

PUBLIC HEARING  
LOCAL LAW #1 OF THE YEAR 2014  
AMENDING VARIOUS PROVISIONS OF CHAPTER 155 "ZONING"  
JULY 14, 2014 6:30 PM  
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN  
COUNCILMAN BAKER  
COUNCILMAN KOENIG

DANIELLE CHERUBINI, DEPUTY TOWN CLERK

ABSENT: COUNCILMAN MOLINELLI  
COUNCILMAN CORCORAN

Pledge of Allegiance

*Supervisor Osborn said there are two ideas the Board is trying to create. One is an overlay district (BC-Business Corridor) for the entire 9W corridor to encourage business development. This phase will be allowing existing businesses on 9W to continue as the business they are even though zoning was changed under them in the past. The business could petition the Town Board to be included in the overlay and continue or sell the business as they are. The Board intends to add more features to the overlay district. The other idea is that they want to shorten the commercial district on Western Avenue and make it more viable. From around the Marlboro Post Office to the west the commercial district is being eliminated and will be residential. From the Post Office to the east the commercial district will no longer allow residential uses. Current apartment buildings are grandfathered in. The commercial district will allow for commercial below and residential above the business or all commercial and any new business would need to be that way. Some other items that are within the proposed local law are: you can no longer sell a vehicle on your property in the Town of Marlboro unless the vehicle is titled to the property owner. Trailer parks and motels will no longer be allowed.*

*James Garofalo said he like the concepts but feels that each one should be executed separately so the public can discuss the individual items even though it would cost more money.*

*Supervisor Osborn said that no one would really come to a public hearing to discuss for example, selling cars on their property, or building a trailer park and the Town wouldn't want to incur the cost of doing everything separately.*

*Mr. Garofalo asked if he could get documents like this in a Word file so he could fix grammatical errors and punctuation.  
The Board did not respond.*

*Frank Cricchio asked how the new zoning will affect Joe Ferrari's (Fuzzy's) gas station in 10 years when he may want to become residential.*

*Supervisor Osborn explained that he spoke with Mr. Ferrari and he wanted to remain commercial. Mr. Ferrari petitioned the Board before the creation of the law and even though it looks like spot zoning they can allow him to stay commercial. If Mr. Ferrari wants to become residential at some point in the future the Board would have to create a local law that includes him back in.*

*Robert Pollock asked if the Town allows grandfathering if the property is vacant for one year.*

*Supervisor Osborn said that zoning code currently states that if a property is unoccupied for one year, and you're not consistent with the zoning that you're in, then the sale of the property reverts to the zone you're in. Fuzzy's is a special case, he remains commercial until he petitions the Board to become residential. This will also apply to the 9W overlay. If a business wants to remain the same business when the zoning is changed out from underneath them, they can petition the Board and the Board will consider each case.*

*Councilman Baker said the wording in the proposed code gives the Town Board some flexibility. For example, if there is a building that has been vacant for a few years and has been commercial the Board would probably be for keeping it commercial. The Planning Board reviews the requests but the Town Board makes the ultimate decision.*

*Frank Cricchio said that we need to do what other surrounding Town's are doing, which if someone wants to build something the zoning can be changed to get them here. Supervisor Osborn said they are doing that and the other cases and features will be added to the overlay district at a later date because they need to be more thought out.*

*Councilman Koenig said the Board is trying to make decisions relevant to the dynamics of the community. They want to be more flexible.*

*Councilman Baker said the zoning changes have been submitted to the Ulster County Planning Board and the Town received positive feedback from them.*

*Ralph Walters asked if Resolution # 62 on the agenda for the regular meeting is being pulled because the Public Hearing is staying open until August 11, 2014.*

*Supervisor Osborn said no, the Resolution is causing the Public Hearing to continue. When the properties were being submitted to the Town attorney to change the zoning on Western Avenue, one parcel was left out by clerical error. The Public Hearing is being extended so that parcel can be included.*

*James Garofalo suggested that it should be clear in the law that the Planning Board should have the option to refer a site plan or special use permit to the Town Board if the Planning Board can't find conformity to conceptual development.*

*Councilman Baker explained that it is the process, the Town Board refers the application to the Planning Board for recommendation, the Planning Board will review it and make a recommendation to the Town Board and the Town Board can either accept it or not. This procedure is explained on page 4, Section 5(a) in the Resolution.*

*Joel Truncali said in Section 155-30 for Multiple Dwellings in the R District it is required that you have 3 acres to build a multiple dwelling. There are very few parcels within the R District that are that size. He said would like to see Section (A)1(a) removed because he has a parcel in the village he would like to build a multiple dwelling on.*

*Supervisor Osborn is aware and the Board is interested and will be doing further changes and add sections to the overlay district and look at multiple dwellings in the R District to allow higher concentrations.*

*Joel Truncali said the resolution states that multiple dwellings are eliminated in C-1 and added in the R-1 District and asked if they could add the change in the R-District.*

*Mr. Truncali added that affordable senior housing and senior housing has the same rule regarding the three acres.*

*Supervisor Osborn said that will likely be included in the next set of changes.*

*James Garofalo suggesting adding a clause under "Time limit on validity of rezoning" allowing an applicant to apply for an extension because sometimes the process takes more than two years.*

*Supervisor Osborn replied that the Planning Board already does that.*

*James Garofalo also suggested that under the "Fees" section is should be specified that there will be an escrow set up.*

*He also said that as far as architectural style, the code should be more specific about what the Town wants and what type of limitations they want to add.*

*Supervisor Osborn said that they haven't worked on specific design guidelines yet.*

*Councilman Baker agreed with Mr. Garofalo and that section should be reworded.*

*Supervisor Osborn told James Garofalo to get written comments to the Board as soon as possible.*

*Councilman Koenig made a motion keep the Public Hearing open until August 11, 2014.  
Motion seconded by Councilman Baker.*

*Yeas: 3*

*Nays: 0*

*Carried*

*Public Hearing ended at 7:03PM.*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*