

**SPECIAL MEETING
TOWN BOARD TOWN OF MARLBOROUGH
UPSTAIRS CONFERENCE ROOM
JUNE 3, 2025 7:30 PM
MINUTES OF MEETING**

Present: Supervisor Corcoran
Councilman Zambito
Councilwoman Sessa
Councilman Cauchi

Colleen Corcoran, Town Clerk
Thomas Corcoran, Building Inspector

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 approve the agenda. Motion seconded by Councilwoman Sessa.

Supervisor Corcoran stated that based upon information provided by the attorney for the town, including observations of the building inspector, we have before us a draft resolution to bring an enforcement action against the property owners and tenants of the properties referenced therein for violating the Town of Marlborough Town Code and New York State Laws and Regulations.

ITEM #4 Resolution

A). Resolution #63 A RESOLUTION AUTHORIZING VAN DEWATER & VAN DEWATER, LLP, TO FILE AN ENFORCEMENT ACTION AND SEEK INJUNCTIVE RELIEF ON BEHALF OF THE TOWN OF MARLBOROUGH AGAINST THE DEFENDANTS LISTED BELOW.

ITEM #5 Adjournment

Supervisor Corcoran made a motion to adjourn the meeting at 7:37 p.m. Motion seconded by Councilman Cauchi.

*Yea*s: 4

*Nay*s: 0

Carried

Respectfully submitted,

Colleen Corcoran

Town Clerk

June 3, 2025

A). Resolution #63 A RESOLUTION AUTHORIZING VAN DEWATER & VAN DEWATER, LLP, TO FILE AN ENFORCEMENT ACTION AND SEEK INJUNCTIVE RELIEF ON BEHALF OF THE TOWN OF MARLBOROUGH AGAINST THE DEFENDANTS LISTED BELOW.

Supervisor Corcoran proposes the following:

WHEREAS, the Town of Marlborough has entered into a Stipulation of Settlement dated March 11, 2025, (“Stipulation”) with certain property owners, named below, of 20-38 Mount Rose Road; 29-39 Mount Rose Road; 40 Mount Rose Road; and 62-80 James Street in the Town of Marlborough, Ulster County, New York (“subject property”), and

WHEREAS, the Stipulation required the property owners to comply with the Town of Marlborough’s Zoning Code and refrain from engaging in any activities that would violate said Code; and

WHEREAS, based upon information received and conveyed to us by the attorney to the town including but not limited to the observations of the Town of Marlborough Building Inspector, there is reasonable cause to believe that the property owners, including SOMEPLACE UPSTATE LLC, ROSEVINE LLC, BELLFLOWER GROUP LLC, ARI MATITYAHU, ADAM H. J. BROZA, DANIELLE L. BROZA a/k/a DANIELLE L. STEINBERG, and tenants of the premises located at 20-38 Mount Rose Road, Marlborough, New York 12542, whose true names are unknown, have violated the terms of the Stipulation and have continued to operate in violation of the Town of Marlborough’s Zoning Code and New York State Laws and Regulations; and

WHEREAS, the Town of Marlborough desires to take prompt legal action to enforce the terms of the Stipulation of Settlement, Town Zoning Code and New York State Laws and Regulations to prevent further violations, and to protect the health, safety and welfare of the community, including the filing of an enforcement action and seeking injunctive relief in the New York State Supreme Court; and

WHEREAS, the Town deems this a Type II Action under the State Environmental Quality Review Act, (“SEQR”) and,

WHEREAS, the Town of Marlborough has retained the law firm of Van DeWater & Van DeWater, LLP, to represent the Town in such matters;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Marlborough hereby authorizes Van DeWater & Van DeWater, LLP, to file an enforcement action on behalf of the Town in the New York State Supreme Court, against

the defendants listed above, seeking appropriate relief, including but not limited to injunctive relief to compel compliance with the Stipulation of Settlement, Marlborough Town Zoning Code and all other New York State Laws and Regulations including the Uniform Fire Prevention and Building Code;

BE IT FURTHER RESOLVED that the Town Board authorizes Van DeWater & Van DeWater, LLP, to represent the Town in any subsequent legal proceedings related to this matter, including seeking damages, fines, or other remedies available under the law;

BE IT FURTHER RESOLVED that Van DeWater & Van DeWater, LLP, is authorized to bill the Town of Marlborough at the rate of \$295 per hour for legal services rendered in this matter;

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to sign any documents or agreements necessary to effectuate this resolution.

And moves for its adoption

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

CERTIFICATION:

I, Colleen Corcoran, Clerk of the Town of Marlborough, do hereby certify that the above resolution was duly adopted by the Town Board at a meeting held on the 3rd day of June, 2025.

Colleen Corcoran, Town Clerk
Town of Marlborough