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LEGISLATION INFORMATION AND HISTORY

(for use with Local Laws, Ordinances, Bylaws, general and permanent Resolutions)

Name of Municipality: Marlborough

Type of enactment (ord., res., bylaw, local law): local law

Number: 1

Short Title: Amending Various Provisions of Chapter 155 "Zoning"

Relationship to Code:

Amends	Chapter No. <u>155</u>	Sections § Nos. <u>155-1, 155-12(A), 155-12(C), 155-32.6</u>
Repeals	Chapter No. _____	§ Nos. _____
Adds	Chapter No. _____	§ Nos. _____

Action	Date of Action	Page Number in Minutes
Introduction	<u>11/24/2025</u>	<u>613-621</u>
Publication	<u>11/25/2025</u>	
Public Hearing	<u>12/8/2025</u>	<u>620</u>
Adoption	<u>1/12/2026</u>	<u>60-70</u>
Publish Notice of Adoption	<u>1/13/2026</u>	
Signed by Mayor or Exec.	<u>1/13/2026</u>	
Signed by Clerk or Sec'y	<u>1/13/2026</u>	
Filed with State (Sec'y. of St., Atty. Gen., DOT)	<u>1/15/2026</u>	

Copy sent to General Code Publishers Date 4/20/2026

(see other side for Veto and Referenda information)

NOTE: A copy of this form may be made and placed with the Clerk's or Secretary's file copy of legislation at the time of introduction. The legislative history can then be compiled as the legislation passes through the required procedures. A copy of the form should be sent with the legislation to General Code Publishers for them to keep with your code files, the original being retained as a record in the Clerk's or Secretary's files.

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.

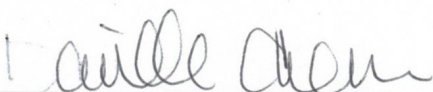
BE IT FURTHER RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary

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	Yes
Councilman Appler	Yes
Councilman Cauchi	Yes
Councilman Zambito	Yes
Councilwoman Sessa	Yes

DATED: Milton, New York
January 12, 2026



DANIELLE CHERUBINI, TOWN CLERK