

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
(ZOOM VIDEO MEETING DUE TO THE  
CORONAVIRUS PANDEMIC)  
OCTOBER 26, 2020 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli (Arrived at 7:33 p.m.)  
Councilman Corcoran  
Councilman Baker  
Councilman Koenig

Also Present: Danielle Cherubini, Deputy Town Clerk  
Thomas Corcoran, Building Inspector/Ulster County Legislator  
Gerald Coccozza, Police Chief  
Jen Flynn, Marlborough Planning Board Secretary  
Manny Cauchi, Marlborough Planning Member  
Steve Clarke, Marlborough Planning Member  
Dave Zambito, Marlborough Zoning Member  
Jeff MeKeel, Marlborough Zoning Member  
William Giametta, Marlborough Zoning Member  
Mark Reynolds, Southern Ulster Times Reporter  
Robert Pollock, Buttermilk Falls  
Cindy Perez, Resident  
Justin Dates, Maser Consulting  
Robin Martinez, Full Time Dispatcher Appointee  
Kathryn Greiner, Girl Scout Troop 60174

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

***Councilman Corcoran made a motion to amend the agenda to discuss using the unused Easter Egg Hunt money for a Halloween Truck or Treat event and approve the agenda as amended. Motion seconded by Councilman Koenig.***

***Yeas: 4***

***Nays: 0***

***Carried***

ITEM #4 Motion to approve minutes from the October 12, 2020 Town Board Meeting  
***Councilman Koenig made a motion to approve minutes from the October 12, 2020 Town Board meeting. Motion seconded by Councilman Corcoran.***

***Yeas: 4                      Nays: 0                      Carried***

Motion to approve minutes from the October 12, 2020 Public hearing  
***Councilman Koenig made a motion to approve minutes from the October 12, 2020 Public Hearing. Motion seconded by Councilman Corcoran.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #5 Authorize payments of bills  
***Councilman Corcoran made a motion to authorize payment of the abstract in the amount of \$304,895.72. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #6 Presentations

A). Katie Greiner-Milton Dog Park improvements

*Kathryn Greiner, Girl Scout Troop 60174, presented the idea of improving the dog park by adding weave poles, a dog walk, and a hurdle. The goal is to prevent dog obesity. She stated that she would do all the fundraising and therefore the project would not cost the town any money. Ms. Greiner would like to start as soon as possible and plans on finishing the project by December 1, 2020.*

*The Town Board approved the project.*

ITEM #7 Comments on the agenda

*No comments on the agenda.*

ITEM # 8 New Business

A). Accept a donation from Brooklyn Bottling in the amount of \$7,500 for the South Pier Project at the Milton Landing Park

***Councilman Baker made a motion to accept a donation from Brooklyn Bottling in the amount of \$7,500.00 to help offset engineering costs for the South Pier Project at the Milton Landing Park. Motion seconded by Councilman Koenig.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #9 Workshop topics

A). STR-Short term rentals

*Councilman Baker read correspondence from Planning Board Chairman, Chris Brand which is incorporated into the minutes as follows:*

Members of the Marlborough Town Board,

On Tuesday, September 29, 2020, a meeting was held with Town Supervisor Lanzetta, Councilman Howard Baker, Planning Board Chairman Chris Brand, and Code Enforcement Officer Tom Corcoran, for the purpose of discussing Short Term Rentals in the Town of Marlborough. After discussion, the following was agreed upon by all present:

- 1- Short Term Rentals [1-29 days] should be allowed within the Town.
- 2- Proposed Short Term Rental Legislation should be enacted.
- 3- Short Term Rentals should require licensing, which could be revoked upon complaints and/or violations of use.
4. Short Term Rentals should be classified as Home Occupations and require Site Plan / Special Use Review by the Planning Board on an Individual basis.
5. Short Term Rentals should be allowable to
  - A- Owner Occupied B&Bs,
  - B- Owner Occupied and/or with habitable accessories on site [Pre-Existing / Non-Conforming]
  - C- Owner Occupied and/or adjacent property

The discussion also emphasized the need to clearly define adjacent properties and allowable accessory structures. Additional questions to be addressed and resolved are:

1. In which Zoning Districts will STRs be allowable?
2. Will individual owners be limited to the number of licenses they can obtain?
3. Will the number of STR properties be capped over all in the town or by Zoning District?
4. Will corporate or LLC ownership of STRs be allowable?
5. Will STRs be allowable in multifamily dwellings and townhouses and condos?

It is my hope this compromise will allow for STR Legislation to move forward to allow for increased economic opportunities for the residents of the Town of Marlborough while clearly ensuring the safety and wellbeing of its current inhabitants.

Chris Brand  
Town of Marlborough Planning Board Chairman

*Tom Corcoran explained that the rule for a bed and breakfast (B&B) is that the home is owner occupied. He also gave his opinion that Short Term Rentals (STR) should require that the owner live in the neighborhood such as adjacent or across the street from and also can use an existing structure (ex. cottage) on their own property. He will need to do annual fire inspections and he feels that rentals should be in 1-2 family homes only. He sent out 22 letters to people about their bed and breakfasts having to go before the Planning Board and had about 70% respond. Mr. Corcoran stated that there is a misunderstanding about these applicants having to get a survey done and engineer drawing for a site plan which is very costly. He agrees with having a public hearing to let the neighbors know what will be happening. He would like the process to be more streamlined with a separate application and not be so difficult and expensive to the applicant.*

*There was a discussion about the differences between the B&B's and STR's and ways to streamline the application process.*

*There was a disagreement with regard to owner occupied and non-owner occupied which as stated by Tom Corcoran non-owner occupied goes against Zoning and the Master Plan but there can be a compromise with letting the owner live across the street and adjacent to a property.*

*One item added to the discussion was with regard to capping the amount of people/homes that apply.*

*There was a lengthy discussion about whether or not STR's are commercial entities and how taxation and/or fees could come into play.*

*Supervisor Lanzetta concluded that he along with Councilman Baker, Chris Brand, and Tom Corcoran will meet again to discuss the additional comments and concerns.*

#### **B). COVID 19**

*Tom Corcoran reported that the total overall Ulster County cases of COVID-19 are 2,501, active cases are 246, and 2,159 have recovered. Total cases in Marlborough are up to 185 of which 162 have recovered. There are 20 active cases. The cases will likely rise but testing has increased and treatments are getting better.*

*Supervisor Lanzetta added that people should keep wearing masks and social distancing. He also has signs for the park and the new trail regarding such.*

#### **C). Water supply to the dog park**

*Supervisor Lanzetta thanked the Highway and Water Departments for installing the 4' deep water line at the dog park. Emma Greiner had ordered the fountain to complete the Girl Scout project that she presented a few meetings ago.*

#### **ITEM #10 Correspondence**

*Supervisor Lanzetta read correspondence from Highway Superintendent John Alonge requesting to hold a Truck or Treat event on Halloween at Cluett Schantz Park from 3 p.m. to 5 p.m. and give out candy to children under 12 in costume.*

***Councilman Corcoran made a motion to allow the Truck or Treat and use the funds from the cancelled Easter Egg Hunt to purchase the candy for the Truck or Treat event. Motion seconded by Councilman Koenig.***

***Yeas: 5                      Nays: 0                      Carried***

*Supervisor Lanzetta read correspondence from the Marlboro – Milton Lions Club requesting the leftover money from the senior picnic to offer the senior citizens a Thanksgiving for Seniors dinner provided by Frank’s Deli, Kirky’s Deli, and Valley Diner. They will need 210 meals and the cost is about \$8.00 per meal which will consist of the traditional fixings. UNICO and Knights of Columbus will be helping out financially as well.*

***Councilman Corcoran made a motion to approve the expenditure of the leftover money from the Senior Picnic to use toward the Thanksgiving for Seniors. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

**ITEM #11 Public Comment**

*Robert Pollock stated that he could donate candy for the Truck or Treat if needed and also can comment on the Bed & Breakfast and STR subject.*

*Supervisor Lanzetta congratulated Chief Cocozza on his recent marriage and also thanked Jen Flynn for filming the ribbon cutting ceremony and Dave Zambito for all he did for the new playground. He also thanked Councilman Corcoran and the Chief for their kind words regarding the playground.*

**ITEM #12 Resolution**

- A). Resolution # 71 To adopt the 2021final budget
- B). Resolution # 72 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 # 73 To adopt Local Law # 5 of the year 2020
- D). Resolution # 74 To appoint Full Time Police Dispatcher
- E). Resolution # 75To transfer funds

**ITEM#13 Adjournment**

***Councilman Koenig made a motion to adjourn the meeting at 8:39 p.m. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

October 26, 2020

A). Resolution # 71 To adopt the 2021 Final Budget

Supervisor Lanzetta proposes the following:

Whereas, the Town Board of the Town of Marlborough duly held a public hearing on the 2021 budget on October 12, 2020 and

Whereas, said hearing was duly advertised and held at appointed time and place and all persons interested in the subject thereof were given the opportunity to be heard, and

Whereas, the Town Board of the Town of Marlborough, desires to adopt the 2021 Final Budget.

Now therefore be it resolved that the 2021 final Budget is hereby adopted.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Lanzetta	Yes

October 26, 2020

B). Resolution # 72 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 Lanzetta proposes the following:

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

**WHEREAS**, the Town of Marlborough Town Board is reviewing a local law for the establishment of a Business Corridor Overlay District designation covering lot 2 of a conditionally approved 3-lot subdivision of land with frontage on NYS Route 9W along its eastern boundary and Purdy Avenue along its northern boundary in the Town of Marlborough, Ulster County, New York, more particularly described as Tax Parcel Section 109.1, Block 4, Lot 29.200.

**WHEREAS**, this determination of non-significance, i.e. negative declaration, 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 (“Regulations”); and

**WHEREAS** the Town Board is an agency related to the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

**WHEREAS**, the name and address of the agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Milton, NY 12547 and the Responsible Officer is Al Lanzetta, Town of Marlborough Supervisor, with a telephone number at (845) 795-5100; and

**WHEREAS**, the Town of Marlborough Town Board has classified this Action as Unlisted; and

**WHEREAS**, the Town of Marlborough Town Board has caused the preparation of an Environmental Assessment Form (EAF) for review of the Action; and

**WHEREAS**, the Town of Marlborough Town Board 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.

**NOW, THEREFORE, BE IT 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.

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 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 has examined the impacts which may be reasonably anticipated to result from the action, and has determined that these actions will not have any significant adverse impact on the environmental and that a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby issues this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby authorizes the filing 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 Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
October 26, 2020

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COLLEEN CORCORAN, TOWN CLERK

Contact Person:  
Colleen Corcoran, Town Clerk  
Town of Marlborough  
P.O. Box 305  
21 Milton Turnpike  
Milton, NY 12547  
845-795-5100  
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October 26, 2020

C). Resolution # 73 To adopt Local Law # 5 of the year 2020

Supervisor Lanzetta proposes the following:

**RESOLUTION OF ADOPTION**

Supervisor Lanzetta offered the following resolution which was seconded by Councilman Corcoran, who moved its adoption:

WHEREAS, a local law was introduced to be known as Local Law No. 5 of 2020, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING THE ZONING MAP OF THE TOWN OF MARLBOROUGH TO ESTABLISH A BUSINESS CORRIDOR OVERLAY DISTRICT UNDER TOWN CODE SECTION 155-12(H) COVERING LOT 2 OF A CONDITIONALLY APPROVED 3-LOT SUBDIVISION OF LAND WITH FRONTAGE ON NYS ROUTE 9W ALONG ITS EASTERN BOUNDARY AND PURDY AVENUE ALONG ITS NORTHERN BOUNDARY IN THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, MORE PARTICULARLY DESCRIBED AS TAX PARCEL SECTION 109.1, BLOCK 4, LOT 29.200.

WHEREAS, a public hearing in relation to said local law was held on September 28, 2020 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, 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. The zoning map of the Town of Marlborough established within Section 155-8 of the Town Code is amended to change the district designation of Marlborough Tax Parcel 109.1-4-29.200 (Lot 2 on the Subdivision Plat, [the "Property"]) from its current zoning district designation to the Business Corridor Overlay District.

Section 2. This local law is conditioned that use and development of the Property shall be limited to the use and development specifically described in the site plan approved by the Planning Board on June 4, 2018.

Section 3. This local law is conditioned on the owner's fulfillment of all conditions attached to the conditional site plan approval and the conditional subdivision approval.

Section 4. This local law is based on findings by the Town Board that the standards set forth in Section 155-12(H) (5)(f) (1) through (7) are satisfied.

Section 5. The Town Board hereby establishes that the lot, height, yard, bulk, and area requirements for the use of the Property shall be as they appear within the conditionally approved site plan.

Section 6. If any section 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 local law.

Section 7. This local law shall take effect immediately upon filing with the New York Secretary of State.

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 Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
October 26, 2020

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COLLEEN CORCORAN, TOWN CLERK

D). Resolution # 74 To appoint a Full-Time police dispatcher

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough Police Department has an open position for a full-time dispatcher, and

Whereas, Robin Martinez has passed the Ulster County Civil Service exam, and

Whereas, it is the recommendation of the Chief of Police and the Police Committee to appoint Robin Martinez as full-time dispatcher.

Be it resolved, that Robin Martinez be appointed effective immediately contingent upon a background check.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Lanzetta	Yes

October 26, 2020

E). Resolution # 75 To transfer funds

Supervisor Lanzetta proposes the following:

Whereas, the Town Board needs to approve the transfer of funds.

Be it resolved, that the following be transferred.

Transfer \$75,000 General (A) fund balance account A.0917.000 to South Pier Project account H22.0917.000 to cover additional expenses to the South Pier.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Lanzetta	Yes