

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
FEBUARY 26, 2024 7:00 PM
MINUTES OF MEETING

Present: Supervisor Corcoran
Councilman Zambito
Councilwoman Sessa
Councilman Cauchi

Danielle Cherubini, Deputy Town Clerk

Also Present: Amy Hepworth, Resident Farmer
Mici Simonofksy, Resident/CAC Chair
Cindy Lanzetta, Resident
Thomas Corcoran, Building Inspector/Ulster County Legislator

Absent: Councilman Molinelli

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Councilman Cauchi made a motion to amend the agenda to read and vote on Resolution #32 at the beginning of the meeting. Motion seconded by Councilwoman Sessa.

Yea: 4 Nays: 0 Carried

Councilwoman Sessa made a motion to amend Resolution #32 to change the title of the position Code Enforcement Assistant to Part Time Building Inspector 1. Motion seconded by Councilman Zambito.

Yea: 4 Nays: 0 Carried

Councilman Cauchi made a motion to approve the agenda as amended. Motion seconded by Councilwoman Sessa.

Yea: 4 Nays: 0 Carried

ITEM #4 Motion to approve minutes from the February 12, 2024 Town Board Meeting

Councilwoman Sessa made a motion to approve minutes from the February 12, 2024 Town Board Meeting. Motion seconded by Councilman Zambito.

Yea: 4 Nays: 0 Carried

Motion to approve minutes from the January 8, 2024 Public Hearing Meeting
Councilman Cauchi made a motion to approve minutes from the January 8, 2024 Public Hearing Meeting. Motion seconded by Councilwoman Sessa.

Yea: 4 Nays: 0 Carried

ITEM #5 Authorize payments of bills

Councilwoman Sessa made a motion to authorize payment of the abstract in the amount of \$315,864.55. Motion seconded by Councilman Zambito.

Yea: 4 Nays: 0 Carried

ITEM #6 Supervisor Updates

Supervisor Corcoran thanked Deputy Supervisor Appler for building a serving counter in the community center; he used the excess brick from the front of the building.

Community Center - The interior is about 80% finished. The exterior will need blacktop with handicap spots and catch basins.

Milton Landing – Work is being done for drainage as part of the revitalization project. He is still waiting for easement agreements from CSX to proceed so all contract can be signed at the same time.

Old Indian Trail - GPI Engineering has an engineer that they are waiting on to visit the site. The Supervisor has been in contact with Senator Hinchey's office to see if there is help for opening the road north and south.

Turning Lanes – The preliminary dollar amount to put in turning lanes on Route 9W is \$750,000.00. He needs more accurate numbers and Senator Hinchey and Assemblyman Jacobsen said they would help if they can.

Grants - Supervisor Corcoran asked Tom Corcoran to give an update on the grants from the county; \$100K for parks and \$100K for solar for the community center.

Tom Corcoran explained that county received \$34 million in American Rescue Plan Act (ARPA) funds of which \$2.5 million has not been allocated yet. He was put in charge of the committee to distribute the money to the municipalities. Some people at the county wanted to keep the money but he and others pushed for them to give back to the municipalities because the county exists because of the municipalities and resident in the county. He explained the process as to how to get the funds. First, there is a resolution put before the 23 legislators, then there is an application process, contracts are drawn up then voted on and put in motion. It takes a lot of time and there is limited staff (two people) at the county to process the applications and contracts. The town is in no way at fault for the delay in getting the funds. By the end of the year, all money will need to be allocated and distributed by the county or the money is lost. The parks money is in the contract phase (they should be done by March) and the solar has not begun yet.

There was a brief discussion about the county contracts for the grants.

Bus Stop Shelter – Tom Corcoran explained that he and Councilman Cauchi will be pouring the concrete pad by the end of March and have the bus stop up and running by the end of April or May.

UCAT (Ulster County Area Transit) is free to Ulster County residents. It will be at this location near the police station; it will be lit and have a parking spot.

Accident on Old Post Road / Buckley Bridge - The bridge will need to be repaired due a vehicle accident. The vehicle went off the bridge into the stream and the driver unfortunately lost their life.

ITEM #7 Presentations

No presentations.

ITEM #8 Comments on the agenda

No comments on the agenda.

ITEM #9 Reports of Committees

Mici Simonofsky read the following CAC Report which is incorporated into the minutes as follows:

CONSERVATION ADVISORY COMMITTEE

REPORT TO TOWN BOARD

February 26, 2024

The CAC has spent most of our time and resources to address the Proposed Amendment to the Ridgeline Protection Code. Our final report was submitted on February 12 at the Town Board meeting, along with our Slide Show summary of our findings and recommendations. Those full reports were presented to be viewed on the Town website. As a partner to the Town Board, we appreciate the opportunity to be of assistance. We hope that the large number of attendees benefitted from the presentation and accompanying discussions.

Given the importance and impact of removing the present wording which protects the integrity of the Ridgeline, we are confident that the Board members will fully read our report and use the comments and resources already gathered for any updated wording of the code. The public is also urged to read the report in its entirety.

Of our 6 recommendations, the first was accomplished by separating and reintroducing the two Code 155 amendments. Here are the remaining recommendations concerning the Ridgeline:

- In regard to the Ridgeline Protection Code, The Board should discard the present amendment as worded and create an improved, non-ambiguous code with the guidance of our Town Engineer, Town Attorney(s), and qualified professionals.*
- The wording should follow the intent of the CMP.*
- The code should include clear definitions for ridgeline, treeline, structure, buffers, and point of measurement.*
- Qualifying and/or quantifying language for enforcement standards should be included.*
- Consider neighboring communities' ridgeline protection laws for specificity and language within our own code.*

In regard to the proposed amendment, Section 155-31 (K), which the CAC did not focus on, the UCPB suggested changes that would give more discretion to our Town Planning Board in extending project completion dates. We would agree with their suggestion from a land conservation viewpoint. We support the premise that disturbed land created by any development should be stabilized as soon as possible but question if a total of 7 years might give rise to abandoned projects if the economy of the time makes development unaffordable for the developer. Unfinished projects can be an eyesore and devalue properties, affecting our tax base. And, unbuilt properties could pose environmental consequences such as drainage problems or undue strain on Town infrastructures.

We have made progress in additional areas as well. We have been invited to tour the Cornell

Cooperative Extension Agritech Lab and will be scheduling that. Our Spring project will be a Zoom meeting open to the public on the topic of Composting. We have scheduled that for Tuesday, March 26 at 6 PM. The presentation will be in person at the Marlboro Library and also offered virtually. Look for announcements on our Facebook page.

We are also hoping that the Board will consider the placement of a collection receptacle to collect aluminum can tabs in the lobby of the police department, as well as a can of some sort for recyclable cans and bottles. One of our members uses the money made from recycling the aluminum to benefit the Shriners' van service and the can and bottle money supports the local food banks. This is one way the CAC would like to encourage recycling and still help our citizens in need. Any collecting receptacles would need your approval before placement. The Cohort meetings will resume this month. In the meantime we are hoping to get the Greenhouse Gas Inventory completed with the help of a new volunteer. Our last Cohort meeting was very instructive on how to complete the paperwork for it.

*Respectfully submitted,
Mici Simonofsky, Chair Pro Tem*

Supervisor Corcoran read the following report from Meet Me in Marlborough which is incorporated into the minutes as follows:

February 26, 2024

Meet Me in Marlborough Town Board Report

New MMiM's Clothing Bin installed at Mazzola Oil Service, 1871 Rt. 9W, Milton N.Y.

We are very pleased to announce the arrival of MMiM's new clothing bin located at Mazzola Oil Service 1871 Rt 9W, Milton, NY, across from Stewart's. (the former Young's Motors). The clothing bin will help us to continue our work on future projects and to promote MMiM members and our wonderful community! We are happy to report that the bin is already ½ full!

Think of MMiM for your SPRING cleaning of clothes and stuffed animals. Help us SUPPORT LOCAL by donating your gently used items in MMiM's clothing bin. Receipts are available by using the QR code posted on the shed.

A special thank you to the Mazzola Oil Service (Lee, Steffen & Merethe Mazzola) for their help and support.

(Please see attached press release)

February Happening & Valentine's Day Specials Newsletter

2/2 & 2/9 - <https://conta.cc/4bASgxl> (see attachment)

Upcoming Events

1. Planning this years events -

April/May - Sun. 4/20 Spring Blossom & May Fest Event

May - 5/19 May Farm & Artisan Market at Milton Hardware

May - Oct. HHV Farmers Market

Oct. - Sat. 10/5 & Sun. 10/6 rain date Bounty Festival

Oct. - Sat. 10/26 2 pm - 4 pm Kids & Adults Trick or Treat in the Hamlet of Marlboro

Nov. Sat. 11/23 – Buy Local Event & Thanksgiving Farmers Market

Thank you,

MMiM BOD

Meet Me in Marlborough Seeks Clothing Donations

Cleaning out your closets? You can now bring used clothing donations to 1871 Route 9W in Milton where Meet Me in Marlborough has partnered with St. Pauly Textile Inc. to provide a wood-frame clothing drop-off shed for community use (see pictures).

This shed is designed to give community members a uniquely clean, convenient, and well-cared-for option to donate their used clothing to. St. Pauly Textile Inc. partners with businesses and various organizations to distribute donated items both here in the U.S. and worldwide, where they're ultimately re-worn by people who need them. Meet Me in Marlborough receives funding for donated clothing, and additionally has the option to use donations to serve community needs.

With over 1,300 clothing drop-off sheds in place, St. Pauly Textile Inc. collects over 150,000 pounds of clothing every day and estimates that this clothing ends up in 44 different countries (including the U.S.) yearly. In 2022, the company was able to help keep over 68 million articles of clothing out of landfills, which clothed an estimated 8.3 million people worldwide. The company was founded in 1996 and is an A+ rated member of the Better Business Bureau.

Accepted items: clothing, shoes, belts, purses, blankets, sheets, curtains, pillowcases, and stuffed animals.



Councilwoman Sessa reported that the Easter Egg Dash will be held at the Hudson Valley Sports Dome on March 30, 2024. The committee and Tina Rosa are working on the event which will be very similar to last year. The committee is also working hard on Concerts in the Park; they will be every Friday in July with fireworks on the first and last night. There is a lot of interest from new artists so they are considering doing an application process for next year. Councilwoman Sessa reminded the public that they are welcome to join and help with events; it is an open committee.

ITEM #10 New Business

Councilwoman Sessa had a resident contact her to ask about installing sidewalks on Western Avenue for the students who walk to and/or from school.

Tom Corcoran stated that he put in for infrastructure funding for a sidewalk from the High School down Western Avenue and it was rejected; he spoke with Dennis Doyle at the Ulster County Planning Department and the reason for the rejection was easements/right of ways.

Councilman Cauchi said he had residents asking what the status was on the pickle ball courts.

Supervisor Corcoran briefly explained the plan and stated that it hopefully can be completed by this summer.

ITEM #11 Workshop topics

A). Open Board discussion

ITEM #12 Correspondence

Supervisor Corcoran read a resignation letter from Dispatcher Andrew Rivera who worked for 20 years. His resignation is effective February 18, 2024.

ITEM #13 Public Comment

No public comment.

ITEM #14 Resolutions

A). Resolution # 30 To Adopt Local Law No.1 of 2024, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 “ZONING” OF THE TOWN OF MARLBOROUGH TOWN CODE AS FOLLOWS: AMENDING SECTION 155-1 ADDING DEFINITIONS FOR “CANNABIS”, “CANNABIS ESTABLISHMENT”, “CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT”, “CANNABIS PRODUCTS” AND “CANNABIS RETAIL DISPENSARY”, SECTION 155-12 “USE REGULATIONS”, AND ADDING SECTION 155-32.5 “CANNABIS/MARIJUANA RETAIL SALES AND LOUNGES.”

B). Resolution # 31 To Adopt Local Law No.2 of 2024, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 “ZONING” ARTICLE IV “SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES” SECTION 155-31 “SITE PLAN REVIEW” OF THE MARLBOROUGH TOWN CODE.

C). Resolution # 32 To appoint a Part Time Building Inspector 1

Tom Corcoran stated that Nat Colletta was the Building Inspector for 20 years, then George Salinovich for 20 and himself for 22. He is planning to retire in two years and plans to stay with the Town part time to continue to train Mr. Drake. Mr. Corcoran explained that the Building Inspector is a community service position that doesn't pay well so it is hard to find someone. There was an ad placed and no one had applied; he has known Mr. Drake for many years and feels he will be a great fit for the job.

ITEM #15 Adjournment

Councilman Cauchi made a motion to adjourn the meeting at 8:40 p.m. Motion seconded by Councilwoman Sessa.

*Yea*s: 4 *Nay*s: 0 *Carried*

Respectfully submitted,

Danielle Cherubini

Deputy Town Clerk

February 26, 2024

A). Resolution # 30 To Adopt Local Law No.1 of 2024, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULMSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 "ZONING" OF THE TOWN OF MARLBOROUGH TOWN CODE AS FOLLOWS: AMENDING SECTION 155-1 ADDING DEFINITIONS FOR "CANNABIS", "CANNABIS ESTABLISHMENT", "CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT", "CANNABIS PRODUCTS" AND "CANNABIS RETAIL DISPENSARY", SECTION 155-12 "USE REGULATIONS", AND ADDING SECTION 155-32.5 "CANNABIS/MARIJUANA RETAIL SALES AND LOUNGES."

Supervisor Corcoran proposes the following:

WHEREAS, on or about December 11, 2023, a local law was introduced proposing to amend various provisions of Chapter 155 "Zoning" of the Marlborough Town Code as follows: Amending Section 155-1 adding definitions for "Cannabis", "Cannabis Establishment", "Cannabis On-Site Consumption Establishment", "Cannabis Products" and "Cannabis Retail Dispensary", Section 155-12 Use Regulations, and adding Section 155-32.5 "Cannabis/Marijuana Retail Sales and Lounges"; and

WHEREAS, the Town Board of the Town of Marlborough referred this matter to the Town of Marlborough Planning Board in accordance with Town Code § 155-49, with comments being received dated January 8, 2024; and

WHEREAS, the Town Board of the Town of Marlborough referred this matter to the Ulster County Planning Board in accordance with General Municipal Law 239-m, with comments received dated January 3, 2024; and

WHEREAS, on or about January 8, 2024, at 7:00 p.m. prevailing time, a public hearing was held for the proposed Local Law; 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, substantial changes were made to the proposed local law and as such on or about February 12, 2024, the Town Board of the Town of Marlborough re-introduced the proposed local law as amended; 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;

WHEREAS, the local law involves the involves an amendment to various provisions of Chapter 155 Zoning of the Town of Marlborough Zoning Code as it pertains to regulating the time, place, and manner of cannabis/marijuana retail sales and consumption establishments; and

WHEREAS, these amendments are consistent with the goals, objectives and recommendation of the Town of Marlborough Comprehensive Plan; and

WHEREAS, on or about December 11, 2023 the Town Board declared its intent to Act as Lead Agency and referred the petition to the Town of Marlborough Planning Board (Planning Board) in accordance with Town Code Section 155-49; and

WHEREAS, on or about February 12, 2024 the Town Board reaffirmed their intent to Act as Lead Agency; and

WHEREAS, it has previously been determined that the adoption of this Local Law is classified as a Type I action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Park 617, (“SEQRA”), **and the Town Board, as lead agency, hereby determines that the proposed action will not result in a significant adverse impact on the environment and thus declares, authorizes and approves that a negative declaration be issued.**

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended as follows:

Section 1. Purpose

This Local Law is enacted for the purpose of amending Chapter 155 Zoning, as follows; and

Section 2. The Town of Marlborough Code entitled Chapter 155. ZONING, Article I DEFINITIONS AND WORD USAGE. shall be and hereby is amended by this Local Law, which shall read in its entirety as follows [deletions are stricken and additions are underscored]:

CANNABIS

As used herein, cannabis shall have the same definition as that found in New York Cannabis Law (Chapter 7-A of the Consolidated Laws of New York) in § 3 thereof. Cannabis may also be referred to as “marijuana” or “marihuana.”

CANNABIS ESTABLISHMENT

A single physical location where a licensed Cannabis retailer engages in the retail of cannabis, any other type of licensed cannabis-related business, or any combination thereof.

CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT

A single location where an entity or individual licensed by the New York State Office of Cannabis Management to allow for the on-site consumption of cannabis products on the premises. A “cannabis on-site consumption establishment” does not include a “cannabis retail dispensary.”

CANNABIS PRODUCTS

Cannabis, concentrated cannabis, and cannabis-infused products, and includes made or manufactured products that contain either cannabis or concentrated cannabis and other ingredients and are intended for personal use or consumption.

CANNABIS RETAIL DISPENSARY

An establishment that is licensed by the New York State Office of Cannabis Management to sell or otherwise distribute cannabis products directly to consumers for use off the premises. A cannabis retail dispensary may be licensed to operate as an adult-use cannabis retail dispensary or as a medical cannabis dispensary, or both. A “cannabis retail dispensary” does not include a “cannabis on-site consumption establishment.”

A. CANNABIS DISPENSARY, MEDICAL

A cannabis retail dispensary that sells or otherwise distributes cannabis products and related supplies to registered practitioners, certified patients, or designated caregivers for medical use in accordance with Title 5-A of Article 33 of the New York Public Health Law and Article 3 of the New York Cannabis Law.

B. CANNABIS RETAIL DISPENSARY, ADULT-USE

A cannabis retail dispensary that sells or otherwise distributes cannabis products and related supplies to consumers for non-medical use in accordance with Article 4 of the New York Cannabis Law.

Section 3. Section 155-12(E)(4) of the Town Code of the Town of Marlborough is amended as follows [deletions are stricken and additions are underscored]:

- (n) Cannabis On-Site Consumption Establishment.
- (o) Cannabis Retail Dispensary.

Section 4. Section 155-32.5 of the Town Code of the Town of Marlborough is added to read as follows [deletions are stricken and additions are underscored]:

Section 155-32.5 Cannabis/marijuana retail sales and lounges

Each owner of a Cannabis Retail Dispensary or Cannabis On-Site Consumption Establishment must be licensed in accordance with New York State Law, must obtain an annual operating permit from the Building Department, must pay any related permitting/inspection fees, and shall comply with each of the requirements of this section.

- A. Findings. The Town of Marlborough finds that the orderly development of commercial business is essential to maintaining and protecting the health, safety and welfare of the residents of the Town. The Town also finds that businesses which cater to adults should be located and regulated to minimize the potential adverse impact to residents.
- B. Purpose. The purpose of this section is to regulate the siting, design, placement, security, safety, monitoring and modification of cannabis establishments to insure the placement of cannabis establishments in appropriate locations and to minimize the adverse impacts of cannabis establishments on residential neighborhoods, schools and other such places where children commonly frequent and congregate.
- C. Applicability. These regulations shall apply to all structures and uses of retail sales and/or consumption lounges where cannabis can be purchased and/or consumed.
- D. General Requirements.

- (1) No Cannabis Establishment shall be operated except in compliance with the provisions of this chapter.
- (2) When a Cannabis Establishment is proposed to be in an existing building, regardless of any prior site plan approval (including but not limited to approval for retail sales on the property), the owner shall be required to obtain a special use permit/site plan approval for cannabis related use, retail or onsite consumption establishments.
- (3) The location of Cannabis Establishments shall be authorized in conformity with § 155-12, Use Regulations, of the Town of Marlborough Zoning Code.
- (4) A Cannabis Establishment shall be wholly contained within a building or structure. No outdoor onsite consumption establishments shall be permitted.
- (5) The hours of operation of Cannabis Establishments shall be set by the Town of Marlborough Planning Board as a condition of the special use permit and/or site plan approval.
- (6) Cannabis Establishments shall not be located within a 500-foot radius from:
 - (a) Any school pre-k through grade 12;
 - (b) Any day-care center, or any facility where children commonly congregate. A facility is not, however, limited to a building. Such a facility may include but is not limited to: a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents;
 - (c) Any other Cannabis Establishment;
 - (d) Any drug or alcohol rehabilitation facility;
 - (e) Any correctional facility, half-way house or similar facility; or
 - (f) Any building containing a place of worship; or
 - (g) Any Town building or Town park.
- (7) No Cannabis Establishment shall be located inside a building containing residential units, including transient housing which includes but is not limited to hotels, motels, dormitories, bed and breakfasts and short-term rentals.
- (8) Cannabis Establishments shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.
- (9) No outside storage of Cannabis, related supplies or promotional materials shall be permitted. Any signage must be in conformity with this chapter.
- (10) On-site consumption of Cannabis Products is prohibited within or on the grounds of a permitted Cannabis Retail Dispensary.
- (11) Cannabis-related land uses shall not be permitted as home occupations or accessory uses in any zoning district.

E. Approvals required.

- (1) All Cannabis On-Site Consumption Establishments and Cannabis Retail Dispensaries shall be subject to the granting of a special use permit pursuant to § 155-32 of this Chapter.
- (2) All Cannabis On-Site Consumption Establishments and Cannabis Retail Dispensaries shall be subject to site plan review pursuant to § 155-31 of this Chapter.

F. Additional requirements for Cannabis On-Site Consumption Establishments and Cannabis Retail Dispensaries.

- (1) Provide sufficient lighting during and after hours of operation.

- (2) Adequate facilities and personnel for secure disposal of trash and other debris.
- (3) Continuing maintenance of the exterior of the building and the grounds, including landscaping, signs and policing of litter.
- (4) Sales product and paraphernalia items related to the preparation or consumption of cannabis products shall not be visible offsite or from a public right of way.
- (5) Outdoor use of sound reproduction devices, including but not limited to loudspeakers and amplifiers on the premises shall be prohibited.

G. Signs.

- (1) Any signs shall be governed by the signage requirements applicable to the zoning district where the Cannabis Establishment is located pursuant to § 155-28 of this Chapter.
- (2) No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on any outdoor signage.

H. State approval. All Cannabis Establishments approved pursuant to this section must be licensed in accordance with Article 4 of the New York State Cannabis Law. An expiration or revocation of a license by the State shall be deemed to automatically terminate the special use permit or other Planning Board approvals permitting use.

Section 5. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 6. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 8. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

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

Supervisor Corcoran	Yes
Councilman Molinelli	Absent
Councilman Cauchi	Yes
Councilwoman Sessa	Yes
Councilman Zambito	Yes

DATED: Milton, New York
February 26, 2024

COLLEEN CORCORAN, TOWN CLERK

February 26, 2024

B). Resolution # 31 To Adopt Local Law No.2 of 2024, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 155 "ZONING" ARTICLE IV "SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES" SECTION 155-31 "SITE PLAN REVIEW" OF THE MARLBOROUGH TOWN CODE.

Supervisor Corcoran proposes the following:

WHEREAS, on or about December 11, 2023, a local law was introduced proposing to amend various provisions of Chapter 155 "Zoning" of the Marlborough Town Code as follows: Amending Section 155-31 "Site Plan Review", and Section 155-41.1 "Ridgeline and Steep Slope Protection" (the "Combined Local Law"); and

WHEREAS, a public hearing in relation to the Combined Local Law was held on January 8, 2024, at 7:00 p.m., prevailing time; 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, on or about February 12, 2024, the Town Board of the Town of Marlborough re-introduced the amendments proposed in the Combined Local Law

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;

WHEREAS, the local law involves the amendment to Chapter 155 Zoning, Article VI, Supplementary Regulations Governing Certain Uses, Section 155-31 Site Plan Review, of the Town of Marlborough Zoning Code; and

WHEREAS, these amendments are consistent with the goals, objectives and recommendation of the Town of Marlborough Comprehensive Plan; and

WHEREAS, on or about December 11, 2023 the Town Board declared its intent to Act as Lead Agency and referred the petition to the Town of Marlborough Planning Board (Planning Board) in accordance with Town Code Section 155-49; and

WHEREAS, on or about February 12, 2024 the Town Board reaffirmed their intent to Act as Lead Agency; and

WHEREAS, the Town Board received a response from the Planning Board dated January 8, 2024 in accordance with Town Code § 155-49; and

WHEREAS, on or about December 12, 2023, the Town Board referred the petition to the Ulster County Planning Board in accordance with General Municipal Law 239-m; and

WHEREAS, the Town Board received a response from the Ulster County Planning Board dated January 3, 2024; and

WHEREAS, it has previously been determined that the adoption of this Local Law is classified as a Type I action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Park 617, (“SEQRA”), **and the Town Board, as lead agency, hereby determines that the proposed action will not result in a significant adverse impact on the environment and thus declares, authorizes and approves that a negative declaration be issued.**

NOW, THEREFORE, BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended as follows:

Section 1. Purpose

This Local Law is enacted for the purpose of amending Chapter 155 Zoning, Article VI, Supplementary Regulations Governing Certain Uses, Section 155-31 Site Plan Review; and

Section 2. Amendment

The Town of Marlborough Code entitled Chapter 155. ZONING, Article VI. SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES. Section 31 SITE PLAN REVIEW. Subsection K shall be and hereby is amended by this Local Law, which shall read in its entirety as follows:

K. Expiration of approval. Site plan review and approval shall be void if construction is not started within one year and completed within two four years of the date of the final site plan approval. Each of these respective periods of expiration may be extended in the Planning Board's discretion for up to two three additional periods of one year each. The Planning Board's authority to extend the respective periods of expiration shall apply to any project which requested such an extension, in writing, filed with the Town no later than on or after January 1, 2008.

Section 3. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to

the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

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

Supervisor Corcoran	Yes
Councilman Molinelli	Absent
Councilman Cauchi	Yes
Councilwoman Sessa	Yes
Councilman Zambito	Yes

DATED: Milton, New York
February 26, 2024

COLLEEN CORCORAN, TOWN CLERK

February 26, 2024

C). Resolution # 32 To appoint a Part Time Building Inspector 1

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough Building Department needs a part time employee, and

Whereas, it is the recommendation to appoint Matthew Drake to the position effective March 11, 2024.

Now therefore be it resolved, that Matthew Drake be appointed to the position of Part Time Building Inspector 1

Be it further resolved that the hourly rate is 21.97.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes