

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NEW YORK
AUGUST 26, 2019 7:00 PM
MINUTES OF MEETING

Present: Supervisor Lanzetta
Councilman Molinelli
Councilman Baker
Councilman Koenig

Danielle Cherubini, Deputy Town Clerk

Absent: Councilman Corcoran

Also Present: Patricia Brooks, L.S., Brooks and Brooks Land Surveyors

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Supervisor Lanzetta made a motion to amend the agenda to add two items: Letter E) Councilman Corcoran's suggestions for the park and the garage at the landfill to ITEM #9 Workshop Topics, and Letter B) Brooks & Brooks - Royal Energy Presentation to ITEM #6 Presentations. Motion seconded by Councilman Koenig.

*Y*ea*s: 4* *N*ay*s: 0* *C*arried

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

*Y*ea*s: 4* *N*ay*s: 0* *C*arried

ITEM #4 Motion to approve minutes from the August 12, 2019 Town Board Meeting
Councilman Koenig made a motion to approve minutes from the August 12, 2019 Town Board Meeting. Motion seconded by Councilman Molinelli.

*Y*ea*s: 4* *N*ay*s: 0* *C*arried

Motion to approve minutes from the July 22, 2019 & August 12, 2019 Public Hearing
Councilman Molinelli made a motion to approve minutes from the July 22, 2019 & August 12, 2019 Public Hearing.

*Y*ea*s: 4* *N*ay*s: 0* *C*arried

ITEM #5 Authorize payments of bills

Councilman Baker made a motion to authorize payment of the abstract in the amount of \$155,538.54. Motion seconded by Councilman Molinelli.

Yeas: 4

Nays: 0

Carried

ITEM #6 Presentations

A). Girl Scouts-project

Paige Brooks, Amelia Doddo, and Abigail Rifkin of Apple Valley Girl Scout Troop 60363 and Emily Hite, Emma Stoebling, and Janice Werba of Apple Valley Girl Scout Troop 60016 gave a presentation for a project idea of adding Kindness Rock Gardens to the Cluett Schantz Memorial Park. The girls collectively explained the benefits of spreading kindness and inspiration and how they would implement the project. The rocks will be donated by Dave Zambito. Rocks would be painted with messages of kindness, hope, and inspiration.

Community members will be invited to create kindness rocks at the Bounty Festival and the Holiday Extravaganza. The scouts hope to create a rock garden or a stream of kindness and think either would work best inside the fenced in playground area which can be repositioned once the new playground is installed. They will collect decorated rocks throughout the fall and winter and install them in the spring.

The Board agreed that this would be a nice addition to our park.

B) Brooks & Brooks - Royal Energy Presentation

Patti Brooks stated that the Royal Energy project has been before the Town Board for approval and referred to the Planning Board. The application and design has changed, therefore the Planning Board suggested that she go before the Town Board again for approval of the changes.

Ms. Brooks explained that she was giving an update on the plan and layout which includes demolition and removal of multiple buildings and the construction of a 72,000 square foot state of the art facility on the 4.94 acre lot located at 1666-1672 Route 9W in the Business Corridor Overlay District. The size of the building has increased and the necessary variances have been obtained from the Zoning Board of Appeals although there is a site variation where they are increasing the bulk requirement from 40% to 43% in the area of building coverage due to the design of the building. They are also adding green spaces to the center of the property.

Stormwater will be contained under the blacktop parking area. The project has also received Board of Health approval for the septic system.

Councilman Koenig questioned if there will be a safety road around the entire building.

Patti Brooks said that Fire Chief Kneeter said that it is not a requirement but she will continue to work with the Chief on the site plan standards. Ms. Brooks stated that she will address the fire management concerns of the Town Board but asked that they be addressed at the site plan level to avoid long delays for the applicant.

There was also a discussion about the applicant adding interior piping and sprinklers to the building now in anticipation of a municipal water expansion.

Patti Brooks explained some items on the proposed layout; there will be an access road to the rear of the buildings located between the remaining commercial building and the new building. There are propane tanks at the rear of the existing commercial building that are about 30 feet from the building that do not pose a fire threat and are only used 2-3 times per year to compress grape seeds to make grape seed oil. There is a license agreement with the Hepworth's for them to share a gravel road that is on both properties. The new commercial building will be for cold and dry storage only.

Councilman Baker questioned the permissible use of the building since it is in the R-Ag 1 District. He stated that the Town is working on improving access management and would like curbing to go in. He also asked if they want this project done as soon as possible.

Ms. Brooks stated that the use is just for storage; they are not using the building for manufacturing. Also, the Department of Transportation (DOT) does not want curbing, the Planning Board asked for it and the engineer will use best practice to direct the flow of water to best serve the property. Royal Energy would like to begin the project as soon as possible. Councilman Koenig asked if there could be six exit doors.

Ms. Brooks stated that there should be more pass doors added to the plan when they go for the building permits.

Supervisor Lanzetta stated that he will write a letter to the Planning Board letting them know the changes and concerns that were discussed.

Councilman Koenig added that he would like to request a letter from the engineer and developer with regard to the pre-fit sprinkler system that was discussed.

There was a brief discussion about contacting Dennis Larios regarding the water district extension. Councilman Koenig stated that he would knock on doors to get petitions signed to see if they can get the needed 51% to opt in to the water district.

ITEM #7 Comments on the agenda

No comments on the agenda.

ITEM # 8 New Business

No new business.

ITEM #9 Workshop topics

A). Removal of tires from transfer station

Councilman Baker stated that there is a tentative date range of September 16th-18th for removal of the second load of tires but Ulster County Resource Recovery Agency may have an alternate idea that may save money. Also, the chipping has been completed at the Transfer Station.

B). TOMVAC

Supervisor Lanzetta stated that has been in contact with Assemblyman Jacobson and Senator Skoufis about more funding for TOMVAC.

C). Conservation Advisory Committee update

No new information.

D). Milton Landing South Pier

No new information.

E). Councilman Corcoran's suggestions for the park and the garage at the landfill
Supervisor Lanzetta stated that Councilman Corcoran suggested more lighting by the bathrooms and the pavilion and also electric hand dryers in the bathrooms. The majority of the Board didn't think the electric hand dryers were necessary at this time. Some of the Board members also very briefly discussed the purchase of a garage door for the landfill. Supervisor Lanzetta stated that the paving is done at the park and looks great.

ITEM #10 Correspondence

Supervisor Lanzetta read all correspondence as follows:

A card was read from Julia Gaer, thanking the Board, for allowing her to complete her Silver Award project at Cluett Schantz Park.

A letter was read from Apple Valley Girl Scouts requesting to use the pavilion at the park at no charge on Sunday, September 29, 2019 for a picnic.

Councilman Molinelli made a motion to waive the fee for the use of the pavilion for the Apple Valley Girl Scouts on September 29, 2019. Motion seconded by Councilman Koenig.

A letter was read from Bill and Kim Pomeroy stating what the attendance was at the Summer Day Camp.

A letter was read from Steve Jennison, President of the Marlboro-Milton Lions Club, requesting to use the Train Station for a meeting on October 2, 2019 at no charge. The Board okayed the meeting and agreed to waive any fees.

A letter was read from Barbara Kendall, New York State Department of State, explaining that the initiation of a 60 day review of the Draft Local Waterfront Revitalization Program began on August 22, 2019. Comments from the Town on the draft will need to be submitted by October 21, 2019.

A letter from Conner Stewart, Part Time Dispatcher, was read and stated that he had resigned as of August 25, 2019.

A letter from Devin Maio, Police Officer, was read and stated that he was resigning effective September 8, 2019.

Supervisor Lanzetta stated that the Ulster County Office of the Aging will host a senior citizen picnic at Cluett Schantz Park on September 5, 2019. He also stated that the state will pave Route 9W in the spring of 2020. Senator Skoufis is going to set up a meeting with the state to once again voice the concerns of the Town with regard to the Route 9W Corridor Study.

Supervisor Lanzetta stated that he received a letter from the Department of Transportation (DOT) stating that the Town won the case regarding the requested at grade pedestrian railroad crossing located at Dock Road in Milton south of the existing crossing. Although approved, there are some conditions; that the Town, CSX, and DOT agree on appropriate emergency access, the Town, CSX, and DOT agree on appropriate fencing on the west side of the track, that all warning devices meet federal, state, and railroad guidelines, and that all construction abide by all applicable laws.

ITEM #11 Public Comment

Mark Reynolds, Southern Ulster Times, suggested that the Town place a guardrail at the park by the upper parking lot where there is a steep hill.

James Garofalo, Marlboro, suggested looking into how long officers and dispatchers stay in Marlboro and see if the numbers can be improved.

ITEM #12 Resolutions

- A). Resolution #67 To authorize the filing of a Negative Declaration
- B). Resolution #68 To adopt Local Law # 1 of the year 2019
- C). Resolution #69 To reappoint Cindy Hilbert

ITEM #13 Adjournment

August 26, 2019

A). Resolution #67 To authorize the filing of a Negative Declaration

Supervisor Lanzetta proposes the following:

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

**LOCAL LAW NO 1 of 2019, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER
COUNTY, NEW YORK AMENDING THE ZONING MAP OF THE TOWN OF
MARLBOROUGH TO CHANGE THE ZONING DISTRICT DESIGNATION OF 34 DOCK
ROAD (TAX PARCEL NUMBER 103.1-3-29)
FROM THE R DISTRICT TO THE C-1 DISTRICT.**

WHEREAS, the Town of Marlborough Town Board proposes to adopt the aforesaid Local Law No. 1 of 2019, a Local Law of the Town of Marlborough, Ulster County, New York amending various provisions of Chapter 155 of the Town Code; and

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

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

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

WHEREAS, the Town of Marlborough Town Board, as lead agency, has classified this Action as an Type 1 action pursuant to 6 NYCRR § 617.6 of the Regulations; and

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

WHEREAS, the Town of Marlborough Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

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

The proposed local law is regulatory. It does not, of itself, cause any new physical action to occur with potential adverse impacts on the environment.

The local law extends the boundaries of the C-1 District to include a new parcel which is suitable for commercial uses of the sort allowed in the zone.

The act of adopting the proposed local law will not result in any direct or physical adverse environmental impact. It may result in indirect or secondary effects in the event of future applications received by the Town that employ the standards or opportunities set forth in the legislation. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable and will not be ascertainable until site-specific proposals are received. Each individual proposal will be subject to the standards established by this local law or elsewhere set forth in the Town's regulations.

The potential for these secondary effects do not support the conclusion that the legislation may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Further, the potential secondary impacts do not give rise to any currently identifiable potential adverse environmental effects of significance.

The proposed amendment to Marlborough's Town Code will not propose any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns (Full EAF, Part 2, 17[a]). It will not cause the permanent population of the Town to grow by more than 5% (Full EAF, Part 2, 17[b]). It is not inconsistent with the current local land use plan (Full EAF, Part 2, 17[c]). It is not inconsistent with any County plans, or other regional land use plans (Full EAF, Part 2, 17[d]). It will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure (Full EAF, Part 2, 17[e]). It is not in an area characterized by low density development that will require new or expanded public infrastructure (Full EAF, Part 2, 17[f]). It may give rise to secondary development impacts depending upon future site proposals, but such impacts are not currently ascertainable and will not be ascertainable until site-specific proposals are received, at which time they will be subject to administrative review, as well as review under SEQRA addressing the actual identity and nature of such proposals.

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

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;
3. The Action does not involve the impairment of any designated critical environmental area;
4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;
6. The Action will not result in a major change in the use of either the quantity or type of energy;
7. The Action will not create a hazard to human health;
8. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;
9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action;
10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and

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

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

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

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

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

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

This Negative Declaration is adopted this 26th day of August, 2019 and is ordered into the record of the Town of Marlborough Town Board with respect to the adoption of Local Law No. 1 of 2019.

DANIELLE CHERUBINI, DEPUTY TOWN CLERK

Contact Person:

Colleen Corcoran, Town Clerk
Town of Marlborough
P.O. Box 305
21 Milton Turnpike
Milton, NY 12547
845-795-5100

August 26, 2019

B). Resolution # 68 To adopt Local Law # 1 of the year 2019

Supervisor Lanzetta proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 1 of 2019, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING THE ZONING MAP OF THE TOWN OF MARLBOROUGH TO CHANGE THE ZONING DISTRICT DESIGNATION OF 34 DOCK ROAD (TAX PARCEL NUMBER 103.1-3-29) FROM THE R DISTRICT TO THE C-1 DISTRICT.

WHEREAS, a public hearing in relation to said local law was opened at the July 22, 2019 Town Board meeting and closed at the August 12, 2019 Town Board meeting; and

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

WHEREAS, said local law 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; and

WHEREAS, the local law involves the rezoning of a parcel of land in the Milton Hamlet within the Route 9W corridor in a Residential (R) district which is used in part for light industrial purposes, which use is a pre-existing non-confirming use; and

WHEREAS, as noted in the Town's Comprehensive Plan, land in the Milton Hamlet is primarily zoned Commercial (C-1); and

WHEREAS, historically, the Milton Hamlet has been and continues to be the location of storage and warehouse facilities that contribute to commercial activity in the Milton Hamlet and the Town as a whole; and:

WHEREAS, the proposed rezoning of the parcel in question will not allow expansion of the current non-conforming use, but will allow further development of the parcel which in concept could include a new storage and warehouse as a specially permitted use, which, if constructed, would create new employment opportunities and contribute further to commercial activity in the Milton Hamlet and the Town as a whole; and

WHEREAS, any such further development of the parcel would require site plan approval and, if applicable, a special use permit from the Planning Board and, which as a condition of approval(s), could impose measures to insure that the effects of traffic, lighting, noise, dust are mitigated and the impacts on neighboring uses are reduced and the site is developed in a manner which is harmonious with the mixed uses found in the Milton Hamlet and sensitive to the existing neighborhood fabric; and

WHEREAS, such development potential comes with an opportunity to improve mobility, streetscape opportunities, and traffic circulation and to improve the food and manufacturing supply chain, and promote economic development and community enhancement, all in harmony with the Town's Comprehensive Plan;

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

Section 1. The Zoning Map established under Section 155-8 of Chapter 155 of the Marlborough Town Code is amended to change the zoning district designation of the following 12.10-acre parcel located at 34 Dock Road from R District to C-1 District: Tax Parcel Number 103.1-3-29.

Section 2. If any of this section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this law.

Section 3. This local law shall be effective upon filing with the Secretary of State.

RESOLVED, that the Town Board has received advisory comments from the Ulster County Planning Board (“UCPB”) dated August 7, 2019. The Town Board has weighed and considered the advisory comments. The first advisory comment is to add a new use to the R-1 zone that allows for light industrial/warehousing uses in the zone for properties with existing operations or in existing commercial buildings. This would involve a Town-wide change and have consequences which are difficult if not impossible to foresee. The second advisory comment is to extend the Route 9W Business Overlay District to include Dock Road. This would increase the number of permitted uses for properties on Dock Road which may not be harmonious with the fabric of the Milton Hamlet. Accordingly, the Town Board respectfully declines to proceed with such measures.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

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

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

DATED: Milton, New York
August 26, 2019

DANIELLE CHERUBINI, DEPUTY TOWN CLERK

August 26, 2019

C). Resolution # 69 To re appoint Cindy Hilbert

Supervisor Lanzetta proposes the following:

Be it resolved, that exercising its power under the Town Law and Real Property Tax Law of this state, The Town Board hereby appoints Cindy Hilbert to the position of Town of Marlborough Tax Assessor for the term commencing October 1, 2019 and ending September 30, 2025.

And moves for its adoption:

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

Councilman Koenig made a motion to adjourn the meeting at 8:14 p.m. Motion seconded by Councilman Molinelli.

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*