

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
JANUARY 12, 2026 7:00 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Motion to approve minutes from December 8, 2025 Town Board Meeting

Motion to approve minutes from December 8, 2025 Public Hearing ADU

Motion to approve minutes from the January 1, 2026 Special Meeting

Motion to approve minutes from the January 1, 2026 Reorganizational Meeting

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

ITEM #8 Presentation

A). DA Nneji

ITEM #9 Old Business

ITEM #10 New Business

A). Long Pond treatment-motion to sign agreement

B). Estimate for the NYSDEC-required landfill cap inspection

ITEM #11 Correspondence

ITEM #12 Public Comments

**ITEM #13 Resolutions**

- A). Resolution #24 To appoint a member and an Alternate Member to the Ulster County Planning Board
- B). Resolution #25 To authorize the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.
- C). Resolution #26 To adopt Local Law #1 of the year 2026

**ITEM #14 Executive Session**

**ITEM #15 Adjournment**

January 12, 2026

A). Resolution #24 To appoint a member and an Alternate Member to the Ulster County Planning Board

Supervisor Corcoran proposes the following:

Whereas, Cindy Lanzetta has been a member of the Ulster County Planning Board for the Town of Marlborough, and

Whereas, the Town of Marlborough needs an alternate member, and

Whereas, Fred Callo has met all the training requirements to be an alternate member.

Be it resolved, that Fred Callo be appointed as an alternate member

And moves for its adoption

Councilmember Appler	_____
Councilmember Sessa	_____
Councilmember Cauchi	_____
Councilmember Zambito	_____
Supervisor Corcoran	_____

January 12, 2026

B). Resolution #25 To authorize the filing of this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

Supervisor Corcoran proposes the following:

**TOWN OF MARLBOROUGH TOWN BOARD  
SEQRA NEGATIVE DECLARATION AND  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE FOR**

A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK  
AMENDING VARIOUS PROVISIONS OF CHAPTER 155 “ZONING” OF THE CODE OF THE  
TOWN OF MARLBOROUGH AS FOLLOWS: AMENDING SECTION 155-1 “TERMS DEFINED”,  
ADDING AN ADDITIONAL PERMITTED ACCESSORY USE TO SECTION 155-12(A) “R  
RESIDENTIAL DISTRICT”, ADDING AN ADDITIONAL PERMITTED ACCESSORY USE TO  
SECTION 155-12(C) “R-AG-1 RURAL AGRICULTURAL DISTRICT”, AND ADDING A NEW  
SECTION 155-32.6 “DETACHED ACCESSORY DWELLING UNITS ON SINGLE-FAMILY  
PROPERTIES.”

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No. 1 of 2026, a Local Law of the Town of Marlborough, Ulster County, New York to amend various provisions of Chapter 155 “Zoning” of the Code of the Town of Marlborough as follows: amending Section 155-1 “Terms Defined,” adding an additional permitted accessory use to Section 155-12(A) “R Residential District,” adding an additional permitted accessory use to Section 155-12(C) “R-Ag-1 Rural Agricultural District,” and adding a new Section 155-32.6 “Detached Accessory Dwelling Units on Single Family Properties” (the “Action”); and

**WHEREAS**, this negative declaration and determination of non-significance 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; and

**WHEREAS**, because the Town Board is directly undertaking the Action and is the only involved agency, it is therefore the lead agency for the environmental review of the Action pursuant to SEQRA; 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 Scott Corcoran, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

**WHEREAS**, the Town Board introduced the first iteration of this Local Law (the “First Proposed Local Law”) at its regular August 11, 2025 meeting; and

**WHEREAS**, on August 11, 2025, the Town of Marlborough Town Board, as lead agency, classified this Action as a Type I Action pursuant to SEQRA; and

**WHEREAS**, the Town of Marlborough Town Board has directed its consultants to prepare a Full Environmental Assessment Form (“FEAF”) Part 1 for review of the Action; and

**WHEREAS**, the Town Board held a duly-noticed public hearing at its normal September 8, 2025 meeting, at which it also directed the Clerk to refer the First Proposed Local Law to the Ulster County Planning Board (the “UCPB”) pursuant to General Municipal Law § 239-m and the Town of Marlborough Planning Board pursuant to Marlborough Town Code § 155-49; and

**WHEREAS**, pursuant to comments received at the public hearing and recommendations from the UCPB and Town of Marlborough Planning Board, the First Proposed Local Law was amended to allow detached accessory dwelling units (“ADUs”) as a permitted accessory use in the R Residential District on properties which are served by Town water and sewer in addition to the R-1 and R-Ag-1 Districts, and to clarify the number of parking spaces required for lots containing ADUs; and

**WHEREAS**, the amended Local Law (the “Second Proposed Local Law”) was re-introduced on November 24, 2025, at which time the Town Board also adopted an amended FEAF Part 1 and re-circulated to the UCPB and the Town of Marlborough Planning Board for comment; and

**WHEREAS**, a second duly-noticed public hearing was held on December 8, 2025, at which all those who wished to be heard, for and against the Second Proposed Local Law, were heard; and

**WHEREAS**, pursuant to SEQRA, the Town Board directed its consultants to prepare a FEAF Part 2 and the Board reviewed, discussed, and adopted the findings contained therein on December 8, 2025; and

**WHEREAS**, the Town Board also directed its consultants to prepare a FEAF Part 3; and

**WHEREAS**, the 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**, the legislation involves amendments to Chapter 155 which are summarized as follows:

1. Section 155-1 is amended to define “Detached Accessory” as a type of “Dwelling.”
2. Section 155-12(A) “R Residential District” is amended to add Detached Accessory Dwelling Units (“ADUs”) as an additional permitted accessory use in the zone.
3. Because Section 155-12(B)(3) states that permitted accessory uses shall be the same in the R-1 Residential District as in the R District, ADUs will be an additional permitted accessory use in the R-1 zone.
4. Section 155-12(C) “R-Ag-1 Rural Agricultural District” is amended to add ADUs as an additional permitted accessory use in the zone.
5. A new section, section 155-32.6 “Detached Accessory Dwelling Units on Single Family Properties” is created, which outlines the applicability and creation of the ADU use in the R, R-1, and R-Ag-1 zones; delineates density, occupancy, use, and design requirements; describes applicable permit requirements and prohibitions; and describes applicable administration and enforcement procedures.

**WHEREAS**, the Second Proposed Local Law is now to be identified as Local Law 1 of 2026, and

**WHEREAS**, the Town Board finds that the proposed legislative amendments included in this action are not inconsistent with the existing Comprehensive Plan of the Town of Marlborough; and

**WHEREAS**, the Town Board determined, pursuant to its adoption of the FEAF Part 2, that the proposed Local Law will not permit any actions or land uses that may be different from, or in sharp contrast to current surrounding land use patterns; it will not cause the permanent population of the Town to grow by

a substantial percentage; it is not inconsistent with the current local land use plan; it is not inconsistent with any County plans, or other regional land use plans; it will not cause a change in density of development that is not supported by existing infrastructure or is distant from existing infrastructure; it will not affect an area characterized by low density development so as to require new or expanded public infrastructure; and any secondary development impacts to which the proposed Local Law may give rise are not currently ascertainable and will not be ascertainable until site-specific permit applications are received, at which time they will be subject to administrative review to address the actual identity and nature of such proposals.

**NOW, THEREFORE, BE IT RESOLVED**, that after review and consideration, the Town of Marlborough Town Board adopts the FEAF Part 3 prepared by its consultants.

**BE IT FURTHER 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, or geological features such as cliffs, dunes, minerals, fossils or cave, existing transportation systems, or noise, odor, and light.
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.
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.
12. The Action does not involve two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

**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, including indirect or secondary impacts, and that therefore a Draft Environmental Impact Statement need not be prepared.

**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.

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the filing of 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 Corcoran	_____
Councilman Appler	_____
Councilman Cauchi	_____
Councilman Zambito	_____
Councilwoman Sessa	_____

DATED: Milton, New York  
January 12, 2026

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DANIELLE CHERUBINI, TOWN CLERK

Contact Person:  
Danielle Cherubini, Town Clerk  
Town of Marlborough  
P.O. Box 305  
21 Milton Turnpike  
Milton, NY 12547  
845-795-5100

January 12, 2026

C). Resolution #26 To adopt Local Law #1 of the year 2026

Supervisor Corcoran proposes the following:

WHEREAS, the Town Board introduced the first iteration of this Local Law (the “First Proposed Local Law”) at its regular August 11, 2025 meeting; and

WHEREAS, the Board reviewed and adopted a Full Environmental Assessment Form (“FEAF”) Part 1 pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, after review, the First Proposed Local Law was revised to correct a minor typographical error, to acknowledge the Town of Marlborough Code provision requiring referral to the Marlborough Planning Board for comment, and to clarify that detached ADUs will not be permitted on properties containing either two-family or multi-family units; and

WHEREAS, because only the Town Board can consider and adopt changes to the Town Code, it is the only involved agency, and the Board declared that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to SEQRA; and

WHEREAS, at the August 11, 2025 meeting, the Town Board determined that the action to amend the Town of Marlborough Zoning Law is a Type I Action under SEQRA; and

WHEREAS, the Board duly noticed a public hearing to be held on September 8, 2025, at which those who wished to be heard on the First Proposed Local Law would be heard; and

WHEREAS, the Town Board directed the Clerk to refer the First Proposed Local Law to the Ulster County Planning Board (“UCPB”) for review and recommendation pursuant to General Municipal Law § 239-m; and

WHEREAS, the Town Board directed the Clerk to refer the First Proposed Local Law to the Town of Marlborough Planning Board for comment pursuant to Town Code § 155-49; and

WHEREAS, a public hearing was held on September 8, 2025, at which all those who wished to be heard, for or against the First Proposed Local Law, were heard; and

WHEREAS, in response to the recommendations of the Town of Marlborough Planning Board and comments from the public, the First Proposed Local Law was amended to allow detached ADUs as a permitted accessory use in the R Residential District on properties which are served by Town water and sewer, in addition to the R-1 and R-Ag-1 Districts; and

WHEREAS, the First Proposed Local Law was also revised to clarify the number of parking spaces required for lots containing ADUs (the revised Local Law is to be known as the “Second Proposed Local Law”); and

WHEREAS, on November 24, 2025, the Town Board reintroduced the Second Proposed Local Law, adopted an amended FEAF Part 1, re-referred the Revised Proposed Local Law to the UCPB pursuant to General Municipal Law § 239-m, re-referred it to the Town of Marlborough Planning Board pursuant to Town Code § 155-49, and scheduled another public hearing to be held on the new iteration of the Local Law; and

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

WHEREAS, the duly-noticed public hearing on the Second Proposed Local Law was held on December 8, 2025 at 7:00 p.m., prevailing time, at which all those who wished to be heard, for and against the Second Proposed Local Law, were heard; and

WHEREAS, pursuant to SEQRA, the Town Board’s consultants prepared a FEAF Part 2 and the Board reviewed and adopted the findings contained therein on December 8, 2025; and

WHEREAS, the Town Board directed its consultants to prepare a FEAF Part 3, which the Board reviewed and duly-adopted at its meeting on January 12, 2026; and

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

WHEREAS, upon this determination, on January 12, 2026, the Town Board issued a Negative Declaration and Notice of Determination of Non-Significance, determined that a Draft Environmental Impact Statement (“EIS”) need not be prepared, and authorized the Clerk to file the Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations; and

WHEREAS, on November 5, 2025, the UCPB provided its responses to referral by the Planning Board under General Municipal Law section 239-m. Three (3) required modifications were recommended as follows:

1. “The UCPB recommends ADUs be permitted as of right, regardless of whether a lot requires an area variance, if adequate water and sewer are available. For exceptional circumstances in which an undersized lot has unique limiting environmental conditions, such as topography or the presence of a wetland, the Board recommends that the Town allow the zoning enforcement officer to reserve the right to refer these more complex cases to the Town Planning Board for site plan review.”
2. “The UCPB recommends that the Town not only allow detached accessory dwelling units as of right, but all types, whether they be internal to the primary structure, additions to the

existing structure, or be in a converted attic or basement of an existing structure, of ADUs as of right, unless there is a limiting factor as just discussed.”

3. “The UCPB recommends that the amendment not be limited to the R-1 and R-Ag-1 zoning districts but also include single-family residential uses in the “C” zoning district.”

The Town Board determined, at its January 12, 2026 meeting, as follows:

1. The Town Board voted to adopt the UCPB’s first recommendation and finds it to be satisfied by the text of the Second Proposed Local Law and existing Code provisions. The Second Proposed Local Law allows detached ADUs as a permitted accessory residential use without the need for a special permit and/or site plan review. Additionally, the Code Enforcement Officer has the right to refer any applicant to the Planning Board for review. Pursuant to Marlborough Town Code §67-3(a), the Code Enforcement Officer has the following powers and duties:

“(1) To receive, review and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of this article.”

It is the role of the Code Enforcement Officer to review an application for a permit, and decide whether the application should be granted, denied, or referred to the Planning Board or Zoning Board of Appeals for any required approvals. Therefore, the Town Board finds that this first recommendation is satisfied.

2. The Town Board determined by a vote of a majority plus one of all the members to act in contravention with the UCPB's second recommendation, pursuant to General Municipal Law §239-m(5), for the following reasons: the Town Board will allow only detached ADUs as a permitted accessory use. The Board determined that ADUs which exist internally to a principal existing structure will not be suitable because the arrangement would create questions of when and whether the structure becomes a 2-family dwelling. The Town Board found that the potential for resulting administrative and enforcement challenges is not beneficial to consistent and uniform implementation.
3. The Town Board determined by a vote of a majority plus one of all the members to act in contravention with the UCPB's third recommendation, pursuant to General Municipal Law §239-m(5), for the following reasons: the Town Board agreed that ADUs should be allowed as a permitted accessory use in the "R Residential Zone" on properties served by Town water and sewer, in addition to the "R-1" and "R-Ag-1" zones. The Town Board wishes to reserve the C-1 Commercial District for businesses and public facilities, such as retail stores, offices, and restaurants. The purpose defined for the "C-1 Commercial District," pursuant to Marlborough Town Code §155-12-(D) is "to provide reasonable standards for the orderly expansion of general retail and commercial uses in conformity with the objectives of the Town of Marlborough Comprehensive Plan." Similarly, the purpose for the C-2 Commercial District, pursuant to Code §155-12(G), is "to provide reasonable standards for the orderly expansion of general retail and commercial uses in conformity with the objectives of the Town of Marlborough Comprehensive." Therefore, the Town Board determines that it is beneficial for the community to limit residential uses in the C Commercial Districts.

WHEREAS, the Town Board received comments from the UCPB dated December 3, 2025 with a finding of “No Decision” as to the Revised Proposed Local Law; and

WHEREAS, the Town Board has appropriately considered and addressed comments on the Second Proposed Local Law from the public, the Town of Marlborough Planning Board, and the UCPB; 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.

NOW, THEREFORE, BE IT RESOLVED that the following Local Law is hereby enacted:

Section 1. Section 155-1 “Terms defined” of the Code is amended to add a definition under “DWELLING” as follows [deletions are stricken and additions are underscored]:

F. DETACHED ACCESSORY. A detached accessory dwelling unit (“ADU”) is independently habitable and exists separately from the primary residence on a single lot. A detached ADU provides the basic requirements of shelter, heating, cooking, and sanitation, is subordinate to the primary residence in terms of size, location, and appearance, and has separate access from any other dwelling unit or use.

Section 2. Section 155-12(A) “R Residential District” of the Code is amended to add an additional permitted accessory use as follows [deletions are stricken and additions are underscored]: (3) Permitted accessory uses shall be: (f) Other accessory uses and structures customarily appurtenant to a principal permitted use. Detached Accessory Dwelling Unit (refer to §155-32.6(B) for specific restrictions in the R Residential District).

Section 3. Section 155-12(A) “R Residential District” of the Code is amended as follows [deletions are stricken and additions are underscored]: (3)(g) Other accessory uses and structures customarily appurtenant to a principal permitted use.

Section 4. Section 155-12(C) “R-Ag-1 Rural Agricultural District” of the Code is amended to add an additional permitted accessory use as follows [deletions are stricken and additions are underscored]: (3)(g) ~~Other accessory uses and structures customarily appurtenant to a principal permitted use.~~ Detached Accessory Dwelling Unit.

Section 5. Section 155-12(C) “R-Ag-1 Rural Agricultural District” of the Code is amended as follows [deletions are stricken and additions are underscored]: (3)(h) Other accessory uses and structures customarily appurtenant to a principal permitted use.

Section 6. Chapter 155 Article VI “Supplementary Regulations Governing Certain Uses” of the Town of Marlborough Code is amended to add a new Section 155-32.6 as follows: 155-32.6 Detached accessory dwelling units on single-family properties.

A. Purpose. The purpose of this section is to encourage the development of small dwelling units that are accessory and clearly subordinate to the principal dwelling and do not change the residential character of the neighborhood, in order to provide housing that responds to increasing housing costs, changing family needs, and smaller households, while supporting more efficient use of existing infrastructure and protecting and preserving property values.

B. Applicability. A detached accessory dwelling unit (“ADU”) shall be permitted as an accessory use to a single-family dwelling in the R-1 and R-Ag-1 Districts within the Town. A detached ADU shall also be permitted as an accessory use to a single-family dwelling in the R District on properties served by Town water and sewer. One (1) detached ADU shall be permitted with one (1) single-family home on a single lot. Where applicable, the establishment of an ADU shall not be deemed to be an expansion of a nonconforming use.

C. Creation. A detached ADU may be created through new construction or conversion of an existing structure.

D. Density. ADUs shall not be included in the calculation of permitted density.

E. Applications for applicable permits must meet the following criteria:

- 1) The Applicant must demonstrate that the ADU complies with all development and design standards of this section.
- 2) The Applicant must demonstrate that the proposed modifications comply with applicable buildings and fire safety codes.
- 3) The Applicant must provide certification by the Ulster County Department of Health that the water supply and sewage disposal facilities are adequate for the projected number of residents.

F. Occupancy and Use: The primary dwelling unit or the detached ADU must be the primary residence of the property owner.

- 1) Use and occupancy standards for an ADU shall be the same as those applicable to a primary dwelling on the same lot.

G. Design. If not addressed in this section, development standards in the underlying R, R-1, or R-Ag-1 zoning district apply. All ADUs must meet the following requirements:

- 1) The lot containing the detached ADU must contain the minimum acreage for the zoning district as set forth in Town §155 - Attachment 2, Schedule I, Lot, Yard and Height Regulations.
- 2) The detached ADU must be self-contained with cooking and sleeping facilities separate from the principal dwelling unit.
- 3) The detached ADU shall have a maximum of two bedrooms.
- 4) The detached ADU shall contain no more than 900 square feet of gross floor area and no less than 400 square feet of gross floor area. Area shall be measured from

the center line of the interior wall. The 900 square foot maximum may be adjusted via variance granted by the Zoning Board of Appeals to reasonably accommodate the existing lot shape or structure being converted to the ADU.

- 5) The building coverage of the ADU may not be larger than the building coverage of the primary dwelling.
- 6) Ingress and egress. Detached accessory dwelling units shall have only one exterior front entrance. All other exterior entrances shall be located at the side or rear of the building.
- 7) Parking. Lots containing an ADU must have two off-street parking spaces in addition to the number of spaces otherwise required for a single-family residential use. No on-street parking shall be permitted.

H. Prohibitions. The following prohibitions shall apply to all detached ADU applications:

- 1) No detached ADU is permitted on parcels containing two-family or multi-family dwelling units.
- 2) No detached ADU is permitted on parcels being utilized for commercial or industrial purposes.
- 3) No detached ADU is permitted on vacant property or property which does not contain a principal residential unit.
- 4) The detached ADU may not be used for Short Term Rentals under §155-32.3 or Bed-and-Breakfasts under §155-32.4 of this chapter.
- 5) No detached ADU may be partitioned off, sold, or separated from the lot which contains the principal dwelling unit unless the subdivided lots are both in

conformance with the minimum acreage and setback requirements of the underlying zoning district.

I. Administration and Enforcement. The Code Enforcement Officer shall administer and enforce the provisions of this chapter.

- 1) No building shall be occupied until a certificate of occupancy has been issued by the Code Enforcement Officer where required. Prior to the issuance of a certificate of occupancy, the Code Enforcement Officer shall conduct a site visit to verify that the ADU and parcel are in compliance with this chapter.
- 2) The Code Enforcement Officer shall deny any permit which would result in a violation of any provision of this chapter or a violation of the conditions or terms of any variance granted by the Zoning Board of Appeals.
- 3) The Code Enforcement Officer shall issue a cease-and-desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

Section 7. If any of the sections 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 8. Pursuant to Section 22 of Municipal Home Rule Law of the State of New York, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 9. This local law shall be effective upon filing with the Secretary of State.

BE IT FURTHER 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 Corcoran \_\_\_\_\_

Councilman Appler \_\_\_\_\_

Councilman Cauchi \_\_\_\_\_

Councilman Zambito \_\_\_\_\_

Councilwoman Sessa \_\_\_\_\_

DATED: Milton, New York  
January \_\_\_\_\_, 2026

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DANIELLE CHERUBINI, TOWN CLERK