



TOWN OF MARBLETOWN PLANNING BOARD MINUTES

Date: December 20, 2017
 Rondout Municipal Center, 1915-1925 Lucas Avenue
 Meeting Room M-1
 Cottekill, New York 12419

Richard Lanzarone (Chairman)	Present
Steve Wood (Vice-Chairman)	Present
Kris Lovelett	Present
Todd Natale	Present
Laura Shabe	Present
Larry Ricci	Absent
Dan Proctor	Present
Elisa Tinti (Alternate)	Absent

Also present was Planning Board Consultant Bonnie Franson of Nelson, Pope & Voorhis, L.L.C.

A quorum being present, Chairman Richard Lanzarone called the meeting to order with the Pledge of Allegiance at 7:06 p.m.

The location of the monthly meeting had been changed to accommodate the ZBA which had scheduled a Public Hearing and anticipated a large turnout.

Chairman Lanzarone indicated that Dutchess Farm Equestrian Community original subdivision contained a condition relative to Lots 26 & 27 in Phase IV that were no longer applicable. The final Phase IV previously approved by the Planning Board on November 18, 2017 did not contain Lots 26 & 27, and as such, the conditions could be eliminated. Upon Motion of Member Laura Shabe, seconded by Vice-Chairman Steve Wood and the affirmative vote of 6 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 1 member being absent, a motion was carried unanimously by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Laura Shabe	Aye

Todd Natale	Aye
Dan Proctor	Aye
Larry Ricci	Absent
Alternate Elisa Tinti	Absent

New Application:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Robert Rones & Gillian Redfern-Rones	TBD	Rones LLA	16 School House Road	R-1 & I1	70.3-6-4.121 & 70.3-6-2	SEQRA Classification; qualify as an LLA

Applicants Gillian and Robert Rones were present for the application. Mr. Rones provided an overview of what was being requested in the application currently before the Board. Extensive discussion ensued relative to the conformity of the lots in relation to the Zoning requirements for the R1 and R3 districts. It was noted that although a non-conformity would still exist, the reconfiguration providing road frontage disposed of the need for a compliance with Section 280-a - Hunt/Rones LLA map note:

The lot with Tax Map #70.3-6-4.120, which is the subject of the lot line adjustment depicted on this plat does not comply with Section 280-a of the New York State Town Law. Compliance with Section 280-a of the New York State Town Law is required prior to the issuance of any building permits for such lot.

Comments of Planner Franson were reviewed (12/14/17 Review annexed hereto as "Rones Review").

The Rones indicated that they wished to sell the lot created with the residence located on it. They would keep the lot with the barn on it.

Discussion thereafter ensued relative to the connections to the High Falls Water District and driveways. The Board requested that the High Falls Water District be contacted for written comment with regard to the decommission of the existing line from the house to the barn and that separate water connection to barn be confirmed.

The driveway access was discussed; if it is shared over two properties, a CPS-7 may be required. The Rones stated that an old driveway existed that had served the existing residence and that removal of some brush would allow for the re-establishment of the old driveway and that a culvert already existed. Because the property was located in an archeologically sensitive area, minimum of disturbance to re-establish driveway was recommended and it was determined if minimal disturbance was to occur (since

the driveway actually had been in existence), referral to an archeological consultant would not be required.

Board confirmed with Mr. Ronces what was being asked by the Board and what was to be depicted on the revised maps – comments from the Water District that the lots could be serviced and opinion relative to the cross connection would be needed from Superintendent.

Applicants were directed to provide revised maps so that referrals to the Water District Superintendent and Highway Superintendent could be made for review and comments.

Member Dan Proctor stated that all of the issues discussed would be documented and provided to the applicants, adding that he would be amenable to being point person on the application and would reach out to the applicants directly.

New Application:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Donald Brewer, PLS o/b/o Nancy Janicke, Administratrix	TBD	Estate of Therese Zajkowski – 4 Lot Subdivision	299-300 Vly-Atwood Road	A-3	54.3-1-15	New Application, SEQRA classification, GML referral; establish escrow

Don Brewer, P.L.S. was present for the proposed subdivision application stating that the plan had been changed from a major to a minor subdivision. The current plan before the Board was a sketch plan and Surveyor Brewer provided revised maps that had not previously been provided and distributed paper copies for inspection. The Board thereafter discussed the topography, water runoff and land contours as it related to the proposed subdivision. The State Wetland with 100' buffer was part of Lot 1 which already had an existing residence and did not reach over to Lot 2.

Bonnie provided overview of her comments (annexed hereto and made a part hereof as “Zajkowski Review”). Mr. Brewer confirmed that Health Department approval had been obtained and was on file with the Planning Board. Limits of disturbance were necessary to determine the extent of SWPPP required with Member Lovelett noting that driveways ran parallel to road and it did not appear to create a concern with stormwater runoff.

The issue of the federal and state wetlands was revisited and whether they should be delineated and the delineation reviewed by the DEC or wetland professional. It was determined that the distance between the improvements and the approximate location of the wetlands was significant and the Planning Board did not believe the proposed disturbances would encroach into the wetlands. The standard wetland map notes would be sufficient. Highway reservation map note was requested as well as soil, map units and limits of disturbance. The road reservation note needs to be provided wherever the lot lines are located within the user road. Secretary was directed to make referrals upon submission of revised maps.

Chairman Lanzarone called for a motion to establish escrow in the amount of \$600.00. Upon Motion of Member Kris Lovelett, seconded by Member Dan Proctor and the affirmative vote of 6

members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 member being absent, a motion was carried unanimously by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Dan Proctor	Aye
Larry Ricci	Absent
Alternate Elisa Tinti	Absent

Chairman Lanzarone called for a motion making determination that the application qualifies as a minor subdivision. Upon Motion of Vice Chairman Steve Wood, seconded by Member Kris Lovelett and the affirmative vote of affirmative vote of 6 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 member being absent, a motion was carried unanimously by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Dan Proctor	Aye
Larry Ricci	Absent
Alternate Elisa Tinti	Absent

Chairman Lanzarone called for a motion qualifying the application as an Unlisted action under SEQRA. Upon Motion of Member Todd Natale, seconded by Member Dan Proctor and the affirmative vote of affirmative vote of 5 members, 0 alternate members, the negative vote of 1 member, the abstention of 0 members and 0 member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Laura Shabe	Nay
Todd Natale	Aye
Dan Proctor	Aye

Larry Ricci	Absent
Alternate Elisa Tinti	Absent

The meeting was adjourned at 8:23 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 11th day of January, 2018

Minutes Approved on: January 17, 2018



LOT LINE ADJUSTMENT REVIEW - TOWN OF MARBLETOWN PLANNING BOARD

APPLICANT/OWNER/PROJECT ID

Applicants: Robert Rones and Gillian Redfern Rones

Landowners: Same

Name of Development: Robert Rones and Gillian Redfern Rones

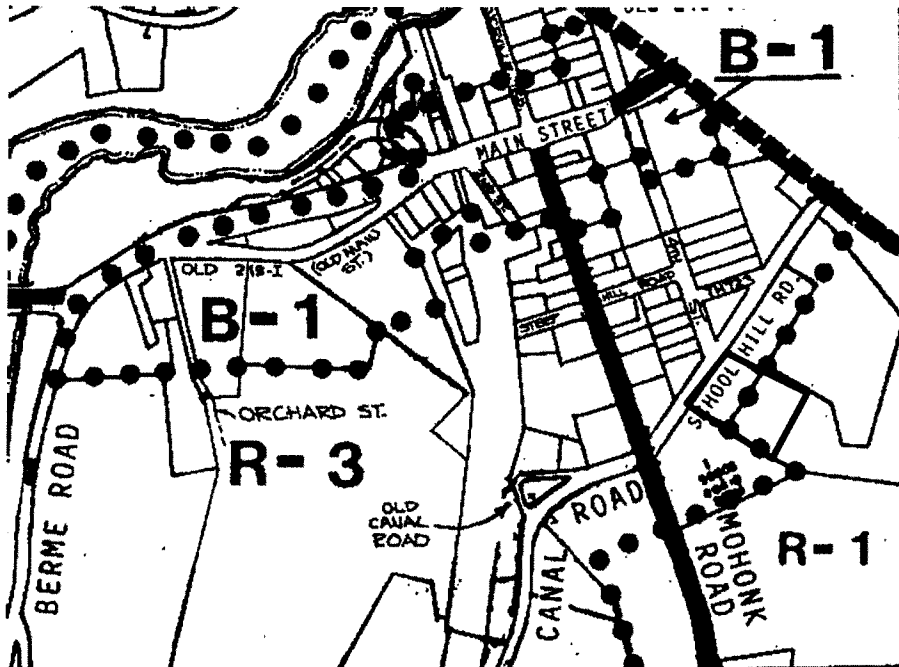
SITE LOCATION AND ZONING

Street Address and Jurisdiction: 12 School Hill Road, High Falls, 70.3-6-4.121, 1.638 acres; 16-24 School Hill Road High Falls, 70.3-6-2, 1.014 acre.

	Before	After	Net
Rones (70.3-6-4.121)	1.638 ac.	1.263 ac.	- 0.375 ac.
Rones (70.3-6-2)	1.014 ac.	1.389 ac.	+0.375 ac.
	2.652 ac.	2.652 ac.	0.000 ac.

Note – The acreages are taken from the table at the bottom of the LLA map.

Zoning District: R-1 (rear lot 4.121); R-3 (front lot 2)



Agricultural District?: No **Historic District/Archaeo. Sensitive Area?:** Yes; in archaeologically sensitive area and less than 500 feet from a historic district.

DESCRIPTIONS AND APPROVALS

Project Summary: Action involves lot line adjustment that reconfigures two lots wherein both lots will have frontage on School Hill Road.

Preliminary SEQR Classification: Type I Action (Unlisted Action adjacent to historic district) - to be confirmed by Planning Board.

Planning Board Approval(s): Lot line adjustment – to be confirmed by Planning Board.

Other Required Approvals and Referrals: None, if determined to be a lot line adjustment.

DOCUMENTS REVIEWED

Plan: Survey prepared for Robert Rones and Gillian Redfern Rones, Lot Line Adjustment, prepared by John G. Heidecker, last revised October 30, 2017.

Floor Plans/Architectural Plans: Not applicable.

PRE-APPLICATION MEETING: Not required.

ON-SITE NATURAL CONDITIONS/IMPROVEMENTS & OCCUPANCY

Topography: Flat to rolling.

Soils: PIB, Plainfield loamy sand, 0-8 percent slopes.

Vegetation and Habitat: Wooded and lawn.

Streams, Wetlands, Flood Hazard Zones. None.

Existing Structures on Site: Single family dwelling with barn, silo.

APPLICATION/MAP COMMENTS

1. Lot line adjustment. The application involves two tax parcels, and one lot line adjustment. New lots are not being created.

The Planning Board must resolve whether this application qualifies as a lot line adjustment.

2. Process. If the Planning Board determines that the application qualifies as a lot line adjustment, a public hearing and Ulster County Planning GML referral will not be required.
3. SEQRA. Based on Planning Board policy, the lot line adjustment would be a Type I action, as the properties are within 500 feet of a historic district. A long form EAF must be submitted.
4. Zoning. The property is in the R-1 and R-3 zoning district. The map indicates that the property is partially in the I-1 district – this must be revised.
5. Narrative. The applicants should discuss the intent of the lot line adjustment with the Planning Board and whether any improvements are being proposed. The property is both in an area with rare species, and within an archaeologically sensitive area. The SEAF indicates that no land is to be disturbed.

6. Archaeological resources. The Planning Board should determine whether a note should be placed on the map regarding any future archaeological analysis – the properties are in an archaeologically sensitive area.
7. Species. The Planning Board should determine whether a “bat” note should be placed on the map – see below under SEQRA comments.
8. Lot Line Adjustment map requirements. A map shall be submitted showing:
 - a. existing wells – not provided. This must be shown, to ensure it is located on the parcel it is intended to serve.
 - b. sewage disposal systems and reserve areas – not provided. This must be shown, to ensure it is located on the parcel it is intended to serve.
 - c. driveways – provided. The Board should discuss the fact that access to Lot 4.2.1 will now be through a different lot.
 - d. all utilities, including above and below ground – provided.
 - e. all structures including accessory structures – provided.
 - f. all easements – provided in the deeds.
 - g. a bulk table demonstrating how each lot conforms to the Density Control Schedule – the map must be amended to revise the I-1 district to the R-1 district.
9. Noncomplying conditions. The Planning Board, in assessing a lot line adjustment, is to determine whether the degree of any noncomplying lot conditions will result from the change. Note that the new parcels will be split into two zones. The Town’s zoning regulations state: *“Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less-restricted portion of such lot shall extend not more than 30 feet into the more-restricted portion.”*

Based on the review of the plans, the lot line adjustment does not appear to create any new noncomplying conditions related to yards. No new noncomplying conditions are created by the new side lot line that is created. However, it is unclear how to interpret the minimum lot area that must be met, given the split zone situation – the minimum lot area for the R-1 and R-3 zoning districts are 3 acres and 1 acre, respectively.
10. Town Board. In general, the Town Board does not sign the lot line adjustment map.

SEQRA COMMENTS

1. Classification of action. The application appears to be a Type I Action due to its proximity to a historic district. A long EAF Part 1 must be submitted.
2. EAF boundary. When the EAF is resubmitted, it must include both lots involved in this lot line adjustment action – only the parcel fronting on School Hill Road has been included.
3. Rare species. Based on a review of the USFWS IpAC program, the following species are present in the project vicinity: Northern Long-Eared Bat, Indiana Bat, and the Bog Turtle. We expect the NYSDEC listed species would likely be the same.
4. Although the EAF indicates wetlands are present, it appears that wetlands are off-site but in close proximity to the subject parcels.

Date of Review: December 14, 2017.



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TO: Richard Lanzarone, Chairperson
Members, Marbletown Planning Board

FROM: Bonnie Franson, AICP CEP, PP

RE: Zajkowski Subdivision – Memo 2

DATE: December 14, 2017

CC: Lisa Mance, Planning Board Secretary

I am in receipt of the following:

- Submission Letter; dated December 6, 2017;
- Map of Subdivision for Estate of Therese Zajkowski, prepared by Donald L. Brewer, PLS, dated December 6, 2017 (electronic only);
- Revised application (containing September 7, 2017 date);
- Revised Short EAF, prepared by Donald Brewer, PLS, CFM, dated December 7, 2017;

Subdivision Plan Review

1. Subdivision. The applicant is now proposing a four lot subdivision, which is deemed a **minor subdivision** as per the Town of Marbletown subdivision regulations. **The Planning Board should classify the action as a minor subdivision.** The application is no longer subject to the Conservation subdivision requirements.
2. GML review. Ulster County Planning Board GML review will be required.
3. Sketch plan. The first step in the process is for the Planning Board to review a sketch plan. The following requirements still apply to minor subdivisions. The Planning Board can waive any of these requirements, based on the particular nature of the application: The following information has not been provided (these were noted in our first review):
 - a. The name and address of the owner or owners of the land to be subdivided
 - b. The location of all pertinent natural features that may influence the design of the subdivision, including topography, steep slopes (15% or more), and outline of wooded areas. Note that at the pre-application meeting, it was recommended that the Applicant show 5-foot contours, but the contour intervals may need to be 2 or 3 feet where disturbances, such as driveways, are located in steep slope areas.
 - c. Soil characteristics as determined by the U.S. Department of Agriculture, Soil Conservation Service, through the Ulster County Soil and Water Conservation District, where available. The soil units should be shown on the sketch plan.

4. Wetlands flagged. The lots have been reconfigured and fewer lots are now proposed to avoid, in part, the need to flag the wetlands. The Planning Board should discuss whether NYSDEC should verify the wetland, and whether the federally-regulated wetland should be delineated based on the revised layout.
5. Road reservation. A portion of the lot extends to the middle of Scarawan Road, a Town public user road. A standard map note should be added indicating that the road is reserved for highway purposes. The map has a note “deed call to the centerline of road”, but a road reservation note is not provided. This was noted in first review.
6. Standard notes. The Planning Board’s standard notes for wetland and stream protection should be added to the map. This was noted in first review.
7. Stormwater management. If more than one acre of disturbance is proposed, a Stormwater Pollution Prevention Plan (SWPPP) is required in accordance with Chapter 167 of the Town of Marbletown Code. Depending on the extent of land disturbance, soil erosion control measures and stormwater quantity/quality management facilities may be required. This was noted in first review. Disturbance limits need to be shown.
8. Bulk table. On the bulk table, revise maximum “structure” coverage to maximum “lot” coverage. This was noted in first review.
9. Driveway locations need to be shown, as the Highway Superintendent will approve the location of any driveway access.
10. BOH Approvals. The pdf provided to our office did not include any BOH approvals; it appears to be the same pdf as the map. As per the subdivisions regulations, the results of percolation tests on each lot intended for building habitable structures and a note stating that all on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Ulster County Department of Health is to be provided.
11. Final Plat Approval. As per the Town regulations, after sketch plan review, a minor subdivision can proceed to final plat approval. The location of all existing and proposed monuments and markers should be added. The Planning Board must determine the extent to which existing trees, tree rows, and other data should be shown on the plan.

SEQRA

1. Classification of action. As per the initial review, the application appears to be an Unlisted action. A revised short EAF, Part 1, has been submitted.
2. Based on a review of the revised short EAF Part 1, please note the following:
 - a. Part 1.2 – This should be answered “yes”, and the Ulster County Health Department added to the list. This has not been revised as per initial review.
 - b. Part 1.3b – The potential amount of disturbance that could occur from the subdivision needs to be filled out. The disturbance area is now 0.313 acres, or 13,634 square feet, which would

total 4,544 Square feet per the three lots that would have a new dwelling on it. Given the limited amount of disturbance, and the need to clear each driveway, septic area, and a dwelling, the limits need to be shown on a map to confirm this number.

- c. Part 1.9 – This should be responded to as “not applicable” or something similar. This was stated in the initial review.
- 3. Note that the project site is not located in an area with sensitive species or within an archaeologically sensitive area.
- 4. NYSDEC. It is recommended that the application be transmitted to NYSDEC for its review given the presence of a state-regulated wetland on the property.