

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
MAY 29, 2014 7:00 PM
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN
COUNCILMAN MOLINELLI
COUNCILMAN CORCORAN (Arrived 7:19PM)
COUNCILMAN KOENIG

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

ABSENT: COUNCILMAN BAKER

(Meeting began at 7:15PM)

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

A moment of silence was observed for Joseph Porpiglia and Albert Reberholt.

ITEM #3 Motion to approve agenda

Councilman Molinelli made a motion to amend the agenda to include a second resolution for consideration regarding zoning which will be Resolution #60B. Motion seconded by Councilman Koenig.

*Y*eas: 3 *N*ays: 0 *C*arried

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

*Y*ea*s*: 3 *N*ay*s*: 0 *C*arried

ITEM #4 Motion to approve minutes from the May 12, 2014 meeting

Councilman Molinelli made a motion to approve the minutes from the May 12, 2014. Motion seconded by Councilman Koenig.

*Y*ea*s*: 3 *N*ay*s*: 0 *C*arried

ITEM #5 Authorize payment of bills

Councilman Molinelli made a motion to approve the abstract in the amount of \$292,985.14. Motion seconded by Councilman Koenig.

*Yea*s: 3

*Nay*s: 0

Carried

Supervisor Osborn said he has an invoice that was brought to his attention from Prestige Building Company for \$54,000.00 that has not been through the voucher process and he is not going to pay that tonight.

The Board discussed if they can pre-approve the invoice as long as the proper voucher process is followed so work on the New Town Hall is not delayed.

Supervisor Osborn made a motion to pre-approve payment of \$54,000.00 to Prestige Building Company following the proper voucher process with copies of the voucher in the mailboxes of the councilman after it has been approved. Motion seconded by Councilman Corcoran.

*Yea*s: 3

*Nay*s: 1 (Koenig)

Carried

ITEM #6 Comments on the agenda

Ralph Walters asked if the Workshop topics could be done at the end of the meeting.

Supervisor Osborn asked for a motion to vote on Resolution #59 To appoint full time police officer at this point on the agenda.

Councilman Koenig made a motion to vote on Resolution #59 To appoint full time police officer to this point on the agenda. Motion seconded by Councilman Molinelli.

*Yea*s: 4

*Nay*s: 0

Carried

ITEM # Presentation

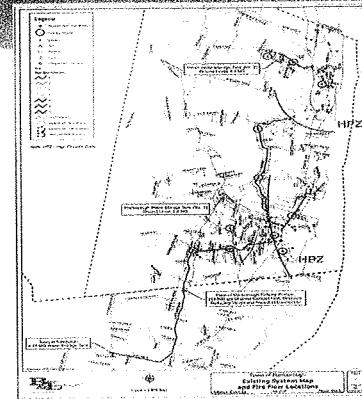
A). Water project presentation by Richard Straut

Supervisor Osborn introduced Glen Gidaly and Richard Straut from Barton and Loguidice. Glen Gidaly said that they would like to give a review of the work they have been doing with the Town over the years with water strategies and where they are now and what the next steps are.

Richard Straut gave a Power Point presentation for the Town of Marlborough Groundwater Investigation and Water System Improvements which is incorporated into the minutes as follows:

Water System Description

- Currently supplied by the NYCDEP Delaware Aqueduct via Town of Newburgh water system
- Marlborough Water System consists of several booster pumping stations, (2) 400,000 gallon water storage tank, pressure reducing valves and watermains from 2 to 12-inch
- Water flow is south to north from the Town of Newburgh connection on Lattintown Rd to South St, along Prospect and Ridge Rd's down to Route 9W
- 2009 water usage:
 - Average daily flow: 452,000 gpd
 - Maximum daily flow: 565,000 gpd
 - Maximum instantaneous demand: > 1,000 gpm



Recent History of Marlborough Water System

- Maser Consulting report issued in 2003
 - Evaluated Nitrate loading on existing wells in the Town.
 - Provided recommendations regarding lot size zoning and target nitrate limits in septic effluent to maintain the integrity of Marlborough's groundwater resources
- Brinnier & Larios issued a draft report on water supply alternatives in 2009, (5) alternatives reviewed:
 - Town of Newburgh Supply (Current)
 - Town of Lloyd Supply
 - Direction connection to Delaware Aqueduct
 - New Source
 - Hudson River
 - Groundwater Supply
- The Brinnier & Larios report:
 - Favored the Lloyd supply alternative
 - Evaluated capital and annual cost for the Town of Newburgh, Town of Lloyd and Hudson River source alternatives only
 - Report scope did not include water modeling of the Town of Marlborough Water System
- Groundwater supply alternative dismissed due to:
 - Cost
 - Complexity of property negotiations
 - Water quality standards
 - Town previously utilized a groundwater supply up to 1974
 - Movement away from groundwater supply consistent with 1970 Ulster County Comprehensive Water Study (revised 1989)

Recent History of Marlborough Water System

- * B&L hired in 2010 by Town to complete a water system evaluation
- * Scope of work included the development of a GIS based water model of the existing system, as well as an engineering and fiscal analysis of the following (3) alternatives:
 - o Town of Newburgh Supply (current)
 - o Town of Lloyd Supply
 - o Groundwater Source
- * Groundwater source selected for several reasons:
 - o Cost effective (based on assumptions of water source availability and quality)
 - o Favorable source locations for improving pressure issues in system
 - o Limited water flow directionality issues
 - o Town retains majority of control over the operation and security of its water supply
- * Report findings led the Town to pursue a groundwater investigation study

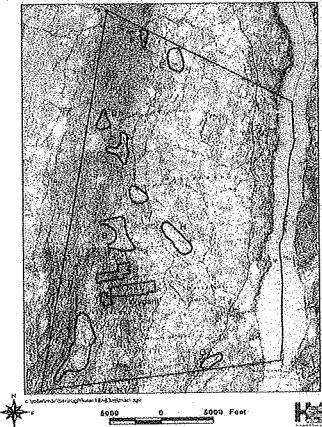
Groundwater Investigation

- * Purpose: To evaluate the potential to develop a groundwater supply
- * Town hired HydroSource Associates (HSA) to provide hydro-geological consulting services
- * Goal: locate sufficient groundwater supply to meet Town's water demand

Phase I Hydrogeological Evaluation

- * Phase 1 completed in December 2010
 - ↳ Consisted of a desktop study and windshield survey of available data to delineate favorable groundwater zones
 - ↳ Based on physical and hydrogeological characteristics:
 - * Surface and bedrock geology
 - * Bedrock fault lineaments
 - * Recharge potential
 - * Current land use
 - * Known contaminated areas
 - * Existing high capacity wells
 - ↳ 9 favorable zones identified (A thru I)

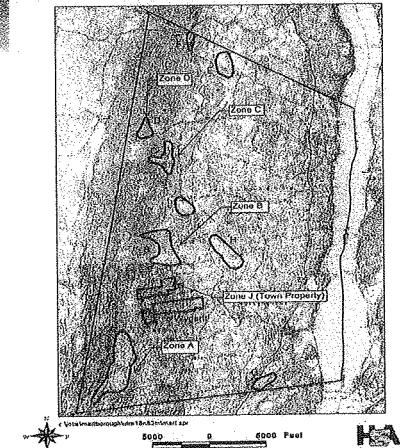
Figure 1 - Favorable Zone Locations



Phase II Geophysical Surveys

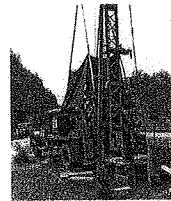
- * Geophysical surveys used to identify specific geological targets for test-well installation
 - ↳ Employed 2 methods;
 - ↳ Radio signal and magnetometer to measure and detect subsurface features that may indicate the presence of groundwater
- * Phase 2 completed in June 2010
 - ↳ Town secured permission from property owners
 - ↳ Town, HSA and B&L reduced 9 favorable zones identified in Phase I to 7 favorable zones (A thru D, G, H and I)
 - ↳ Included Town property located on Reservoir & Mountain Rd (J)
 - ↳ Permission received from property owners for zones A thru D and J
 - ↳ From this, 8 priority test well sites were identified
 - ↳ Additional properties analyzed in January 2012 (Wygant & Scenic Hudson)

Figure 1 - Favorable Zone Locations



Phase III Test Well Installation

- * Test well installation used to roughly estimate capacity of groundwater aquifer and to ascertain water quality
- * Requires the installation of test wells on a property and completion of pumping and water quality tests
- * Phase 3 – Test wells drilled beginning in 2012
 - * St. Andrews (Zone A)
 - Testing completed in January 2012
 - Very good water quality
 - 30 gpm maximum sustainable yield (180-day pump test projection)
 - * Herzog (Zone A)
 - Testing completed in August 2013
 - Very good water quality
 - Modest sustainable yield (75-100 gpm) (180-day pump test projection)
 - * Troncillito (Zone A)
 - Testing completed in February 2014
 - Very good water quality
 - Modest sustainable yield (withheld by request of landowner)



Groundwater Investigation Findings

- * A bedrock aquifer exists along the thrust fault contact between the Quassiac Quartzite and Austin Glen formations
- * The aquifer is productive and yields water of high quality
- * Expected yields for wells are approximately 50-100k gallons per day located along fault
- * Pumping tests indicate varying directional drawdown influence of neighboring wells
- * Separation of approx. 2,000 feet required to hydraulically isolate wells

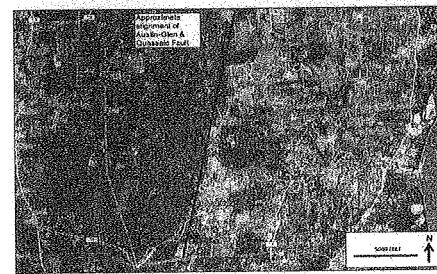


Figure 9-1 Locations of St. Andrews and Herzog Wells

Why groundwater?

- * Fiscal resiliency – Structure supply and rates to insulate Town finances from impacts of future additions or loss of users
 - * Develop groundwater sources equal to current + projected future residential and commercial business
 - * Utilize DEP water for bottling plant and other major industrial users
 - * Ratables – Mitigate impact of electric plant leaving Town
- * Diversification of water source/supply options
- * Places water future more securely in Town's control
- * Fosters community awareness of local natural resources
- * Alternate water source security concerns:
 - * Salinity plume in Hudson River – likely to continue marching north with sea level rise
 - * Watershed deterioration due to development and human activity

Overall Vision

- * Develop a groundwater source to provide water for residential/commercial demand in the Town
- * Continue relationship with NYC DEP and Town of Newburgh to provide water for:
 - * Significant industrial users (In 2009, Brooklyn Bottling accounted for approximately 20% of Town wide water usage)
 - * Fireflow and other peak demand events
 - * Emergency backup supply
- * Future Water Source Portfolio Statistics
 - * Approximate average day demand: 500 kgal/day
 - * Approximate peak day demand: 750 kgal/day
 - * Estimated future water from Delaware aqueduct (current demand): 100 kgal/day
 - * Estimated future water from groundwater supply (current demand): 400 kgal/day
 - * Estimated number of production wells needed: 4-8

Drivers

- * Delaware Aqueduct Shutdown
 - * Scheduled for repairs beginning in 2021
 - * Town needs to develop or secure alternate supply before then
- * Encourage Economic Development
 - * Secure water supply to promote economic development
 - * Focus water distribution expansion to Route 9W corridor and other priority development areas in accordance with the Comprehensive Plan
 - * Use transitional development areas to match development to local community character
 - * Compliance with Smart Growth Policy to improve project positioning to receive Federal and State grant and loan monies
- * Address current system issues:
 - * Lack of pressure in Milton Turnpike and other high elevations areas in the Town
 - * Improve fire flow throughout system
 - * Reduce/remove distribution bottlenecks
 - * Provide effective finished water storage (current tanks hydraulically "locked out" of system)

Next Steps



- * Establish priority economic development zones in Town
- * TDR – Transfer of Development Rights – preserve Marlborough aquifer while promoting development along Route 9W corridor
- * Preserve watershed in Marlborough Aquifer, promote community awareness of responsible water use and impacts to local watershed
- * Revise November 2010 Preliminary Engineering Report

Scope of Revised Report

- If authorized, B&L will update the November 2010 Preliminary Engineering Report to include the following:
 - Identify priority economic development areas within town for water service extension and improvements
 - Update knowledge of "trouble" areas to address in future water project
 - Revise and update water model for 2013 demands
 - Summarize groundwater investigation reports and produce GIS based mapping showing known groundwater features
 - Update and re-run water model with 2013 demands, projected future demands in economic development areas, new source locations. Identify improvements that address issues related to static system pressure, water age and fireflow
 - Develop recommendations for system improvements using new groundwater source locations
 - Update cost estimates relative to water quality and treatment needs
 - Identify potential state and Federal funding sources
 - Use updated report as vehicle to secure project approval through the NYS DEC and DOH; use report as financing for water system improvements

Richard Straut also explained that B & L is working with the Town on their Hamlet Plans and they can join together the concepts of the Water Plan and the Hamlet Plan.

Councilman Molinelli questioned how much it would cost the Town and the residents of Marlboro to purchase property along the aquifer and drill 6 or 7 wells and build the infrastructure to bring the water to the residents versus what we are paying now.

Mr. Straut explained that Newburgh built a new plant and the cost of that is going to eventually reach the residents of Marlboro.

Councilman Koenig said the next study the Board may pursue is a cost analysis to figure out what the capital cost for infrastructure and what the payback will be. Whatever the Town invests will eventually be paid off. He would like to make decisions for the future. Councilman Molinelli said he lives in an area that has no debt to their water district and they can't incur an increase.

Supervisor Osborn said that there may be grant possibilities.

Glen Gidaly said there is no debt to that water district. At the same time that district has some issues like pressure, dead ending, and storage issues. An investment may need to be made to keep the system modern. What needs to be figured out is what the possibility for grants, low interest loans and how long the loans would be. Also, when everything is put in place they can figure what the amount would be funneled down to the residents.

Councilman Molinelli said the Town has done \$120,000.00 worth of studies and none have said how much this would all cost.

Supervisor Osborn said that none of those studies were asking to that and it's not a lot of money for what the Town now knows.

Richard Straut said they could put together an estimate continuing to buy from Newburgh and developing the groundwater resources from the information that they have. If the Town wants they could also analyze Lloyd. He believes developing groundwater resources will be less expensive than buying from Newburgh.

Councilman Corcoran said that the Town still doesn't know how much Newburgh is going to charge us.

Councilman Molinelli and Councilman Corcoran are concerned that there may need to be more wells than 6 or 7.

Supervisor Osborn said that depends on whether it will supply Brooklyn Bottling or not.

Councilman Molinelli asked Mr. Straut if he knows of any systems that have 10 wells so the Board can see how it works. He also asked if it would affect the agricultural irrigation and the wells that already exist if there are 10 wells along the aquifer.

Mr. Straut said he did do a system with 10 wells but it was set up differently. The wells that would be drilled would be spaced far enough apart and there are regulations by the Health Department and the DEC so it doesn't affect other people's water.

ITEM #7 Workshop topics

A). Zoning

See resolution #60

B). Local waterfront Revitalization Plan

ITEM #8 Old Business

A). Wyms Heights

No new information

B). Town Healthcare benefits

No new information

C). TOMVAC

No new information

D). New Town Hall

No new information

E). Terwilliger Hoffman 384D Retirement

No new information

F). McLaughlin Drive

No new information

G). Labor Negotiations

Supervisor Osborn said they had a meeting with the Highway Union and introduced some new ideas that they are thinking about.

H). Survey of St. Andrews property for purchase

Supervisor Osborn said the survey is done and he is waiting to hear from the executor of the estate of the property owner.

I). Ethics Board Open Position

Supervisor Osborn said there is still an open position.

J). water connection to Highland

No new information

K). Regional Electrical Distribution and its financial implications

No new information

L). Part Time summer help

Councilman Molinelli made a motion to remove Letter L Part Time summer help from the agenda. Motion seconded by Councilman Corcoran.

Yea: 4

Nays: 0

Carried

M). Ulster County URGENT Task Force

Councilman Koenig said that he and Chief Cocozza have a meeting the week of June 3rd.

N). 9W Cross Walk at Pizza Town

Supervisor Osborn said he asked Gael Appler to give him an estimate to do a curb cut to move the crosswalk. The Town will need to contact DOT to move the crosswalk.

O). Business Corridor Overlay district

See workshop topics

ITEM #9 New Business

A). Concerts in the park sound bids

Supervisor Osborn said they will need to advertise for a sound company for Concerts in the Park and Movies in the Park.

Councilman Corcoran explained that Kate Beare had done a background check on the sound company who agreed to do the concerts and then include the movies at no charge and references did not check out.

The Board had a brief discussion on how they will propose this to the bidders and Councilman Corcoran said that Ms. Beare will give the wording to the clerks to advertise.

Councilman Koenig made a motion to place one advertisement for bid for a sound company for Concerts in the Park and also for Movies in the Park. Motion seconded by Councilman Corcoran.

Yea: 4

Nays: 0

Carried

Supervisor Osborn said that bids came in for the police cars and Tom Corcoran had the highest bid in the amount of \$650.00 for the 2006 Dodge Charger with 163,000 miles and Tom Corcoran also had the highest bid in the amount of \$1050.00 for the other 2006 Dodge Charger with 170,000 miles.

Councilman Molinelli made a motion to accept the highest bids from Tom Corcoran for both 2006 Dodge Chargers. Motion seconded by Councilman Koenig.

Yea: 3

Nays: 0

Abstain: 1 (Corcoran)

Carried

ITEM #10 Correspondence

Supervisor Osborn read a letter from M. C. Ramnani requesting that two hidden driveway signs be placed just before 66 Conway Road in Marlboro because there are no signs currently.

The Board discussed this and the area is near the border of Marlboro and Newburgh. Councilman Koenig said he will contact Gael Appler.

Supervisor Osborn read the following letter from Stephen Jennison which is incorporated into the minutes as follows:

Dear Mr. Osborn:

This letter is to invite you and ask for your assistance in recognizing the achievements and service of Joshua C. Jennison on attaining the rank of Eagle Scout.

All of the recognitions and letters will be compiled, placed in a binder or other suitable keepsake, and after they are read, will be displayed during this special occasion for Joshua at his Eagle Court of Honor to be held on Sunday, June 8, 2014 at Cluett-Shanz Park Pavilion, Milton. The ceremony starts at 11:30am.

Thank you very much for taking time to help this community and this unit recognize the personal achievement and service of Eagle Scout Joshua Jennison.

Sincerely,

Stephen E. Jennison
Assistant Scoutmaster
Troop 72, Marlboro, NY

Councilman Corcoran made a motion to give the Pride of Marlborough Award to Joshua Jennison. Motion seconded by Councilman Molinelli.

Yea: 4

Nays: 0

Carried

Supervisor Osborn read a letter from Ellen Mann of 64 Sands Avenue asking for a remedy for a drainage problem that she says has not been addressed by the Highway Department. Councilman Koenig said he thinks there may have been a broken service line that has since been repaired and suggested calling Charlie Muggeo in the morning to check on that.

Supervisor Osborn read the following letter from Charlie Muggeo which is incorporated into the minutes as follows:

CHARLES MUGGEO
Water Superintendent



TOWN OF MARLBOROUGH

WATER DEPARTMENT

1650 ROUTE 9W, P.O. BOX 305

MILTON, NEW YORK 12547

Tel. (845) 795-1158

Fax (845) 795-2031

Supervisor Steve Osborn
And the Town Board

May 21, 2014

The reason for me writing this letter is to add new fees to my application. We just purchased a new boring machine. This piece of equipment allows us to install a service line underneath a road without disturbing it on the surface. When we previously did this operation, we brought in a private contractor, which performed the service. The customer paid the contractor directly. The fees ranged from \$50.00 to \$65.00 dollars a liner foot. In our town code if a road was less the 6 years of age the town would make the customer bore under the road where it was possible. Now that we have purchased this piece of equipment, I was looking to add a fee of \$55.00 per liner foot for boring under a road to our application.

If you have any questions or would like me to explain any other issues with the application feel free to give me a call. Thank you for your cooperation.

Charles Muggeo

Town of Marlboro Water Superintendent

Councilman Koenig made a motion to accept the addition of a fee of \$55.00 per linear foot for boring under a road to the Water Service Application. Motion seconded by Councilman Corcoran.

Yea: 4

Nays: 0

Carried

ITEM #11 Public Comment

Councilman Molinelli said his neighbor's septic is going on his property and this person was supposed to hook up to water and sewer years ago. He asked Tom Corcoran if it was a code violation and Mr. Corcoran said he could file a property maintenance violation.

Ralph Walters said he spoke with Councilman Baker and they thought it might be a good idea to allow residents to dispose of brush at the Transfer Station once in the summer and once in the fall. Mr. Walters said that the past brush disposal dates were not publicized enough.

Patti Haidaoui said that she put in on the website but it was put together at the last minute and she could have done more especially if it were tied in with earth day as originally planned.

Colleen Corcoran said that she made flyers, hung them and handed them out and also let everyone know who bought a permit and/or a punch card. Most people waited for the burn ban to lift so they can burn because they don't have a way to get the brush to the Transfer Station.

Councilman Corcoran said the grinder was costly so the Board will need to see if this is worthwhile.

ITEM #12 Resolutions

- A). Resolution #58 To appoint part time seasonal park attendant
- B) Resolution #59 To appoint full time police officer
- C). Resolution # 60 To introduce Local Law 1 of the year 2014

Supervisor Osborn reiterated what was discussed at the last few meetings as to why they are introducing this resolution regarding zoning changes on 9W.

Councilman Molinelli made a motion to cancel the Public Hearing that was scheduled at the last meeting for June 23, 2014. Motion seconded by Councilman Corcoran.

There was a brief discussion about a typo on the new resolution for the date of the Public Hearing.

Councilman Corcoran made a motion to change the date of the Public Hearing on Resolution #60 and the Public Hearing Notice from July 23, 2014 to July 14, 2014. Motion seconded by Councilman Koenig.

Yeas: 4 Nays: 0 Carried

Supervisor Osborn explained that Section 2 in the resolution states that they will be amending the code to remove professional offices as a special use from a residential district. Section 3 states that they will be removing professional offices as a special use from R-1. The motivation for this is to move them to the overlay district. Section 4 would be amended to add a subdivision designating multiple dwellings as a special use. The

Board has discussed that they would like to add language so people understand that when they undertake a subdivision of multiple dwellings in the R-I zone they have to follow state law and Town code by not burdening an existing water and sewer district with the debt or cost of their new district.

Supervisor Osborn made a motion to amend Resolution #60 Section #13 Item #4 to add Letter "(e) you cannot burden an existing district with the debt or cost of the creation of a new district within the multi dwelling subdivision." Motion seconded by Councilman Corcoran.

Supervisor Osborn further explained that Section 5 in the resolution would delete one or two family dwellings as a principle use in the C-1 District. Section 6 would delete multiple dwellings and bed and breakfasts in the C-1 District. Section 7 would be amended to change the word motels to hotels. Section 8 would be amended to change the words gasoline service stations to automobile service, repair and filling stations for the HD District. Section 9 would remove subdivisions, bed and breakfasts, and multiple dwellings as special uses in the C-2 District.

Supervisor Osborn read Section 10 of the resolution, Section 155-29 of Town code would be amended as follows: (a) in the first sentence, the clause "In the R-1 District ..." shall be changed to read "In the R-1 District and R-Ag-1 District..."

(b) in the first sentence, to replace the clause reading "... if all lots or units are served by municipal water and sewer..." with the clause reading "... if all lots or units are served by central water and sewer systems which shall employ improvements and facilities which distribute water from, or collect and convey sewer to, a central water supply source or wastewater treatment improvement, respectively, in an engineered and planned manner approved by the Town Board and a manner which excludes reliance upon individual wells or individual septic systems..."

(c) subsection (B)(1)(a) shall be amended to change the phrase "...served by municipal water and sewer systems" to "...served by central water and sewer systems"

Councilman Koenig had many reservations about this part of the resolution and felt it was too vague. He doesn't want to see private water and sewer districts.

The Board discussed this with Tom Corcoran and some of the Board members seemed to have mixed feelings about Section 10 of the resolution. Supervisor Osborn asked for a motion to remove Section 10 altogether because he doesn't feel the Board is ready to update cluster development in the code.

Councilman Koenig made a motion to amend Resolution #60 to remove Section 10. Motion seconded by Councilman Corcoran.

Supervisor Osborn said Section 11 and 12 are deleted. He asked if the Board was comfortable with the items listed in Section 13 which pertains to a new subdivision in the R-1 District. There were no changes except that they added item (e) see above motion.

Supervisor Osborn read Section 14 of Resolution #60, Article VI of Chapter 155-33 entitled "Display of motor vehicles" reading as follows:

"This section shall apply in all zoning districts. No premises may be used for the display for sale of any motor vehicle, unless the premises are covered by current and valid local approvals under the provisions of this Chapter for the commercial display and sale of motor vehicles. Except, however, that an owner of premises may display for private sale one motor vehicle which is in the title of an owner of the premises."

He added that right now you can sell your car on someone else's property.

Supervisor Osborn said that in the alternate Resolution (Resolution #60B) Section 15 says that the Commercial District will be changed to Residential from Orange Street (west on the south side) and Frank Criccio's property (west on the north side). The parcel numbers are included in this section. The only commercial building in this district is Fuzzy's Gas Station. He will be able to remain commercial and can sell as the same type of commercial business but cannot change to residential.

D). Resolution # 60B To introduce Local Law 1 of the year 2014 (second resolution for consideration)

Supervisor Osborn said he would like to consider passing the second resolution and asked for a motion to amend the resolution to remove Section 10.

Councilman Koenig made a motion to amend Resolution #60B to remove Section 10. Motion seconded by Councilman Molinelli.

Years: 4 Nays: 0 Carried

Councilman Molinelli made a motion to amend Resolution #60B to change the date and time of the Public Hearing to July 14, 2014 at 6:30PM. Motion seconded by Councilman Koenig.

ITEM #13 Adjournment

May 29, 2014

A). Resolution #58 To appoint part time seasonal park attendant

Supervisor Osborn proposes the following

Whereas, the Town of Marlborough has an opening of a season park attendant, and

Whereas, the park committee has conducted interviews for this open position.

Now therefore be it resolved, that Andrew Riviera be appointed as part time seasonal park attendant, effective immediately.

Now therefore be it further resolved, that the hourly rate is \$10.00, not to exceed 29 hours.

And moves for its adoption

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

May 29, 2014

B) Resolution #59 To appoint full time police officer

Supervisor Osborn proposes the following:

Whereas, the Town of Marlboro Police Department has an open full time police officer position, and

Whereas, Michael Sotanski has taken and passed the Ulster County Civil Service Police Officer Exam, and

Whereas, Michael is on the civil service list, and

Whereas it is the recommendation of the Police Committee as well as the Chief of Police to appoint Michael Sotanski as a full time police officer.

Be it resolved, that Michael Sotanski be appointed effective immediately

And moves for its adoption

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

May 29, 2014

Resolution #60 To introduce Local Law #1 of the year 2014

RESOLUTION

Supervisor Osborn introduced the following proposed local law, to be known as Local Law No. ___ of 2014, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155, "ZONING", OF THE TOWN CODE, INCLUDING ADDING A NEW SECTION 155-12(H) ESTABLISHING A BUSINESS CORRIDOR OVERLAY DISTRICT; AND AMENDING EXISTING SECTIONS 155-12(A) PERTAINING TO PROFESSIONAL OFFICES IN THE R DISTRICT; AND AMENDING 155-12(B) PERTAINING TO PROFESSIONAL OFFICES AND MULTIPLE DWELLINGS IN THE R-1 DISTRICT; AND AMENDING 155-12(D) PERTAINING TO RESIDENTIAL DWELLINGS, MULTIPLE DWELLINGS, BED-AND-BREAKFASTS, MOTELS, AND HOTELS IN THE C-1 DISTRICT; AND AMENDING 155-12(E) PERTAINING TO AUTOMOBILE SERVICE, REPAIR AND FILLING STATIONS IN THE HD DISTRICT; AND AMENDING 155-12(G) PERTAINING TO BED-AND-BREAKFASTS AND MULTIPLE DWELLINGS IN THE C-2 DISTRICT; AND DELETING SECTIONS 155-30(A)(2) AND 155-30(A)(3) PERTAINING TO MULTIPLE DWELLINGS, AND ADDING A NEW SUBDIVISION 155-30(A)(2), PERTAINING TO THE MULTIPLE DWELLINGS; AND ADDING A NEW SECTION 155-33 PERTAINING TO DISPLAY OF MOTOR VEHICLES FOR SALE; AND AMENDING THE ZONING MAP TO CHANGE VARIOUS DESIGNATED PARCELS FROM THE C-1 DISTRICT TO THE R 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. Parcels located within the R-1 or R-Ag-1 zoning districts within the Town of Marlborough are eligible locations for establishment of a Business Corridor Overlay District if they (a) enjoy highway frontage useable for access to and from Route 9W, and (b) are improved within 250 feet of the right of way line of NYS Route 9W by an existing building(s) 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.

(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 readaptation;

(2) Whether the site is well drained, and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding;

(3) Whether the site is located in an area suitable for the proposed elimination of non-conformity or readaptation of buildings and site development so as to be

reasonably free of objectionable conditions such as odors, noise, dust, air pollution, traffic volumes beyond the capacity of the existing road system or proposed road improvements, and other environmental constraints;

(4) The site shall be located in a manner that allows access to the site from a public street with adequate site distances and that meets current engineering standards of the Town;

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

(6) The readaptation 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. Section 155-12(A)(4)(i) is amended to remove “Professional office” as a special use, and to re-letter subdivisions (4)(j) and (4)(k) to become subdivisions (4)(i) and (4)(j), respectively.

Section 3. Section 155-12(B)(4)(j) is amended to remove “Professional office” as a special use, and to re-letter subdivisions (4)(k) and (4)(l) to become subdivisions (4)(j) and (4)(k), respectively.

Section 4. Section 155-12(B) is amended to add a subdivision (4)(l) designating Multiple dwellings as a special use.

Section 5. Section 155-12(D)(2) is amended to delete subdivision (2)(g) designating one-family or two-family dwellings as a principal permitted use.

Section 6. Section 155-12(D)(4) is amended to delete subdivisions (4)(f) and (4)(g) designating Multiple dwellings and Bed-and-breakfast as special uses.

Section 7. Section 155-12(D)(4)(c) is amended to change the word Motels to Hotels.

Section 8. Section 155-12(E)(4)(a) is amended to change the words "Gasoline service stations" to read "Automobile service, repair and filling stations".

Section 9. Section 155-12(G)(4) is amended to remove subdivisions (4)(f) and (4)(h), Bed-and-breakfast and Multiple dwellings, respectively, as special uses, and to re-letter subdivision (4)(g) to become subdivision (4)(f).

Section 10. Section 155-30(A)(2) is deleted.

Section 11. Section 155-30(A)(3) is deleted.

Section 12. Section 155-30(A) is amended to a new subdivision (2) reading as follows:

(2) R-1 District.

- (a) Minimum lot area shall be (10) ten acres.
- (b) Lots shall be served by and utilize public water and sewer.
- (c) Setbacks for front yard shall be minimum 75 feet, each side yard shall be minimum 75 feet and rear yard shall be minimum 75 feet.
- (d) Maximum density shall be six dwelling units per acre.
- (e) Extension of a public water or sewer service area shall not burden an existing water or sewer district with any cost or debt associated with the extension

Section 13. Article VI of Chapter 155 is amended to add a new section 155-33 entitled "Display of motor vehicles" reading as follows:

"This section shall apply in all zoning districts. No premises may be used for the display for sale of any motor vehicle, unless the premises are covered by current and valid local approvals under the provisions of this Chapter for the commercial display and sale of motor vehicles. Except, however, an owner of premises may display for private sale one motor vehicle which is in the title of an owner of the premises."

Section 14. The Zoning Map established within Section 155-8 of Chapter 155 of the Town Code is amended to change the following parcels, identified by Tax Parcel Number, from the C-1 District to the R District:

108.12-1-1.110

108.12-1-1.120

108.12-1-2

108.12-1-3.100

108.12-1-3.200

108.12-1-4

108.12-1-6

108.12-1-7

108.12-1-8

108.12-1-9

108.12-1-10

108.12-1-11

108.12-1-12

108.12-1-13

108.12-2-47

108.12-2-48

108.12-2-50

108.12-2-51.100

108.12-2-51.200

108.12-2-52.200

108.12-2-53

108.12-2-56

108.12-2-57

108.12-2-58

108.12-2-59

108.12-2-60

108.12-2-61

Section 15. 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 July 14, 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 July 14, 2014 at 6:30 o'clock, p.m., prevailing time, on proposed Local Law No. ____ of the Year 2014, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155, "ZONING", OF THE TOWN CODE, INCLUDING ADDING A NEW SECTION 155-12(H) ESTABLISHING A BUSINESS CORRIDOR OVERLAY DISTRICT; AND AMENDING EXISTING SECTIONS 155-12(A) PERTAINING TO PROFESSIONAL OFFICES IN THE R DISTRICT; AND AMENDING 155-12(B) PERTAINING TO PROFESSIONAL OFFICES AND MULTIPLE DWELLINGS IN THE R-1 DISTRICT; AND AMENDING 155-12(D) PERTAINING TO RESIDENTIAL DWELLINGS, MULTIPLE DWELLINGS, BED-AND-BREAKFASTS, MOTELS, AND HOTELS IN THE C-1 DISTRICT; AND AMENDING 155-12(E) PERTAINING TO AUTOMOBILE SERVICE, REPAIR AND FILLING STATIONS IN THE HD DISTRICT; AND AMENDING 155-12(G) PERTAINING TO BED-AND-BREAKFASTS AND MULTIPLE DWELLINGS IN THE C-2 DISTRICT; AND AMENDING SECTION 155-29 PERTAINING TO THE RESIDENTIAL CLUSTER DEVELOPMENTS; AND DELETING SECTIONS 155-30(A)(2) AND 155-30(A)(3) PERTAINING TO MULTIPLE DWELLINGS, AND ADDING A NEW SUBDIVISION 155-30(A)(2), PERTAINING TO THE MULTIPLE DWELLINGS; AND ADDING A NEW SECTION 155-33 PERTAINING TO DISPLAY OF MOTOR VEHICLES FOR SALE; AND AMENDING THE ZONING MAP TO CHANGE

VARIOUS DESIGNATED PARCELS FROM THE C-1 DISTRICT TO THE R DISTRICT,
WHICH PARCELS ARE AS FOLLOWS:

108.12-1-1.110

108.12-1-1.120

108.12-1-2

108.12-1-3.100

108.12-1-3.200

108.12-1-4

108.12-1-6

108.12-1-7

108.12-1-8

108.12-1-9

108.12-1-10

108.12-1-11

108.12-1-12

108.12-1-13

108.12-2-47

108.12-2-48

108.12-2-50

108.12-2-51.100

108.12-2-51.200

108.12-2-52.200

108.12-2-53

108.12-2-56

108.12-2-57

108.12-2-58

108.12-2-59

108.12-2-60

108.12-2-61

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 29, 2014

COLLEEN CORCORAN, TOWN CLERK

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

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

DATED: Milton, New York
May 29, 2014

COLLEEN CORCORAN, TOWN CLERK

Councilman Koenig made a motion to adjourn the meeting at 9:43PM. Motion seconded by Councilman Molinelli.

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*