

**TOWN BOARD/PLANNING BOARD MEETING  
TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON, NY 12547  
NOVEMBER 16, 2015  
DESIGN STANDARDS FOR THE OVERLAY DISTRICT  
MINUTES OF MEETING**

Town Board Members Present: Supervisor Osborn  
Councilman Corcoran  
Councilman Baker

Also Present: Pat Hines, Town Engineer  
Ron Blass, Town Attorney

Absent: Councilman Molinelli  
Councilman Koenig

*Meeting began at 9:00PM.*

*It was agreed that the Verizon cell tower was going to be discussed at this time. Supervisor Osborn stated that Verizon wants to put a cell tower on the Town's water tank located on Milton Turnpike. The Town asked for a 911 antenna. Verizon said that a 911 antenna is not their responsibility.*

*Pat Hines added that the tower wouldn't have the elevation for the frequencies needed for 911.*

*Supervisor Osborn said the Town asked for lease terms which Verizon provided; it shows they do have access to the site. The Town Board would like to waive Planning Board approval to gain more funds (lease money) since the tower would be on Town property. The Town Board would like input from the Planning Board and Pat Hines.*

*Cindy Lanzetta asked to see the law regarding waiving Planning Board approval.*

Ron Blass explained that a government entity can be exempt from its own zoning, in this case Chapter 152 Telecommunication Facilities. This is NYS case law from the Monroe County Airport Case in Rochester. The Court of Appeals laid down 9 standards for the Monroe balancing test to determine if there can or should be a municipal exemption. The municipal exemption can either be a municipality locating something in another municipality or when the town itself is doing a project on their own property. If a Town wants to use the Monroe County immunity from their own regulations, he advises that the Town have a public hearing, get public input, close the public hearing, then make findings based on the case law. Mr. Blass said that he drafted a resolution calling for a public hearing and a resolution making the case law findings. The resolution is written in a way that says it will solicit and consider all Planning Board comment and recommendations before entering into this transaction.

*Ron Blass and Pat Hines gave examples of other exemptions they have been involved with or have seen it used.*

*Pat Hines suggested getting comments from the person who represents the Town on telecommunication issues and have him at the public hearing.*

*There was a disagreement about what the process should be.*

*There was a brief discussion about painting the water tower.*

*Supervisor Osborn explained that the Town Board is doing a revision of the Zoning Law. Currently, the law says that the Town Board is dropping down the overlay district prior to a project going to the Planning Board for review. The Town Board would have to do a SEQR and get Ulster County Planning Board approval before it goes to the Planning Board which was not intended. They are going to change the law to change the order so the Town Board would drop the district down after Planning Board approval.*

*There was a concern about the amount of money applicants have to pay to have a business here.*

*Cindy Lanzetta asked for clarification on allowed used for the Highway Development district.*

*Supervisor Osborn said he believes that everything is allowed except adult entertainment and car lots.*

*Ron Blass stated that he added a sentence to the revision of the resolution; the Town Board may authorize mixed uses on lands to be rezoned to BC (Business Corridor Overlay District) in order to allow for the continuation of pre-existing uses which might otherwise become non-conforming as a result of the zoning change.*

*There was a discussion about the two acre minimum lot size currently required in HD (Highway Development). It was agreed that the Town would like more flexibility regarding minimum acreage and setbacks.*

*There was a brief discussion about permits and uses for the Eckerson/Santini property and the Empire property.*

*Councilman Corcoran explained the process for the establishment of a Business Corridor Overlay District; an applicant would go to the Town Board with the items required including a site plan. The Town Board would decide if the business will work or not and decide on setbacks at that time. Then the applicant would be sent to the Planning Board and follow that process which includes a Public Hearing. Ron Blass warned that they don't want to approve anything pre SEQR. A conceptual development plan has to be submitted to the Town Board and the design professional should have a list of all the rules that apply.*

*Supervisor Osborn stated that the Board wants to implement design guidelines for the 9W corridor. They would like to implement guidelines for sidewalks, trees (what type, size, and how far apart), and stone walls (how tall, how long, placed where) so there is some continuity in Marlborough. Also, other items like where an air conditioning unit would go, type of roofs, and how many businesses per building in what area.*

*The Planning Board had received all notes from previous Town Board meetings/discussions regarding design guidelines.*

*Supervisor Osborn asked if there are any other items anyone else thinks should be included in the guidelines.*

*Pat Hines suggested pedestrian style lighting.*

*It was discussed that the guidelines would be for the whole 9W corridor. Supervisor Osborn said the Town Board did discuss that they could allow more businesses in one building in the Hamlets but each business would need to have a different facade.*

*Cindy Lanzetta stated that she contacted Ulster County Planning and sent the Planning Board members some other examples from Town of Ulster and Saugerties. County Planning suggested that the Town reference directives (like Town of Lloyd) so they are not specifically written into the code to give the Town more flexibility and also have those directives available to the public. She suggested using Town of Lloyd directives so there would be a southern Ulster feel.*

*There was a brief discussion about sidewalks.*

*There was a brief discussion about lighting.*

*There was a disagreement regarding how much room there is to expect the items in the guidelines.*

***Joel Truncali motioned to adjourn the meeting at 10:00PM. Motion seconded by Cindy Lanzetta.***

***Yea: 9                    Nays: 0                    Carried***

*Respectfully submitted,*

*Danielle Cherubini*

*Deputy Town Clerk*