

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
SEPTEMBER 22, 2014 7:00 PM
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN
COUNCILMAN CORCORAN
COUNCILMAN MOLINELLI
COUNCILMAN KOENIG (Arrived at 7:24 p.m.)
COUNCILMAN BAKER (Arrived at 7:31 p.m.)

DANIELLE CHERUBINI, DEPUTY TOWN CLERK

ABSENT: PATRICIA HAIDAQUI, DEPUTY SUPERVISOR
COLLEEN CORCORAN, TOWN CLERK

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Councilman Corcoran made a motion to add Resolution #74 To prepare and submit an application for the purpose of securing grant monies for the Town Court to the agenda. Motion seconded by Councilman Molinelli.

Councilman Corcoran made a motion to add Letter C) Train Station Roof to ITEM #7 Workshop Topics on the agenda. Motion seconded by Councilman Molinelli.

Councilman Corcoran made a motion to change line 2 of Resolution #74 to read Whereas, said grant application will be for funding for court furniture, IT equipment, and HVAC equipment. Motion seconded by Councilman Molinelli.

Yeas: 3 *Nays: 0* *Carried*

Councilman Corcoran made a motion to add Letter C) Fencing for Town Hall to ITEM #9 New Business to the agenda. Motion seconded by Councilman Molinelli.

Yeas: 3 Nays: 0 Carried

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

*Yea*s: 3 *Nay*s: 0 *Carried*

ITEM #4 Motion to approve minutes from the September 8, 2014 meeting
Councilman Corcoran made a motion to approve the minutes from the September 8, 2014 meeting. Motion seconded by Councilman Molinelli.

*Yea*s: 3 *Nay*s: 0 *Carried*

ITEM #5 Authorize payment of bills
Councilman Molinelli made a motion to pay the abstract in the amount of \$101,966.12. Motion seconded by Councilman Corcoran.

*Yea*s: 3 *Nay*s: 0 *Carried*

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

ITEM #7 Public Presentation

A). Judge Gallagher Court Room dedication

Supervisor Osborn announced that the Town is naming the new courtroom in honor of Judge Gallagher who has served the Town for 30 years as Judge. He added that Judge Gallagher runs a good court, she is very knowledgeable and has a very good sense of moral ethics and justice.

Councilman Corcoran said that they give Judge Gallagher her space because the courtroom is her domain and she is good at what she does and has been for 30 years. He is honored to name the courtroom after her.

Councilman Molinelli said the work and dedication Judge Gallagher serves the community with is above and beyond the call of duty. He congratulated Judge Gallagher, he said he is very proud to be on the Board who is naming the courtroom after her.

Richard Gerentine said Judge Gallagher started her position as Town Justice in 1984, the same year he started as Town Councilman. And when he was Supervisor they had many budget discussions and Judge Gallagher was very persistent in shaping the Town Justice Department and always wanted to run her office more professionally and efficiently. He added that Eleanor Gallagher deserves this honor and congratulated her.

Judge Kraiza thanked the Town Board, the School Board, and the community for the new court/meeting room. He especially thanked Scott Corcoran for all the work he had done for the new facility. He has been Judge for just under 2 years and it's all different when you put on that robe and have to figure things out. A judge can get calls at any time during the

night to hold an arraignment, there are no holding cells in the Police Station for defendants. Judge Gallagher has been a Judge for over 30 years and she has been getting those calls, dealing with defendants in court, and making decisions. Decisions that are fair for the Townspeople you represent, decisions that are not always easy. He added that Eleanor Gallagher has done a beautiful job for over 30 years and more that deserving of this dedication. He wrote a letter after the New Town Hall was approved, suggesting this dedication. He is proud to serve with Judge Gallagher and thanked her for her service.

Michelle Edwards said she has worked with Judge Gallagher for 6 years, they work as a team, and she loves her.

Judge Eleanor Gallagher addressed the Town Board and stated that she is humbled by this tribute. She thanked them for the honor and stated that it has always been a privilege to serve as Town Justice. She thanked her senior clerk, Michelle Edwards, who works tirelessly alongside her. Ms. Edwards made the suggestion as to where to hang the plaque.

Judge Gallagher gave the following speech which is incorporated into the minutes as follows:

"I began as a volunteer here sometime in the mid-seventies when the late Michael Canosa was the Town Supervisor and John Esposito was Police Chief. After submitting a resume requested by the Chief, he contacted me and asked if I would set up and organizational and workable system for his department which I eventually completed. What a job that was! By and by I was then hired as a police dispatcher. Well, on my very first night on duty, BAM, it began with officers hightailing out the door to their patrol cars with radios in hand, for a high speed car chase between the Newburgh and Marlborough agencies who were in pursuit of a male subject. So, here I am all alone in the building (it was evening and no one else was around) relaying citations, positions, etc., everyone barking orders all over the static of police radios and sirens until the subject was finally apprehended. Whew! Eventually, the Chief and patrols returned to the station and as soon as they came through the door, Chief Esposito looked over at me and said (in his inimitable fashion), "Kid, you're a good one under the gun." Actually, what he didn't know (and I wasn't about to tell) was that I was probably in a state of shock the whole time!

But that was a mild night in comparison to another dispatcher who on her first night on the job, was faced with a murder situation in the Town. But that will be her story to tell!

In 1981, I was offered the newly created position as clerk of the Justice Court, serving in that capacity until 1984 when first elected to my present position.

You know, I really didn't get here all by myself. I had the support of my husband (always steadfast and loyal in his devotion and belief in me as a woman), my sons who continue to follow in his footsteps and stand beside me every step of the way, my mother who well prepared me for life's challenges and my brother, my confidant, who forever holds a place in my heart.

There have been countless other who have enriched me personally along this journey. I am indebted to them all, although I have never aspired to be anything other than who I am. I owe a special thanks to the people of this community who, without their continued trust, faith, and support would I have been afforded the privilege to serve as Town Justice for the

Town of Marlborough. Everything in life revolves in a circle or as the saying goes; What goes around comes around.

Again, my gratitude to the members of the Town Board for this wonderful remembrance. Thank you all, God Bless everyone. ”

The Town Board presented Judge Gallagher with her plaque.

B). David LaVoie and Lou Casciaro- Reis Group Insurance Co. new options of health care Supervisor Osborn said the Town reviews its insurance every year and currently uses Rose & Kiernan. The Town is impressed with what the Reis Group has to offer. Supervisor Osborn introduced Mr. LaVoie and Mr. Casciaro and thanked them for doing this presentation.

Mr. LaVoie stated that the Affordable Care Act didn't really affect the Town too much because of its size. They looked at the insurance that the Town currently has and can make some minor changes that won't increase the bottom line for 2015. If the anniversary date is changed from January to December (one quarter ahead) it would save the Town 3-5%. With the Affordable Care Act, multiple policies can be offered of the same design within the same insurance company or offer multiple companies. They offer the MVP program that the Town currently uses and they also offer CDPHP. With CDPHP you could have a traditional program with a simple co-pay or a high-deductible plan. The high-deductible insurance through CDPHP is similar to the way car insurance works, the higher the deductible the lower the premium. All the insurance companies have these plans but the Town will need to see which one will work in 2015. The plans need to be reviewed each year because the plan chosen for 2015 may not work in 2016. With the Town's current type of insurance plan, there is no way to tell if the insurance is being used. With the high-deductible plan they can tell if the insurance is being utilized and how much of the deductible has been met. If the deductible is \$1,500.00 for an individual and \$3,000.00 for a family, they can see if it is being utilized and if not they can recommend raising deductibles for the following year. After the deductible is met then everything is covered 100%. Wellness programs are covered 100%. In many cases, the employee and the employer each pay a portion of the deductible. In a lot of municipalities there is a greater cost sharing on the part of the municipality. The Board would need to decide who pays the deductibles. Mr. LaVoie said that he shared the specific plan options with some of the Board members and gave them all a grid that shows what the Town has now and different options to choose from. MVP and CDPHP both have good wellness programs. Pediatric dental is a mandatory benefit and the Town is being billed twice because it is on the dental plan too which is not mandatory. Mr. LaVoie added that St. Francis Hospital was taken over by Westchester Memorial and they are no longer a part of CDPHP. CDPHP is actively trying to get them to be part of the network, which will hopefully happen by December. Selective procedures are covered.

Supervisor Osborn said he really likes the versatility of being able to have multiple plans. It helps their healthcare problem and helps solve the problem with union negotiations which have been going on for over two years because of healthcare.

Councilman Molinelli asked how the retirees will be covered especially if they are down south.

Mr. LaVoie said that there is a national network built into the CDPHP plan just like Cigna is built into MVP.

Councilman Corcoran said that the Town can now choose to have MVP for retirees.

Councilman Baker asked if individuals would have a choice of what insurance they have.

Mr. LaVoie said if the Town wanted to offer all of the plans but he suggested that only one or two plans be chosen.

Councilman Corcoran said they were looking at the \$2,500.00/\$5,000.00 deductible plan and there are no co-pays except for prescriptions. The employee would use a "Mastercard" and the Town would be billed for the doctor visit. The Board is still deciding how much the Town and the employee will contribute toward the deductible.

Mr. LaVoie said that if the Town will still use MVP and introduce the CDPHP plan then he suggested moving the effective date of the MVP plan to December 1, 2014 because the rates are less and it would be easier administratively.

C). Patricia Wilson-Safety issues on Birdsall Ave

Patricia Wilson of Gerentine Way, said school buses were lined up Birdsall Avenue in an unsafe way and that problem has been resolved. The other issue now, is that multiple cars are parked unsafely along the road and creating a single lane. Parents are waiting to pick up their children but there isn't any room for them to park and the parents are giving no regard to the drivers who need to go up and down the hill. The issue has gotten a lot worse this school year. Ms. Wilson said she had gone to the school board meeting, she suggested doing something with the lower lot but that lot already has faculty and staff parked there.

Chief Cocozza said he met with Patrick Witherow from the school and the school is working on a way to change the bus schedule by having the second phase of buses wait elsewhere instead of lining up on Birdsall Avenue. In the meantime, the school met with Gael Appler to see about making an entrance for the lower parking lot so parents picking up their children can line up in that parking lot. The school is also thinking about relocating staff parking. They probably won't be able to change the time of drop off and pick up because of staffing and contracts etc... The school is working on a solution and they are testing different ideas and they are open to suggestions.

ITEM #7 Workshop topics

A). Water Supply

No new information

B). Tree planting

Supervisor Osborn presented the latest plans for the Hamlet of Marlborough. The plans include radiiuses that are drawn for long trucks to drive through. The Town Board discussed the flagpole area, parking, and vehicular traffic on Western Avenue and King Street. Supervisor Osborn said Key Bank will not have to give up any of their property. Key Bank is still planning to put their sign on 9W.

Councilman Koenig asked Supervisor Osborn if he could talk to Key Bank about possibly making a sign similar to Milton and incorporate all businesses in the Hamlet.

Supervisor Osborn said that he could speak to them.

Supervisor Osborn said that it looks like the Economic Development Committee will be planting eight trees this fall, Frank Cricchio is going to allow them to remove shrubs and they will plant three Locust trees. On King Street they will plant two more, and three more in other areas.

Councilman Molinelli asked who is purchasing the trees.

Supervisor Osborn said two have been donated and they are working on getting more.

Supervisor Osborn said the area near the bakery would be the ideal place to have a municipal parking lot and that the Town has begun negotiating the purchase of the building next to the bakery to see what transpires.

The Board discussed other possible areas for municipal parking.

Supervisor Osborn had a meeting in the field with Central Hudson and they have a new regional manager who suggested doing underground power lines in the Hamlet of Marlborough which is what the Town would prefer to do. Central Hudson will begin to do an engineering study and get back to the Town with how much it would cost the Town to implement the underground electric.

Councilman Koenig asked Supervisor Osborn if he could speak to Central Hudson about doing an engineering study for Milton as well.

Supervisor Osborn said they should see what happens with Marlborough.

Councilman Baker asked Councilman Koenig if they are looking at a parking solution in the Hamlet of Milton.

Councilman Koenig said there is a spot where cars can be parked on an angle to make a few extra parking spots and he is going to speak to a landowner about a municipal parking lot.

C). Train Station Roof

Supervisor Osborn said that the Board previously gave authorization to Bill Hauser to do the engineering for the roof of the Train Station and get the project out to bid. Mr. Hauser has completed the plans which are very detailed and with a historic design. This preliminary work cost about \$4,000.00 and with the bid documents it will be about \$6,500.00. Mr. Hauser suggested putting the project out to bid in December or January.

The Board and Glen Botto discussed the details of the new roof.

Supervisor Osborn also presented the updated map (plans) of the waterfront park that Barton & Loguidice drew up to give to DOT and CSX so DOT can implement a signaled pedestrian crosswalk.

The Board discussed the plans and liked them. Councilman Koenig said a lot of the ideas are being done already and some are long term goals.

ITEM #8 Old Business

A). Wyms Heights

Supervisor Osborn said that the bank boarded up the house. The garbage problem is under control enough to where there aren't any rats but the property is still an eyesore.

B). Town Healthcare benefits

Supervisor Osborn said that they just had a nice presentation from the Reis Group and the Town will need to make a decision in the near future.

C). TOMVAC

Supervisor Osborn said there have been multiple offers on the TOMVAC building and it seems they are very close to selling the building.

D). McLaughlin Drive

No new information

E). Labor Negotiations

Supervisor Osborn said they had a good session with the PBA today and will have one more mediation session soon. It looks like they are close to a PBA settlement. The Highway union seems interested in the high deductible healthcare plan.

F). Survey of St. Andrews property for purchase

No new information

G). water connection to Highland

No new information

H). Ulster County URGENT task force

Councilman Koenig said he and Chief Cocozza met with the Ulster County Undersheriff it went well. They agreed that being a part of the task force would greatly benefit the Town. Chief said this is already in the budget and the next step is a resolution and an MOA.

I). 9W Cross Walk at Pizza Town

Supervisor Osborn said this is ongoing because Key Bank is now helping the Town redesign the area.

J). Business Corridor Overlay district

Supervisor Osborn said the Board will be passing Local Law #1 tonight.

K). Municipal Parking

See workshop topics (B) Tree Planting

L). Barton and Loguidice engineering services Agreement groundwater exploration

No new information

M). Proposed agreement with Newburgh

No new information

N). Open position of the Board of Assessment Review

Councilman Molinelli made a motion to appoint Ralph Walters to the Board of Assessment Review. Motion seconded by Councilman Koenig.

Yea: 5

Nays: 0

Carried

Councilman Koenig made a motion to remove Letter N) Open position of the Board of Assessment Review from Old Business on the agenda. Motion seconded by Councilman Corcoran.

Yea: 5

Nays: 0

Carried

O). Summer Camp Recommendations

No new information

P). Zoning Changes (Local Law #2)

Supervisor Osborn said that the Board will be working on how they would like things to look in the overlay district.

ITEM #9 New Business

A) Ethics Committee position

Supervisor Osborn stated that there is still an open position on the Ethics Committee and this can be put back on Old Business.
Councilman Baker corrected that it is an Ethics Board.

Councilman Baker made a motion to change Letter A) Ethics Committee position to read Ethics Board position. Motion seconded by Councilman Koenig.

Yea: 5

Nays: 0

Carried

B) Motion to change next meeting date

Supervisor Osborn said that the next meeting falls on Columbus Day so they will need to change the date.

The Board discussed where and when the meeting could be because the new meeting room is now being used by the Town, court, and school.

Councilman Koenig made a motion to change the next meeting to be held on Tuesday, October 14, 2014 at the Milton Train Station. Motion seconded by Councilman Molinelli.

Yea: 5

Nays: 0

Carried

C) Fencing for Town Hall

Councilman Corcoran thanked Chief Cocozza for meeting with the Highway Department and the individuals to get the estimates for fencing at the old Town Hall. Adams Fencing Company was the best quote and the expense will come out of Gael Appler's budget.

Chief said the quote for Adams Fencing is \$12,595.00 and the electronic gate and control unit quote for the fencing (The Gate Guy) is \$5,750.00.

Councilman Corcoran made a motion to approve the purchase of fencing through Adams Fencing in the amount of \$12,595.00. Motion seconded by Councilman Baker.

Yea: 5

Nays: 0

Carried

Councilman Corcoran made a motion to approve the purchase of an electronic gate and control unit through The Gate Guy in the amount of \$5,750.00. Motion seconded by Councilman Baker.

Yea: 5

Nays: 0

Carried

Chief reminded the Board that the remotes are not included in the quote.

Councilman Koenig said the remotes should come out of the budget of the respective department that will need them.

Supervisor Osborn said that they are getting a quote from Adams Fencing for fencing around the basketball court.

Chief mentioned that someone had the idea of putting 4x4 or 4x6 posts with roping which will be more decorative and will prevent snowmobiles and cars from driving in that area. The posts would look nice by the pavilion too to keep people from parking on the grass.

The Board liked that idea.

Chief Cocozza said he could look into pricing for the posts and rope and he will also speak to Adams Fencing about the fence quote.

Councilman Koenig added, while discussing the old Town Hall, that the Town is looking to have more organized and consolidated departments. Phil Bell will look at the building to see what needs to be done to move the Water Department into where the Police Department was and Mobile Life into the other part of the building.

Supervisor Osborn said the first thing that Phil Bell will do is measure the old meeting room to see if an ambulance can fit in there.

Councilman Corcoran added that they are looking into removing walls on the police side and now that things are winding down at the park, Tom Schroeder and Bill Hohmann will be available and willing to do some in house work on the old Town Hall. The Board is going to try to make this all work without having to build another building off the back. Phil Bell will see if what they want can be done and then present his estimate.

Councilman Molinelli asked if all the work was finished at the Town Park, there are a few sinks that have exposed plumbing underneath.

Councilman Corcoran said the blue and red knobs still need to be put on. He also just spoke with the Highway and Water Departments about cleaning up the dirt and rock near the pavilion. The tree company that the Highway Department uses is also going to cut down the remaining trees by the pavilion.

Councilman Koenig asked that while the tree company is at the park could they take down all the dead limbs around the park including the walking trails.

ITEM #10 Correspondence

ITEM #11 Public Comment

Richard Gerentine said that people in Marlboro are hurting because of their taxes, he has had people coming to his office crying because they are going to lose their home. Many homes are for sale and others are being foreclosed on. He knows the school and Town are doing their share to help but he feels more can be done. He feels that Marlboro assessments are unfair compared to Newburgh and there are methods to mitigate them. In the past it has always been a burden on businesses and vacant land vs. residential. There is even more of a burden now for businesses to thrive and grow.

The state just passed a law that will be implemented in October called the Property Tax Freeze Credit. If the Town and the School stay under the tax cap, a homeowner will get a rebate back from last years' taxes. A homeowner will receive a check for the difference

between this year and last year's taxes. If you have a child under age 18 a homeowner will receive \$350.00. This will be for two years if the Town and the school meet the requirements. This helps homeowners but it does not help businesses or vacant land owners.

Mr. Gerentine also explained that the county is taking over Safety Net which is a state mandated assistance program that helps provide assistance to individuals and families who are eligible. The county implemented the program over three years. This doesn't save the taxpayer any money because it was taken off the Town taxes and added to the County taxes. In 2013, the amount was \$42,130.00, in 2014, the amount was \$124,000.00, and in 2015 the amount will be \$207,000.00. The total is about 13 million for the whole county.

He asked the Town again to please do something about the assessments because the state is not going to help us. Dynegy's assessment went from 6 million to 1 million in one year, it's still being negotiated but it will take a while before it goes back up to 6 million.

James Garofalo encouraged the Board again to talk to DOT to see if a one way circulator would work in the Hamlet of Marlborough. He also suggested looking at increasing the residential density more in the Hamlet areas. Mr. Garofalo said there are new "No Parking" signs on Young Ave., but people will disregard those sign unless the school and the Town have an agreement that the cars can be ticketed on private property. He spoke to the school about it and he also feels there should be signs posted in the bus area that there is parking allowed during the hours that the buses are not there.

Chief Cocozza said the school doesn't have that type of an agreement but it could be done. Currently, the school asks that the police run plates, find the people and have them move their cars or knock on windows and ask them to move. The parking situation is difficult when there is an event at the school and sometimes there is a sports event at the same time.

Mark Reynolds said that the documents that the Board has that are discussed publicly should be available to the public.

Supervisor Osborn said it wouldn't be feasible if they copied everything that they had for the public, but if someone wanted a copy of something they could ask for a copy.

Ralph Walters asked anyone knew how long the DOT will be paving 9W for.

Chief Cocozza said that there will be extensive delays, DOT is doing the work themselves. Mr. Walters said he has been asked by several residents why the school isn't filling in the big hole in front of the Marlboro Elementary School with the material that is being removed from the aqueduct project in Newburgh.

Councilman Koenig said he has been asked the same question but sewer, gas, and power lines are all under that area and it would be costly to move them.

ITEM #12 Resolutions

- A). Resolution #73 To adopt Local Law #1 of the year 2014
- B). Resolution #74 To prepare and submit an application for the purpose of securing grant monies

ITEM #13 Adjournment

September 22, 2014

A). Resolution #73 To adopt Local Law #1 of the year 2014

Supervisor Osborn proposes the following:

WHEREAS a Local Law was introduced entitled Local Law No. 1 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.

WHEREAS, a public hearing in relation to the original version of this local law was held on July 14, 2014; and

WHEREAS, by resolution dated July 14, 2014, the local law was modified, and a public hearing on the modified version was scheduled for August 11, 2014; and

WHEREAS, a public hearing on the modified version was held on August 11, 2014; and

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

WHEREAS, at its meeting of August 25, 2014, the Town Board moved to correct the local law at Section 1, regarding new Section 155-12(H)(4)'s reference to the HD---Highway Development zoning district, and that modification is included herein; and

WHEREAS, at its meeting of September 8, 2014, the Town Board moved to modify the local law to alter its effective date regarding Marlborough Tax Parcel 108.12-2-47, by adding a new Section 16, and amending Section 15; and

WHEREAS, the local law in its modified form has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:
Local Law No. 1 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.

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 Development 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:

108.12-1-110

108.12-1-120

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

108.12-1-1.200

Section 15. This local law will take effect upon the filing with the Secretary of State as prescribed by law, with the exception that it will take effect for Marlborough Tax Parcel 108.12-2-47 as set forth in Section 16 hereof.

Section 16. By reason of the existence of a pending application for land use approvals for use and development of Marlborough Tax Parcel No. 108.12-2-47 for multiple dwelling, the provisions of this local law which may interfere with the consideration of that pending application shall not be effective as to that parcel (a) until determinations, either favorable or unfavorable, are made by any and all state, county or local agencies with jurisdiction over that pending application or (b) until April 1, 2015, whichever is earlier.

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

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
September 22, 2014

COLLEEN CORCORAN, TOWN CLERK

U:\DOCS\10244\00271\RESOLUTION\21J7935.DOC

September 22, 2014

A). Resolution #74 To prepare and submit an application for the purpose of securing grant monies for the Town Court

Supervisor Osborn proposes the following:

Whereas, The Town of Marlborough desires to submit a New York State Office of Court Administration 2014 Justice Court Assistance Program grant application, and

Whereas, said grant application will be for funding for court furniture, IT Equipment, and HVAC Equipment for the new court facilities.

Whereas, said JCAP grant application must be signed by both the Town Justices and the Town Supervisor.

Now therefore be it resolved, that the Town Board of the Town of Marlborough authorizes the JCAP grant application be made on behalf of the Town of Marlborough.

Now therefore be it further resolved, that the Town Board of the Town of Marlborough authorizes the Town Supervisor to sign the JCAP grant application.

And moves for its adoption

Councilman Molinelli Yes

Councilman Corcoran Yes

Councilman Baker Yes

Councilman Koenig Yes

Supervisor Osborn Yes

Councilman Molinelli made a motion to adjourn the meeting at 9:18PM. Motion seconded by Councilman Corcoran.

Yea: 5

Nays: 0

Carried

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*