

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
(ZOOM VIDEO MEETING DUE TO THE  
CORONAVIRUS PANDEMIC)  
MAY 24, 2021 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran  
Councilman Koenig  
Councilman Baker

Also Present: Danielle Cherubini, Deputy Town Clerk  
Thomas Corcoran, Building Inspector/Ulster County Legislator  
Dave Zambito, Zoning Board Member  
Manny Cauchi, Planning Board Member

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

## ITEM #2 Moment of Silence

### ITEM #3 Motion to approve agenda

*Councilman Baker made a motion to amend the last statement in Resolution #57 to read: Be it resolved, that \$20,000.00 be transferred from the General Fund code A901.5 to the Historical Property Fund code A7520.400 to pay for this project in regularly billed intervals until it is completed. Motion seconded by Councilman Corcoran.*

*Yeas: 5 Nays: 0 Carried*

*Supervisor Lanzetta made a motion to amend the agenda to add New York State Agriculture & Markets Office Use at TOMVAC to New Business on the agenda. Motion seconded by Councilman Molinelli.*

*Supervisor Lanzetta made a motion to approve the agenda as amended. Motion seconded by Councilman Baker.*

*Yeas: 5 Nays: 0 Carried*

ITEM #4 Motion to approve minutes from the May 10, 2021 Town Board Meeting  
*Councilman Molinelli made a motion to approve minutes from the May 10, 2021 Town Board Meeting. Motion seconded by Councilman Koenig.*

*Yea*s: 5                    *Nay*s: 0                    *Carried*

ITEM #5 Authorize payments of bills  
*Supervisor Lanzetta made a motion to authorize payment of the abstract in the amount of \$155,280.51. Motion seconded by Councilman Corcoran.*

*Yea*s: 5                    *Nay*s: 0                    *Carried*

ITEM #6 Presentations  
*No presentations.*

ITEM #7 Comments on the agenda  
*No comments on the agenda.*

ITEM #8 New Business  
A). Garage Ductless Unit

*Supervisor Lanzetta read correspondence from Deputy Highway Superintendent, Gary Lazaroff requesting to purchase a ductless unit for the garage to control the temperature and keep the dust down. The unit would cost \$1,760.00.*

*Supervisor Lanzetta made a motion to purchase a ductless unit for the Highway Department garage in the amount of \$1,760.00. Motion seconded by Councilman Molinelli.*

*Yea*s: 5                    *Nay*s: 0                    *Carried*

B). New York State Agriculture & Markets Office Use at TOMVAC  
*Supervisor Lanzetta stated that the state called and they are interested in office space at TOMVAC again.*

ITEM #9 Workshop topics

A). COVID 19

*Tom Corcoran reported that the state opened up on May 19<sup>th</sup>, however, many places are still requiring masks. Follow the signs at businesses. Cases are down and vaccines are up. There will be a walk-in clinic at Stewarts Shop from 1:30 – 3:30 p.m. on Wednesday, May 26, 2021.*

B). 2021 Summer Camp

*Supervisor Lanzetta stated that Tina Rosa has been doing a great job with camp; he also thanked the ladies who stepped up to run it.*

*The campers and staff will be strictly following COVID guidelines.*

*There were comments about which towns are doing camp and which had to cancel due to low enrollment.*

**C). Sands Ave Park Report**

*Supervisor Lanzetta thanked Councilman Corcoran and Councilman Baker for all that they are doing to coordinate work at the park. He also thanked all the people doing the work.*

*Supervisor Lanzetta stated that the town received estimates for the following items:*

*Hydroseeding the front 11,400 square foot part of the park. Scaturro Landscape & Masonry was the lowest estimate at \$1,500.00. Two others were \$3,420.00 and \$6,612.00.*

*Hydroseeding the 80,000 square foot back section. Scaturro Landscape & Masonry was the lowest estimate at \$10,000.00. Two others were \$24,000.00 and \$46,000.00.*

*They plan to plant thirty-eight trees around the park and Zambito & Sons was the lowest estimate at \$6,840.00. Two others were \$11,400.00 and \$19,000.00.*

*Councilman Baker stated that more sandy loam has been spread. He also thanked Dave Zambito for all the work he has accomplished.*

*Councilman Corcoran added that the water will be hooked up soon. He is working on getting estimates for the electrical. John Alonge is working on getting estimates for blacktop.*

*Councilman Koenig stated that there are discussions about putting a gazebo on the knoll. He would like it constructed to last which would include a cement floor and underground electric. There was a discussion with some of the Board members and Dave Zambito with regard to the timing of the hydroseeding and when and if to spray weed killer. Mr. Zambito also gave his opinion about fertilizer. He also stated that everyone who is working on the park is working really well together and taking pride in their work.*

*There was also a discussion about how much sandy loam was spread and how much is still needed.*

***Supervisor Lanzetta made a motion to purchase 500 additional tons of sandy loam for the Sands Avenue Park. Motion seconded by Councilman Molinelli.***

**Yea: 5**

**Nays: 0**

**Carried**

**D). Cluett Schantz Park upper ballfield lights and poles**

*Tom Corcoran stated the gentleman who does the estimates is busy and out of town and hasn't been able to come to Marlborough yet.*

**E). STR code and Number of STR**

*The Board discussed with Tom Corcoran the number of STR's/Bed and Breakfast's they will allow in town. They also discussed whether the number could be changed and possibly how.*

*Tom Corcoran stated that one applicant can have an STR and a Bed and Breakfast if they conform to the code. Tom Corcoran also stated that he can keep a fire inspection folder for each and keep track of the numbers in his office.*

*Councilman Corcoran made a motion to cap the Short Term Rentals inclusive of Bed and Breakfasts in the Town of Marlborough at 30 which includes existing ones plus any new ones. The number will be formally posted at the reorganizational meeting. Motion seconded by Councilman Koenig.*

*Yeas: 5 Nays: 0 Carried*

F). Tent rental for summer camp

Supervisor Lanzetta stated that he received a quote of \$1,985.00 from A Day in the Shade for a five week 20 foot x 40 foot tent rental for camp. He will work on getting a couple more quotes.

#### ITEM #10 Correspondence

*Supervisor Lanzetta stated that he received correspondence from Mrs. Rodelli whose mother passed away and she would like to place a park bench facing the pond by the flagpole at the park in her memory.*

*Councilman Baker made a motion to allow Mrs. Rodelli to place a park bench at Cluett Schantz Park in memory of her mother, Helen Rodelli. Motion seconded by Councilman Corcoran.*

*Supervisor Lanzetta read correspondence from Ron Tatelbaum suggesting that there be no parking signs posted on North Road due to the fact that it is narrow and also because the Kent Brewery will be opening soon. Supervisor Lanzetta met with the Chief of Police and Highway Superintendent who all agreed the signs would be a good idea.*

*Councilman Corcoran made a motion to install two no parking signs along North Road in Milton. Motion seconded by Councilman Baker.*

*Yeas: 5*                            *Nays: 0*                            *Carried*

## ITEM #11 Public Comment

*No public comment.*

## ITEM #12 Resolutions

- A). Resolution #56 To approve an application for NYS DEC 2020 Hudson River Estuary Grant for River Access "Accessible Kayak Launch at Milton Landing Park."
- B). Resolution #57 To Transfer Funds
- C). Resolution #58 Granting Conditional Site Plan Approval and a Special Use Permit to NEXAMP SOLAR, LLC for a solar photovoltaic system on the Landfill site.

ITEM#13 ADJOURNMENT

*Councilman Koenig made a motion to adjourn the meeting at 8:03 p.m. Motion seconded by Supervisor Lanzetta.*

*Yea: 5*

*Nays: 0*

*Carried*

*Respectfully submitted,*

*Danielle Cherubini*

*Deputy Town Clerk*

May 24, 2021

A). Resolution #56 To approve an application for NYS DEC 2020 Hudson River Estuary Grant for River Access "Accessible Kayak Launch at Milton Landing Park."

Supervisor Lanzetta proposes the following:

Whereas the Town of Marlborough has finished its LWRP and is moving forward with the implementation of the directives for economic & recreational development

And whereas the Town is seeking to improve River Access for people of all abilities at the Milton Landing Park

And whereas, as a designated site along the Hudson River Greenway Trail, the Milton Landing Park is an important launching site that needs additional amenities to be fully utilized by all members of the public.

And whereas, the NYS DEC 2020 Hudson River Estuary Grant for River Access makes funding available for kayak launch enhancements that will bring value to the community and broader region, including nearby environmental justice areas

Be it resolved that the Town of Marlborough supports the application for a NYS DEC 2020 Hudson River Estuary Grant for River Access for the Accessible Kayak Launch.

And moves for its adoption.

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

May 24, 2021

B). Resolution #57 To Transfer funds

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough embarked on a Cultural Resource Survey in 2020, and

Whereas, the survey was to be funded by a \$10,000.00 grant which we received \$5,000.00 of donated funds and \$5,000.00 from the Towns general fund for a total of \$20,000.00, and

Whereas, the Town Board needs to approve the transfer of funds.

Be it resolved, that \$20,000.00 be transferred from the General Fund code A901.5 to the Historical Property Fund code A7520.400 to pay for this project in regularly billed intervals until it is completed.

And moves for its adoption

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

May 24, 2021

C). Resolution # 58 Granting Conditional Site Plan Approval and a Special Use Permit to NEXAMP SOLAR, LLC for a solar photovoltaic system on the Landfill site

Supervisor Lanzetta proposes the following:

WHEREAS, the Town of Marlborough owns real property located at 20 Baileys Gap Road, Marlborough, New York, containing approximately 82.33 acres (the “Property”); and

WHEREAS, the Property was formerly operated as a solid waste management facility authorized by the New York State Department of Environmental Conservation and other applicable Government Authority (“Landfill”); and

WHEREAS, the Landfill was closed and capped and the New York State Department of Environmental Conservation (“NYSDEC”) conditionally approved a Revised Closure Plan on March 15, 1995 as Case # 3-1297/8611; and

WHEREAS, the Town Board has executed a Ground Lease with NEXAMP SOLAR, LLC, for the lease of a portion of the Property as shown on a map attached to the Ground Lease to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto (the “Facility”); and

WHEREAS, NEXAMP, INC (the parent company of NEXAMP SOLAR, LLC and of BAILEY’S GAP SOLAR, LLC) has submitted an Application to the Town of Marlborough for site plan approval and for a special use permit for the Facility accompanied by plans entitled “CIVIL PERMIT PLANS FOR BAILEY’S SOLAR GAP, LLC” prepared by Labella Associates last revised April 28, 2021, and with a draft of a Post Closure Monitoring and Maintenance Plan also prepared by Labella Associates, D.P.C., and dated May, 2021; and

WHEREAS, by Resolution #64 dated July 13, 2020, the Town of Marlborough Town Board previously determined that the establishment of the Facility on the Property was exempt or immune from local land use regulations pursuant to an analysis made pursuant to the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and further that the Town Board would

conduct the review of any application submitted and would issue any approvals deemed necessary; and

WHEREAS, the Application was referred to the Ulster County Planning Board, which issued a Recommendation to the Town dated May 5, 2021 which provided the following: “Coordination with and compliance with the requirements of the NYSDEC will be required – as it relates to modification of a previously approved closure plan and post-closure care manual.”; and

WHEREAS, the Town Board previously classified this action as a Type II action under the State Environmental Quality Review Act (SEQRA) and its implementing regulations specifically 6 NYCRR 617.5(c)(14)(i);

**NOW, THEREFORE, BE IT RESOLVED** as follows:

A. The Town Board hereby conditionally approves the Application of NEXAMP, INC., dated March 19, 2021, the draft Post Closure Monitoring and Maintenance Plan prepared by Labella Associates, D.P.C., dated May, 2021 and the Civil Permit Plans prepared by Labella Associates, last revised April 28, 2021, consisting of the following Sheets:

C-000	Cover Sheet
C-001	General Notes and Legend
C-101	Existing Conditions and Demolition Plan
C-201	Site and Utility Plan
C-401	Grading and Erosion Control Plan
C-501	Construction Details
C-502	Construction Details
C-503	Construction Details.

B. The plans identify  $3.18\pm$  acres of trees to be cut with stumps left in place. The Applicant shall comply with any restrictions on tree clearing required by NYSDEC on tree clearing, specifically including restrictions related to potential habitat for protected bat species.

C. The Applicant shall obtain approval from NYSDEC for the placement of the solar array on the Landfill and shall file such approval with the Town. No construction activities shall begin or occur until such approval has been received and filed.

- D. The Applicant shall also obtain approval from NYSDEC for the Post Closure Monitoring and Maintenance Plan (the “Plan”) and shall file such approval with the Town. Any modifications required by NYSDEC shall be made to the Plan, and the approved Plan shall be executed by both NEXAMP, INC., and the TOWN OF MARLBOROUGH prior to the commencement of any construction activities on the Property.
- E. Installation of the fencing required by the plans shall cease if any landfill cap material or landfill debris are encountered during installation. Such condition shall be remedied to the satisfaction of NYSDEC before installation can resume.
- F. The General Notes on the plans shall include a Note that no disruption shall occur to the Town’s transfer station operations which exist at the Property.
- G. Applicant shall obtain approval from the Town MS4 officer.
- H. The Applicant shall comply with the decommissioning plan requirements set forth in Town Code Section 155-32.2(J), except that the Town Board shall approve the decommissioning plan.
- I. The Applicant shall pay all fees and costs of the Town, specifically including all consultant expenses of the Town related to the review of this Application.

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

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

The Resolution was thereupon declared duly adopted.

DATED:       Milton, New York  
                  May 24, 2021

---

Colleen Corcoran, Town Clerk