

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
MAY 12, 2014

MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN
COUNCILMAN MOLINELLI (Arrived at 7:08PM)
COUNCILMAN CORCORAN
COUNCILMAN BAKER
COUNCILMAN KOENIG

PATRICIA HAIDAQUI, DEPUTY SUPERVISOR
COLLEEN CORCORAN, TOWN CLERK
DANIELLE CHERUBINI, DEPUTY TOWN CLERK

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

A moment of silence was observed for Sgt. Shawn Farrell who was killed in action in Afghanistan.

ITEM #3 Motion to approve agenda

Councilman Koenig made a motion to amend the agenda to add Letter AA) Tom Schroeder-Flag Presentation to ITEM #7 Presentations. Motion seconded by Councilman Corcoran.

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

Yeas: 4 Nays: 0 Carried

ITEM #4 Motion to approve minutes from the April 28, 2014 Meeting
Councilman Baker made a motion to approve the minutes from the April 28, 2014 meeting. Motion seconded by Councilman Corcoran.

ITEM #5 Authorize payment of bills

Councilman Koenig made a motion to pay the abstract in the amount of \$42,154.09. Motion seconded by Councilman Corcoran.

Yeas: 4 *Nays: 0* *Carried*

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

ITEM #7 Presentations

AA). Tom Schroeder-Flag Presentation

Tom Schroeder presented a flag to the Town Board that Eleanor Gallagher purchased. He said she is very patriotic and she felt that the current flag in the courtroom is showing wear. The American Legion is very supportive of Americanism and respect for the flag. Mr. Schroeder also reported that the Memorial Day Parade is on schedule for May 25th. Assembly will be at noon at the industrial park in Milton and step off will be at 1:00 p.m. On May 21st, there will be flags placed at the cemeteries. On May 26th at 9:00 a.m. the police will help the American Legion salute the memorials throughout Marlboro and Milton. Frank Skartados and William Larkin are the Legions dignitaries this year. Supervisor Osborn thanked Tom Schroeder and Eleanor Gallagher.

A). Barton and Loguidice/Economic Dev Committee on the Marlboro Hamlet Plan 2014
John DeMarco of the Economic Development Committee (EDC) said the committee has been meeting for several months and brainstorming about things that can be done that can help the economy in our Town. The committee has a high level of involvement and a lot of expertise in various skills and they are a very positive group. They have been working on ideas derived from the Town's Master Plan and more recently the Behan Study. They are now trying to prioritize and execute some ideas that would be advantageous for the Town in an economical way with the help of grant money. They recently partnered with Barton & Loguidice to take their improvement ideas to the next level.

Chuck Voss of Barton & Loguidice said they've looked at where the Economic Development Committee is headed. He explained that his proposal to the Town takes the concept ideas from the Behan Study and breaks them down into specific tangible items in a new Hamlet Plan. One item for example could be parking, they would create an implementation plan, and then decide how it will look, how it will happen, and where to get the funding. The key to getting funding (grants) for projects is having a specific plan in place. Updating the Town's Master Plan would support grant initiatives.

The concepts that will be worked on are specific to the Marlboro Hamlet but can be applied to the 9W corridor and the Milton Hamlet and also to economic development, land use, zoning, subdivisions, and growth. Once there are improvements in sidewalks, building fronts, streetscapes, and other physical improvements, businesses and visitors will be attracted to the Town. Any ideas or goals that are developed out of the new plan can be incorporated into the Master Plan that the Board is looking to update so they wouldn't be duplicating services.

Councilman Corcoran said he would like copies of all plans, sketches, and etc. to be given to all Town Board members.

Supervisor Osborn added that they should be given to the Code Enforcement Officer, Planning Board Chairman, and the Zoning Board Chairman as well.

Councilman Corcoran asked Supervisor Osborn if he thinks they should wait to move forward with the other zoning changes to see if Mr. Voss has any more recommendations.

Supervisor Osborn said the Board can proceed with the zoning changes because they know the Town and he doesn't see it interfering with tonight's proposal. There is a resolution on the agenda tonight which is the beginning of the zoning changes and he will move it up on the agenda so Chuck Voss can comment.

Councilman Koenig asked Michelle Doran, Chairperson of the EDC, if they have an immediate need to have the Hamlet Plan approved for granting opportunities and if there is a list of grants they will be looking into.

Michelle Doran said the Central Hudson Main Street Grant is the first grant they would try to get once the Hamlet Plan is in place.

Councilman Baker, also a member of the EDC, stated that they do not have a specific list of grants but they have specifics ideas to get the proposal defined so they can seek out the grants for those ideas. Some of the ideas are trees, natural gas, lighting, parking, and land and water based trails.

Supervisor Osborn, an EDC member as well, said that he met with Scenic Hudson and Tony Falco to walk a proposed trail along the waterway. They are also proposing a municipal parking lot behind the bakery which would be a trail head to that trail. There is also the proposed Central Hudson gas project which also ties in with an underground electrical wire project eliminating some of the poles in the Hamlet. Central Hudson can do both projects at the same time since they will be digging trenches.

Chuck Voss said another reason to have the plan in place is because if DOT or a utility company replaces a state road or a utility they will ask a community what they want and what their plan is. Without the plan, DOT or the utility company will do the basic replacement.

John DeMarco added that it would also be beneficial to have the plan in place because for example if they wanted to just plant trees, they need to know what type, how far apart, setback requirements, if it would interfere with wires, and many other considerations.

Supervisor Osborn thanked Michelle Doran on behalf of the community for her expertise and energy she puts into the EDC.

Michelle Doran thanked the committee for their dedication, expertise, and opinions. They try to keep politics out and look at what's best for the community. The committee met with Behan hoping that they could work together and continue their original plan but the committee was not impressed with the scope of work for the dollar amount. Before presenting the Hamlet Plan tonight they made sure that everyone on the EDC was at least 95% comfortable with the idea.

Councilman Corcoran asked Chuck Voss what the life span of a plan like this would be.

Chuck Voss suggested the Board look at it every year and refer to it when a project arises. A Master Plan can be updated every 3-4 years and a Hamlet Plan can be updated every 10 years unless there is a major new project, for example an oil refinery.

Councilman Corcoran and Councilman Koenig thanked Michelle Doran and the Economic Development Committee.

Councilman Baker made a motion to hire Barton & Loguidice for \$25,600.00 to implement a New Hamlet Plan. Motion seconded by Councilman Koenig.

Years: 5 Nays: 0 Carried

ITEM #8 Report of departments

A) SUPERVISOR- STEPHEN OSBORN
No report

B) TOWN CLERK – COLLEEN CORCORAN

Account Description	Fee Description	Account#	Qty	Local Share
Conservation	Conservation	A1255	13	28.98
			Sub-Total:	\$28.98
Dog Licensing	Female, Spayed	A2544	11	55.00
Dog Licensing	Female, Unspayed	A2544	3	30.00
Dog Licensing	Male, Neutered	A2544	17	85.00
Dog Licensing	Male, Unneutered	A2544	4	40.00
			Sub-Total:	\$210.00
General Fund	Water Service	2144SW	1	150.00
			Sub-Total:	\$150.00
LANDFILL FEES	T/s Permits		5	275.00
	T/s Punch Cards		34	1,368.00
			Sub-Total:	\$1,633.00
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	3	52.50
			Sub-Total:	\$52.50
MISC. FEES	Accident Reports		17	85.50
	Certified Copies		1	20.00
	Foi Requests		2	17.34
	Junkyard Licenses		4	400.00
	Minor Sales		1	15.00
	Park Fees		2	250.00
			Sub-Total:	\$787.84
PLAN & ZONE	Zoning Books		1	25.00
	Zoning Maps		1	5.00
			Sub-Total:	\$30.00
Total Local Shares Remitted:				\$2,892.32
Amount paid to:	NYS Ag. & Markets for spay/neuter program			49.00
Amount paid to:	NYS Environmental Conservation			496.02
Amount paid to:	State Health Dept. For Marriage Licenses			67.50
Total State, County & Local Revenues:	\$3,504.84			Total Non-Local Revenues:
				\$612.52

C) POLICE CHIEF – GERALD COCOZZA

Following is a summary of the activity of the Police Department for the month of April 2014.

<u>MOTOR VEHICLE ACCIDENT</u>	April 14	Yr. Date 14	April 13	Yr. Date 13
Personal Injury	3	19	1	11
Fatal	0	0	0	0
Property Damage	9	61	7	45
Report Not Required	5	25	0	11
Total	17	99	Total	8
				67

SUMMONSES ISSUED

Vehicle and Traffic	177	540	134	445
Parking	0	5	0	3

COMPLAINT ACTIVITY

Total Blotter Entries	355	1377	350	1302
Total Arrests	17	94	20	76

<u>TOTAL TELEPHONE CALLS</u>	1677	6691	1600	6435
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POLICE DEPARTMENT OVERTIME HOURS payroll 9 & 10

Full Time Officer Overtime	84	\$3657	296.5	37	\$1690	153.15
Part Time Officer Overtime	85.5	\$2834	371.15	113	\$3729	403

Full Time Dispatchers Overtime	0	\$ 0	8	0	0	0
Part Time Dispatchers Overtime	0	\$ 0	72	48	\$950	120

<u>Police Mileage</u>	11636	42570	13162	50123
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Chief Cocozza added that the Marlborough Police Department is joining other law enforcement agencies to intensify efforts to enforce vehicle restraint laws during the 2014 Click It or Ticket mobilization. The campaign begins May 19th and runs through June 1st. The Police Department also has car seats available and two certified installers. The car seats and installation are free. Supervisor Osborn said he has enjoyed being liaison to the Police Department but he proposed to the Board and Chief that Ed Molinelli replace him.

Supervisor Osborn made a motion to remove himself as liaison to the Police Department and have Ed Molinelli replace him. Motion seconded by Councilman Corcoran.

Yea: 5

Nays: 0

Carried

Chief Cocozza also explained that the PD is in the process of registering for a grant program to get training for officers and kits containing a nasal spray that the officers can administer to someone who overdosed on heroin. ~~There have been some cases of heroin use in our area. The nasal spray has to be prescribed by a doctor and the NYS Health Department has doctors that can do that.~~

Chief said he recently spoke with Judy Moore about the tracking devices that she came to the Town Board meeting to speak about a few months ago. Chief called around and there is money for the devices but it is not available yet. There is a program through the county, but it would cost the family \$300.00 for the bracelet and \$49.00 per year for the battery. The county can dispatch a car or bring a handheld transceiver to track the individual.

Councilman Koenig said that he and Chief are working together with URGENT. They are going to set up a meeting with the Ulster County Sheriff to explore the program and they should be able to report back to the Board next month.

D) HIGHWAY SUPERINTENDENT – GAEL APPLER, SR.

Monthly Report for April 2014

ROADS: We continue sweeping our gutters and streets for spring clean up. We had a couple of men doing lawn repairs. We repaired a ditch line on Old Indian Road. We rebuilt c.b.s on Grand, Bloom, Church, Dubois and Main Streets, River Knoll, Dock Road and Main Street, Milton. We repaired a ditch line on Willow Tree Road. We rented a crack sealer and started sealing on 4/29. We sealed Wygants Lane, Ruby Road, Fellicello Drive, Briarwood, LuelAnn, South Street and Bill's Lane. We also had a man pushing off material at the Sands Avenue Park site.

MAINTENANCE: We had three men working for one week to finish pulling off and servicing our sanders for summer storage. They also pulled off plow hoists, reinstalled the tarps, put on tailgates and gravel pans so the trucks are ready for summer.

WATER DEPARTMENT: We assisted WD with installing the new sewer extension at the Town Hall. On 4/7 we assisted with a water main break on Birdsall Avenue.

FUEL USEAGE: Gas: 499.8 gallons Diesel: 845.0 gallons.

Gael R. Appler, Sr.
Highway Superintendent

E) WATER SUPERINTENDENT – CHARLIE MUGGEO

RE: MONTHLY REPORT FOR APRIL

Water consumption totaled 17.2 million gallons that is a daily usage of 576,000. Compared to last month 19 million gallons and a 614,000 daily usage. Compare to a year ago water consumption was 17.3 million for the month which is a daily usage of 578,000.

SUMMARY FOR THE MONTH:

Hydrants: We started flushing hydrants the second week of April and we were finished the first week of May. Replaced a broken hydrant on Sands Ave. with the help of the Highway Dept.

WATER MAINS: We had to repair an Eight inch main on Birdsall Ave.

SERVICE LINES: We had to repair service lines on Sands Ave.

CURB BOXES: Repaired curb boxes on Western Ave and Highland Ave.

CLASSES: Cliff and myself attended Classes, one for Dig Safely New York in Kingston. Also went to a work shop for the NYC water board in Westchester.

We assisted in installing the new sewer extension at the new town hall with the assistance of the Highway Dept.

MARKOUTS: 25

Gallons of Gas: 200

Gallons of Diesel: 0

Mileage for the month: 1200

F) BUILDING INSPECTOR – THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR
MONTHLY REPORT/BUILDING DEPARTMENT
MONTH OF: APRIL 2014**

CERTIFICATE OF OCCUPANCY 14 **STOP WORK ORDER**

REQUEST FOR INFORMATION 9 Z.BA APPLICATION _____

MOBILE HOME PERMITS _____ TRAILER PARK RENEWALS 5 _____

ORDER TO REMEDY _____ BUILDING EXTENSIONS 3 _____

COMPLAINTS 31 FIRE INSPECTIONS 35 _____

BURN PERMITS ISSUED 3 FIRE CALLS 3 _____

BUILDING PERMITS 20 _____

<u>1</u> ONE FAMILY	<u>1</u> SIGN
<u>1</u> ROOF	<u>1</u> ELECTRICAL
<u>1</u> REPAIRS	<u>2</u> FURNACE/BOILER (INDOOR)
<u>2</u> ADDITIONS/RENOVATIONS	<u>2</u> DEMOLITION
<u>1</u> TANK INSTALLATION/REMOVAL	DECKS/STAIRS
<u>2</u> STOVES (WOODSTOVE, PELLET)	PORCH
<u>1</u> POOL/HOT TUB	<u>1</u> POLE BARN
<u>2</u> SHED	<u>1</u> CARPORT/GARAGE
<u>1</u> SLAB REPAIR	<u>2</u> SOLAR PANELS

ESTIMATED COST OF BUILDINGS \$534,150.00 _____

CERTIFICATE OF OCCUPANCY	\$ <u>150.00</u> _____
REQUEST FOR INFORMATION	\$ <u>840.00</u> _____
BUILDING EXTENSIONS	\$ <u>300.00</u> _____
TRAILER PARK RENEWALS	\$ <u>1200.00</u> _____
BUILDING PERMITS	\$ <u>5163.00</u> _____
ZBA ESCROW FEES	\$ _____
ZBA APPLICATION	\$ _____
TOTAL MILEAGE: 1132 MILES	
TOTAL GAS USAGE: 88 GALLONS	
TOTAL MONTHLY ZONING FEES	\$ _____
TOTAL FIRE INSPECTION FEES	\$ <u>1720.00</u> _____
TOTAL MONTHLY RECEIPTS	\$ <u>\$7653.00</u> _____

Manny Cauchi asked about the clothing bin he has on his property, he is confused that the Town would charge a yearly fee for him to have this on his property.

Tom Corcoran clarified that the fee is charged to the company , they have to register with the Town.

Some of the Town Board members stated that the reason for this is because these type of bins tend to become garbage dumps. People leave couches and chairs and other large items even though the bins are for clothing only.

Councilman Corcoran asked if the yard sale at the Hepworth's building on 9W is violating Town code.

Tom Corcoran said there are no restrictions on yard sales so there are no violations that he can write.

G) WASTEWATER TREATMENT FACILITY – ANTHONY FALCO

Supervisor Osborn said there was a sewer issue that backed up into Key Bank who suffered some damage and they contacted our insurance company. The problem has been resolved.

H) DOG CONTROL OFFICER – ANDREW MCKEE

Andrew McKee said he and his deputy attended an Agriculture and Markets Training in Albany. They discussed the growing heroin problem in NYS and how to recognize areas where there is drug activity and tactfully back out so the police can take over. There is a one day Investigating Animal Cruelty class that is being offered by the Orange County Humane Society in conjunction with the Department of Justice. The class will cover recognizing animal cruelty and when a municipality shouldn't interact. He feels it would be beneficial to have a few officers go to the class. The program is free but it would cost the time of the officers.

He has been working with the Department of Health because there were six cases of sick raccoons and some were likely rabid. He suggested keeping pets indoors and getting them vaccinated. Also, make sure children are supervised outdoors if they are too young to recognize the animal. If a suspicious animal is in someone's yard they can call the police.

Supervisor Osborn asked Mr. McKee to look into getting a vaccination clinic together.

Mr. McKee said he already knows a veterinarian that would be interested.

Ralph Walters asked who would be in charge of cat issues.

Mr. McKee said in general cats can live outdoors and there are no laws. There are not for profit groups that participate in trap, spay, release programs but there are many more stray cats then there are groups to deal with them.

Chief Cocozza added that the Investigating Animal Cruelty class is May 20th and if he sent an officer and a sergeant it would cost 16 hours of straight time to cover the shifts which is about \$22.15 an hour.

Councilman Corcoran made a motion to spend \$354.00 to send two officers to the Investigating Animal Cruelty training. Motion seconded by Councilman Molinelli.

Yea: 5

Nays: 0

Carried

I) ASSESSOR – CINDY HILBERT

Supervisor Osborn said that Ms. Hilbert has been working on the vacant land analysis.

J) PLANNING-JOE PORCO

No report

K) BOARD OF ETHICS - DAVE BALLOU

Councilman Koenig made a motion to add Dave Ballou to Letter K) Board of Ethics. Motion seconded by Councilman Molinelli.

Yea: 5

Nays: 0

Carried

ITEM #9 Report of Committees

A) RECREATION

Pierre Ferguson said that Line Dancing with Cactus Keith will be on Mondays for the month of July and August and it is free. The Bocce League has started to play. The Cluett-Schantz Summer Camp registration will be on May 31st at the New Town Hall from 9a.m. – 12p.m.

Kate Beare said May 3rd through the 11th was Healthy Ulster County Week and businesses and recreation instructors in the community helped promote good health. She presented a certificate to the Board from County Executive Michael Hein for participating in Healthy Ulster County Week.

B) SOUTHERN ULMSTER ALLIANCE

No report

C) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

No report

D) CAC

No report

E) IT COMMITTEE

Councilman Corcoran said that the Highway Department has a new laptop and back up hard drive. Upgrades to Window 7 will be made to some computers currently operating on Windows XP.

F) MILTON TRAIN STATION FOUNDATION

Supervisor Osborn said there will be a presentation at the Train Station on May 23rd by Assemblyman Skartados who has gotten a \$50,000.00 line items for the Train Station.

G) MILTON LANDING CITIZENS COMMITTEE

Councilman Koenig said Rosemary Wein is working on grants for different aspects of the park.

H) ZONING OVERVIEW COMMITTEE/ECONOMIC DEVELOPMENT

See presentations/resolutions

I) RIVITALIZATION/ECONOMIC DEVELOPMENT COMMITTEE

See presentations

J) MEET ME IN MARLBOROUGH

Patti Brooks reported that the Farmers Market will begin on June 14, 2014. She thanked Pierre Ferguson for help with the Easter Egg Hunt. Also, MMiM will be holding a meeting at 6:30 p.m. at Kay Dina Insurance. They are changing their meetings to be more like a Chamber of Commerce with networking, meet and greets, and they will have more of an agenda. She encouraged meeting attendees to email or call MMiM because they would like to provide refreshments. There will be a special presentation for Tom Schroeder for all of his participation and support.

Councilman Baker asked if they plan to become a Chamber of Commerce and if there are advantages to becoming one.

Ms. Brooks said not at this time but they are going to try to model a Chamber because of the public concerns they want to make MMiM more inclusive. They are consulting with an attorney (pro bono) to see what the best vehicle is to be able to promote the businesses in the best way.

Patti Brooks also stated that she is working with Young's Motors who is trying to expand to meet franchise requirements. In order to do a major expansion, the best way would be to expand municipal sewer. The sewer would extend from the Marlboro School District line out to 9W to benefit other properties as well. She said that Supervisor Osborn has been helpful in coordinating discussions with the town engineer and hopefully there will be a plan soon.

ITEM #10 Old Business

A). Wyms Heights

Supervisor Osborn said the Board has the report from Tom Corcoran and he has not heard any complaints. Councilman Baker said things are starting to accumulate again in the yard. Tom Corcoran said there are items in the yard but nothing that constitutes a violation.

B). Town Healthcare benefits

No new information

C). TOMVAC

No new information

D). New Town Hall

Supervisor Osborn said the work is moving along and it will be an amazing facility.

E). Terwilliger Hoffman 384D Retirement

Supervisor Osborn said this is progressing nicely through the state.

F). McLaughlin Drive

No new information

G). Labor Negotiations

No new information

H). Survey of St. Andrews property for purchase

Supervisor Osborn said the survey is complete and a report is being written which will go to Ron Blass. Mr. Blass will contact the executor who will request money and then the Board can approve the purchase.

I). Ethics Board Open Position

Tom Corcoran said he would fill the position. The Board briefly discussed if there are rules for employees being on the Board. Supervisor Osborn said that Tom Corcoran can apply and they will look into it.

J). water connection to Highland

No new information

K). Regional Electrical Distribution and its financial implications

No new information

L). Part time summer help

Supervisor Osborn said there will be interviews in the morning.

M). Ulster County URGENT Task Force

See Reports of Departments-Police Chief

ITEM #11 New Business

A). 9W Cross Walk at Pizza Town

Supervisor Osborn said the state put a crosswalk a few years ago by Pizza Town but it now it needs to be ADA compliant. The Town didn't have any say in where the crosswalk was originally placed, but the Town is responsible for making it compliant. Supervisor Osborn asked the Board for permission to write a letter to DOT asking them to move the crosswalk to the intersection where it would be ADA compliant and where it would be useful.

Councilman Koenig suggested asking DOT to come and have a meeting so they can see it.

B). Business Corridor Overlay District

Already discussed

ITEM #12 Correspondence

Supervisor Osborn read a letter announcing that William R. Orlando has completed requirements for the rank of Eagle Scout. A special Court of Honor will be held on Sunday, June 1, 2014 at 4:00PM at the First Presbyterian Church, 98 West Street, Marlboro, New York and he was asked if he would like to attend the ceremony.

Supervisor Osborn read a letter from Girl Scout Troop Leader Jolene Gaer which is incorporated into the minutes as follows:

I am kindly asking your permission to waive the fee to use the pavilion at round pond for our Girl Scout function. We are a not for profit organization that gives back to the community at large.

We have used your facilities in the past and would appreciate doing so again for our end of the year picnic and bridging ceremony.

We have requested the use of the pavilion, kitchen and grills on Friday June 27th from 5-8pm.

We respectfully ask the board to grant our request.

Sincerely,
Jolene Gaer, troop leader 60174

*Councilman Molinelli made a motion to waive the pavilion fee for the Girl Scouts.
Motion seconded by Councilman Baker.*

*Y*eas: 5 *N*ays: 0 *C*arried

Supervisor Osborn read the following letter from D.J. Sadowski of the Ulster Fillies which is incorporated into the minutes as follows:

May 9, 2014

To: Town of Marlborough – Town Board

Re: Softball Field Usage

Dear Sirs:

The purpose of this correspondence is to request usage of a softball field for practice time for the Ulster Fillies 12U girls fast pitch team. We are based out of Ulster County with players from within Ulster and Dutchess counties.

Finding central field locations convenient to our players with convenient times is a difficult and daunting task.

I have spoken with Rick Schmelz regarding the potential for scheduling this, and he directed us to you.

Any time that is available, and that you could see your way to graciously allow us the use of would be greatly appreciated.

I will also forward a copy of our insurance coverage as soon as I receive it.

Thank you for your time and consideration.

Very Truly,
D.J. Sadowski
Head Coach, Ulster Fillies 12U

Councilman Molinelli said he wanted to double check with Rick Schmelz to make sure there aren't games schedule for the days he would like the field and then let the clerks know. The Board said they would allow this as long it works out with Marlboro Youth Baseball and Softball.

Supervisor Osborn read the following letter from National Honor Society student's which is incorporated into the minutes as follows:

Dear Town Board,

We are writing to seek Board approval for our independent Honor Society project. As members of the National Honor Society we must complete a project that improves our community. We had considered many things and decided that we would like to plant a garden around the "Welcome to Marlboro" sign, located on Route 9W traveling north, just before Absolutely Automotive. Our garden will include various types of perennial flowers including, but not limited to, hostas, tulips, daisies and mums. This type of garden would provide seasonal blooms throughout the growing season. It would also be a maintenance free garden. We would sincerely appreciate your consideration and approval so that we can get started on beautifying our quaint town.

Sincerely,

Michelle Nowak
Arianna Tamburri

Ralph Walters said they would need to address the Lions Club Board because the sign belongs to them.

ITEM #13 Public Comment

*Ralph Walters asked for an update on the two officers that were suspended.
Supervisor Osborn said one retired and one is coming back to work soon.*

ITEM #14 Resolutions

A). Resolution # 57 To Introduce Local Law #1 of the year 2014

Supervisor Osborn said the Board has been working on getting zoning changes done. They want to do an overlay and there are people who need immediate relief. The resolution is to establish a Business Corridor Overlay District. There are established business owners who can't sell their business because the current zoning doesn't allow for business use. This overlay does not change the current zoning of the properties along 9W unless that property owner wants to take advantage of the conditions of the overlay. The Board will continue to work on the overlay and create design guidelines without creating the same look down the whole corridor. Dennis Doyle from the Ulster County Planning Board is in favor of this change but the Board understands why he is concerned about the overall overlay. The Board understands Mr. Doyle's concerns but they feel our community is different from the rest of Ulster County and will proceed with what is best for our community. They are going to do a vacant land analysis for the next step in the overlay.

Chuck Voss commented that this is one of the creative ways to implement zoning changes and he feels it is a great tool. He is glad that Dennis Doyle is in favor of this change because this does need to go to the county for review.

Supervisor Osborn explained that the blanks in the resolution under number 3, letters (a),(b),and (c) can be filled in with "any" because specific numbers are not applicable in this case. Number 3, Letter (c), will need to be changed to 250 feet of the right of way.

Councilman Corcoran made a motion to amend Resolution #75 by filling in the blank spaces on Number 3, Letters (a),(b), and (c) with the word "any" and change 200 feet to 250 feet under Letter (c). Motion seconded by Councilman Koenig.

Yea: 5

Nays: 0

Carried

ITEM #15 ADJOURNMENT

May 12, 2014

A). Resolution # 57 To Introduce Local Law #1 of the year 2014

Supervisor Osborn introduced the following proposed local law, to be known as Local Law No. 1 of the year 2014, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 OF THE TOWN CODE TO ADD A NEW SECTION 155-12(H) ESTABLISHING A BUSINESS CORRIDOR OVERLAY DISTRICT.

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

Section 1. Chapter 155 of the Marlborough Town Code is amended to add a new Section 155-12(H) reading as follows:

H. BC - Business Corridor Overlay District

(1) Purpose. The Town of Marlborough is bisected along a north to south axis comprising New York State Route 9W which parallels the Hudson River. Historically, the Route 9W corridor has served the Town of Marlborough as both a significant transportation facility and the location of mixed residential, commercial, and light industrial land uses. There are various zoning district designations along the Route 9W corridor, including the HD, R, C-1, R-1, and RAG-1 districts. Within the areas of the Route 9W corridor which are zoned R-1 or RAG-1, there exist various improved parcels with frontage on the state highway and which are currently, or previously have been, devoted to use of existing structures for commercial or light industrial activities of the type which are currently allowable within the HD zoning district. Some of the existing structures are devoted to commercial or light industrial activities as non-conforming uses in the R-1 or RAG-1 zones. Some of these existing structures are not currently put to commercial or light industrial uses, and exist as meaningful opportunities for readaptation to

such uses for the benefit of public commerce and the generation of municipal revenues for the community. The Town Board concludes that a Business Corridor Overlay District, in the nature of a floating zone, is an appropriate device to encourage readaptation of existing unused structures, or to eliminate non-conformities of active uses, within eligible properties within the Route 9W corridor.

(2) The Business Corridor Overlay District is a floating zone which may be established by the Town Board by potential amendment of the Zoning Map, through the exercise by the Town Board of the procedures stated herein, with respect to properties located within eligible areas along the transportation corridor of Route 9W in the Town of Marlborough, as such areas of eligibility are more particularly defined within sub-section (3) of this Section 155-12(H).

(3) Eligible areas. Improved parcels within the Town of Marlborough are eligible locations for establishment of a Business Corridor Overlay District if they meet the following minimum criteria:

- (a) **a minimum parcel size of any acres;**
- (b) **a minimum of any feet of frontage useable for access to and from Route 9W;**
- (c) improvement of the parcel within 250 feet of the right of way line of NYS Route 9W by an existing building(s) having a minimum useable floor space **of any square feet either currently devoted to commercial, retail, office, or light industrial** activities, or if not currently devoted to such uses, the building was predominately devoted to such uses in the past according to land records or other written evidence deemed acceptable and convincing to the Town Board; and
- (d) the underlying zoning district designation is either R-1 or RAG-1

(4) Permitted uses. In the event that the Town Board establishes a Business Corridor Overlay District designation,

the principal permitted uses, the permitted accessory uses, and the permitted special uses of the property shall be those uses which are allowable within the HD - Highway Display district, subject to the same lot, height, yard and any supplemental regulations applicable to the subject use of the property in the event that it had been situated within the HD district. However, new and used car sales, and adult entertainment uses, shall be prohibited in a BC district.

(5) Procedure for establishment.

(a) Petitions for the establishment of a Business Corridor Overlay District by amendment of the Zoning Map shall be made in writing to the Town Board. Applications shall be made by the owner or owners of the land proposed to be included in such district or by a person or persons possessing written contract or option rights to purchase such lands. In the event that an application is made by a person or persons holding contract or option rights to purchase the lands, the application shall be accompanied by a statement signed by the owner or owners granting authority on the part of such applicant to make the application. Upon submission of a complete application, the Town Board shall refer the application to the Planning Board for recommendation.

(b) Application materials. The applicant shall submit a conceptual development plan of sufficient detail as shall be determined by the Town Board. The conceptual development plan shall consist, at a minimum, of the following:

- (1) A metes and bounds description of the proposed district;
- (2) A survey of the land prepared and certified by a licensed land surveyor;
- (3) A map drawn to scale showing existing conditions of the parcel, including:

[i] The name and address of the owner of record and, if the applicant is not the owner, then also the applicant;

[ii] The name of the person or firm preparing the plan;

[iii] The date, north arrow and scale of the plan;

[iv] The names, addresses and tax map parcels of owners of all parcels within 500 feet of the subject property. The applicant shall include mailing labels for all property owners of parcels within 500 feet of the subject parcel;

[v] The acreage of the parcel and the tax number or numbers;

[vi] The location and width of existing and proposed state, county or town highways or streets and rights-of-way abutting or within 200 feet of the parcel;

[vii] The approximate location and outline of existing structures both on the parcel and within 100 feet of the property line;

[viii] The location of any existing storm or sanitary sewers, culverts, water lines, hydrants, catch basins, manholes and other

visible infrastructure as well as other utilities within or adjacent to the parcel;

[ix] The existing zoning of the parcel;

[x] The approximate location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body;

[xi] The approximate boundaries of any areas subject to flooding or stormwater overflows;

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

[xiii] The identification of any other significant natural features.

(4) The conceptual development plan, drawn approximately to scale, shall clearly show the following:

[i] The approximate location and dimension of proposed principal and accessory buildings on the site and their relationship to one another, and to other structures in the vicinity;

[ii] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas, and proposed access to the site;

[iii] The proposed source of water supply and method of delivery to the site;

[iv] A general plan for the collection and disposal of sanitary waste from the site;

[v] A general plan of proposed stormwater management facilities;

[vi] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.

(5) A vicinity map showing the proposed use in relationship to adjoining uses, transit services, food stores, community facilities, social service facilities, medical facilities and pharmacy and religious institutions.

(6) Preliminary architectural treatment of any readapted or new buildings.

(c) Initial Review:

(1) In its review of the application, the Town Board may suggest such changes in the conceptual plan as are found to be necessary or desirable by the Town Board in order to meet the requirements of this section. The Town Board may notify the applicant of such changes and may discuss such changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or deny the rezoning application.

(d) Town Board review.

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

(2) Following completion of the public hearing, the Town Board may act to approve, approve with modifications or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result in amendment of the Zoning Map established by this chapter.

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

- (1) How the site be served by potable water and sanitary sewer facilities, and whether such facilities will be adequate to accommodate any additional demand placed upon them by the proposed development or readaption;
- (2) Whether the site is well drained, and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding;
- (3) Whether the site is located in an area suitable for the proposed elimination of non-conformity or readaptation of buildings and site development so as to be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, traffic volumes beyond the capacity of the existing road system or proposed road improvements, and other environmental constraints;
- (4) The site shall be located in a manner that allows access to the site from a public street with adequate site distances and that meets current engineering standards of the Town;

(5) The architectural style of any proposed readaptation or modification of development and exterior materials, finish and color shall be consistent with the character of nearby properties;

(6) The readadaptation or modification of the site shall not produce undue adverse effects on the surrounding neighborhood;

(7) The extent to which the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.

(f) Time limit on validity of rezoning. Any zoning permitted by this section shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial designation on the Zoning Map by the Town Clerk, when directed by the Town Board, unless actual construction, pursuant to an approved site plan and a valid building permit is commenced within two (2) years from the date of adoption by the Planning Board of a resolution of site plan approval following the rezoning.

(g) Fee. An application fee shall be charged in the amount provided for in the relevant fee schedule prevailing at the time of application. Actual consultant expenses incurred by the Town at all stages of processing a project under this section shall be defrayed by the applicant as provided within this chapter.

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

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

Section 2. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

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 1650 Route 9W, Milton, New York on June 23, 2014, at 6:30 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the same or similar following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall facilities at 1650 Route 9W, Milton, New York on June 23, 2014 at 6:30 o'clock, p.m., prevailing time, on proposed Local Law No. 1 of the Year 2014, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING CHAPTER 155 OF THE TOWN CODE TO ADD A NEW SECTION 155-12(H) ESTABLISHING A BUSINESS CORRIDOR OVERLAY DISTRICT, a floating zone associated with the New York State Route 9W corridor.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 12:30 p.m. and 1:30 p.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

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

DATED: Milton, New York
 May 12, 2014

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

Supervisor Osborn Yes

Councilman Molinelli Yes

Councilman Corcoran Yes

Councilman Baker Yes

Councilman Koenig Yes

DATED: Milton, New York
May 12, 2014

COLLEEN CORCORAN, TOWN CLERK

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Councilman Koenig made a motion to adjourn the meeting at 9:28 PM. Motion seconded by Councilman Molinelli.

Yeas: 5 Nays: 0 Carried

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*