councilman Molinelli made a motion to adjourn the meeting at 8:51 p.m. Motion seconded by Councilman Corcoran.*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*