



## TOWN OF MARBLETOWN PLANNING BOARD MINUTES

Date: April 19, 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	Present
Dan Proctor (Alternate)	Present
Elisa Tinti (Alternate)	Absent

A quorum being present, Chairman Richard Lanzarone called the meeting to order with the Pledge of Allegiance at 7:00 p.m.

### **Pending Application:**

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
<b>Paul &amp; Eileen Brickner</b>	Larry Ricci	3- Lot Subdivision	24 Stillwater Road	A-3	54.2-1-36.112	Revised maps submitted 4/7/17, classified as an Unlisted Action on 2/17/17, qualified as a Minor Subdivision on 2/17/16, requires GML review, conclude SEQRA review & schedule Public Hearing

In the absence of Planning Consultant Bonnie Franson, Member Larry Ricci (as point person on the application) read the April 18, 2017 review Memo that had been provided by Planner Franson (annexed hereto as "Brickner Memo").

Discussion took place between the Board and the applicant with regard to access and the configuration of the lots pursuant to comments and observations of Planner Franson.

Planning Secretary was directed to provide map notes to surveyor and it was agreed that a conference call was to be arranged between Chairman Lanzarone, Planner Franson, Member Larry Ricci, applicant Paul Brickner, applicants' lawyer Mark Serino and his engineer Robert Travis for Friday, April 21, 2017.

**Pending Application:**

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Stone Ridge Clock Tower Shoppes	Kris Lovelett	Site Plan	3885 Main Street	B-1	69.2-5-4	Revised site plan submitted for review

Applicants George and Stacy Fakiris, Nadine Carney of Peak Engineering and Sam Dellahey of Alfandre Architecture were present on the application as well as the Planning Engineering Consultant, David Clauser of Barton & Loguidice and Planning Consultant Architect Peter Reynolds.

Chairman Lanzarone requested that the review be temporarily suspended to allow the Board to take action on two (2) applications (Lotus Pond Farm Subdivision approval extension) and Stonegate Subdivision approval extension).

**Chairman Lanzarone called for a motion** to grant a second (and final) 90-day extension of approval with regard to the Stone Gate Subdivision. Upon Motion of Vice Chairman Steve Wood, seconded by Member Kris Lovelett and the affirmative vote of 6 members, 1 alternate members the negative vote of 0 members, the abstention of 0 members and 0 members being absent, a motion was carried unanimously by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye

Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

**Chairman Lanzaone called for a motion** to grant a 90-day extension of approval with regard to the Lotus Pond Farm Subdivision. Upon Motion of Member Larry Ricci, seconded by Vice-chairman Steve Wood and the affirmative vote of 6 members, 1 alternate members the negative vote of 0 members, the abstention of 0 members and 0 members being absent, a motion was carried unanimously by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzaone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

Nadine Carney went on to continue her narrative, noting that changes in the Design Guidelines (Local Law #1 of 2017) resulted in changes to the site plan. Ms. Carney noted that the Septic plan had been referred to the Ulster County Board of Health and an answer was anticipated to be received in the near future. A sheet by sheet review ensued with an update of the architectural aspects provided by Sam Dellahey of Alfandre Architecture.

Applicant inquired as to when the first delivery of fill could be brought and tested by the NYS DEC. Board reviewed the content of Planner Franson's comments with the applicants and Ms. Carney (attached hereto as "Stone Ridge Shoppe Planner Review").

For discussion purposes only, Chairman Lanzaone inquired if the Board was satisfied with the vegetation presently depicted on the site plan to which the members responded affirmatively.

**Chairman Lanzaone called for a motion** to refer plans to the Planning Board Engineering Consultant for comment with Nadine Carney providing material for review. Upon Motion of Vice-Chairman Steve Wood, seconded by Member Larry Ricci and the affirmative vote of 6 members, 1

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

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

**Chairman Lanzarone called for a motion** to refer plans to the Planning Board Architectural Consultant for comment. Upon Motion of Vice-Chairman Steve Wood, seconded by Member Larry Ricci and the affirmative vote of 6 members, 1 alternate members the negative vote of 0 members, the abstention of 0 members and 0 members being absent, a motion was carried unanimously by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

**Chairman Lanzarone called for a motion** to refer the application to the Ulster County Planning Board for GML review. Upon Motion of Member Larry Ricci, seconded by Vice-Chairman Steve Wood and the affirmative vote of 6 members, 1 alternate members the negative vote of 0 members,

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

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

**Chairman Lanzarone called for a motion** to close escrow and refund any remaining amounts to the applicants relative to the McClatchy/Weiss Subdivision application. Upon Motion of Member Larry Ricci, seconded by Member Todd Natale and the affirmative vote of 6 members, 1 alternate members the negative vote of 0 members, the abstention of 0 members and 0 members being absent, a motion was carried unanimously by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

**Chairman Lanzarone called for a motion** to approve the February 15, 2017 Minutes of the Planning Board. Upon Motion of Member Kris Lovelett, seconded by Member Todd Natale and the affirmative vote of 6 members, 1 alternate members the negative vote of 0 members, the abstention of 0 members and 0 members being absent, a motion was carried unanimously by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice-Chairman)	Aye
Kris Lovelett	Aye
Laura Shabe	Aye
Todd Natale	Aye
Larry Ricci	Aye
Dan Proctor, Alternate	Aye

Planning secretary was directed to draft letter to Applestone relative to the construction of an enclosure for the dumpster located at the Route 209, Stone Ridge Site.

Meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 17<sup>th</sup> Day of May, 2017

Minutes Approved on: June 21, 2017



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**To:** Richard Lanzarone, Chairman  
Larry Ricci, Lead Reviewer

**From:** Bonnie Franson, AICP CEP, PP

**Re:** Brickner – Memo 2

**Date:** 4/18/2017

**cc:** Lisa Mance, Planning Board Secretary

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I am in receipt of the following, and offer the below comments:

- Map of Subdivision of Lot 1, 2, and 3, Paul and Eileen Brickner, prepared by Travis Engineering, dated March 26, 2017.

**APPLICATION/MAP COMMENTS**

1. Aerial maps appear to show that the common driveway that will provide access to Lots 2 and 3 has been roughed in – please indicate if this is the case. Was this done to obtain access to test for septic locations? Until SEQRA is complete, disturbance is not permitted except for testing.
2. The Applicant has decided to create three (3) flag lots as shown on the Subdivision Plan, with the two new flag lots, and alteration of the original flag lot identified as Lot 1. To pursue this configuration (rather than having landlocked lots served by a common driveway), the lots must meet the dimension and other requirements of Section 169-45F of the Subdivision Regulations. Please note that the flag lot consists of the “flag portion” of the lot, and the “access strip”, sometimes also called the “flagpole”. The following is noted regarding compliance with the standards for flag lots.
  - a. *“Minimum lot area. The minimum area of a flag lot shall be at least 1 1/2 times the required minimum lot area set forth in § 200-20 of the Zoning Chapter. The area of the access strip portion of the flag lot shall not be counted towards meeting the minimum lot area requirements.”* The acreage for each lot needs to be calculated without including the access strip to determine if the lots meet this requirement. For example, although the subdivision map indicates that Lot 3 includes 5.36 acres, the acreage for purposes of meeting this standard is approximately 4.54 acres, just meeting the minimum 1.5 times acreage requirement. Please calculate the minimum acreage without including the access strips, i.e., the narrow portions of the lot which contain the driveway and do not meet the minimum lot width requirement. Lot 2 may actually be just under the requirement.
  - b. *“Front yard setback. The required minimum front yard setback of a flag lot shall be measured not from the street line of the flag lot but from the interior front lot line.”* This requirement is met.

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- c. *"Frontage. Each rear lot must have either a minimum frontage of 25 feet on an improved public or private road and an access strip as defined in this chapter, or a deeded right-of-way easement over other lands, providing legally adequate and physically practical access to a public or private road."* The individual lots do not have 25 feet of frontage on Stillwater Road. However, the primary access driveway which will provide access to all lots does have 25 feet of road frontage. Each lot will be provided an easement over the shared driveway. The Planning Board should discuss whether the proposed access arrangement meets the requirement.
  - d. *"Other yards and setbacks. All other yards and building setbacks shall be determined as provided for in § 200-20 of the Zoning Chapter."* This requirement appears to be met. However, the applicant did not provide a "provided" column, or show the setbacks outlined on the properties, as requested.
  - e. *"Access strip dimensions. The maximum length of the access strip shall be determined by the Planning Board based on physical features of the site and the configuration of adjacent lots but shall not exceed 2,000 feet. The minimum width of an access strip serving a flag lot shall not be less than 25 feet along the entire length of the access strip. Driveways shall have a minimum width of 12 feet and turnouts with a minimum width of eight feet shall be provided at intervals no greater than 500 feet to allow for vehicles to pass each other."* The applicant needs to provide the length of each of the access strips – this was requested in the previous memo but does not appear to have been provided. However, the requirement that each access strip be a minimum width of 25 feet is not met. Specifically, the access strip width of the original Lot 1 is 50 feet. It is now being divided into three strips, which results in each strip not meeting the 25 foot width requirement. The driveway width and locations for turnouts are not indicated on the plan.
  - f. *"Spacing. No flag lot shall be created that would adjoin another flag lot to create frontage and access onto the same street at adjacent locations, unless a single shared driveway is provided to serve both lots."* The three flag lots would share the same driveway. This appears to be met.

In summary, at this time, the application does not meet the requirements for flag lots as required by the subdivision regulations. It may be a better option to have a common driveway providing access to two landlocked lots. This should be discussed with the Planning Board.

- 3. GML review. The plan will need to be transmitted to Ulster County for GML review. They need to review the map that will be advanced to a public hearing.
- 4. As mentioned previously, the Highway Superintendent needs to review the proposed access to determine if any improvements are required, given the additional use proposed for this access. Also, a CPS-7 submission will be required for all who access the private road/driveway.
- 5. As mentioned previously, the map, now that the driveway location is shown on it with topography, should be reviewed by the applicable fire department. In addition, the fire department may have recommendations with regard to where the turnouts should be located.
- 6. Disturbance. The limits of disturbance are now shown for the individual lots 2 and 3. However, it is unclear whether the disturbance on Lot 1 to accommodate the new common driveway has been accounted for. This should be included in the calculation. In addition, the specific techniques to be



used for erosion control, not a reference to an appendix, needs to be provided. Lastly, the steep driveway and how it will be surfaced should be addressed. Other subdivisions have been required to put in swales or other minor improvements to capture runoff and ensure it does not have an impact to off-site properties. In this instance, stormwater should be controlled so as not to impact the Ostrander property. Any disturbance over one (1) acre is required to meet the Town's stormwater regulations – see Chapter 167 of the Town Code. The property is not located in the NYCDEP Watershed.

7. Bedrock. The subdivision map now includes a note which indicates bedrock will not be disturbed on this project – it appears under the list of soils. The Negative Declaration should specifically include a statement that no bedrock will be disturbed. To provide the applicant with more flexibility, it may be more appropriate to indicate that no blasting will occur – chipping at rock would not be a concern. The primary concern was blasting due to proximity to the aqueduct.
8. Sensitive species. The Natural Heritage Program did not indicate there were any species of concern present in the project's vicinity. However, the US Fish and Wildlife Service was consulted and the Northern long-eared bat, the Indiana bat, and the bog turtle were identified as being species of concern. Applicable map notes should be added to the plans to address concerns with disturbing these species.
9. Wetlands. As mentioned previously, there are hydric soils present along the northeasterly edge of the property. It is unclear whether the applicant's representative checked to determine whether the wet areas in fact extended on to the property. Previous subdivision maps for the original Lot 1 show wetlands extending on to the property. Note that the NYSDEC indicates that state-regulated wetlands are not present on the site.
10. Sketch plan information. The vegetative lines have not yet been provide as was required for the sketch plan – the soil mapping units are now provided.

### **SEQRA COMMENTS**

The Planning Board has deemed the action an Unlisted Action. The applicant submitted a revised EAF in February 2016. The following comments are repeated. We do not have a revised EAF addressing them.

1. Classification of action. The application appears to be an Unlisted Action. A short Environmental Assessment Form has been submitted. The following is noted:
  - a. 3 – a response is required for 3a – this was not provided. It needs to include all land disturbance on the lots and associated with the driveway.
  - b. 4 – Residential should also be checked.

These are minor changes which can be added to the form to complete it.
2. The Planning Board needs to consider, when making its SEQRA determination:
  - Potential presence of three species, and map notes;
  - Blasting versus rock removal;
  - Wetlands and Stormwater, and any other issues the Planning Board determines needs to be addressed.



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**To:** Richard Lanzarone, Chairman  
Kris Lovelett, Lead Reviewer  
Members, Marbletown Planning Board

**From:** Bonnie Franson, AICP CEP, PP

**Re:** Stone Ridge Shoppes – April 12, 2017 Submission

**Date:** 4/18/2017

**cc:** Lisa Mance, Planning Board Secretary

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I am in receipt of the following:

- Stone Ridge Shoppes site plan, last revised April 12, 2017, consisting of 19 sheets, prepared by Peak Engineering and Alfandre Architecture;
- Creighton Manning Response Letter to Planning Board and NP&V comments, dated November 10, 2016;
- Creighton Manning Response Letter to NYSDOT, dated December 2, 2016;
- Creighton Manning letter dated June 29, 2016, with traffic assessment;
- April 12, 2017, Response to Comments Letter dated April 12, 2017, prepared by Peak Engineering;
- Ulster County Dept. of Health letter, dated June 29, 2016, regarding sanitary flow;

NP&V comments are related to overall site design, zoning compliance and SEQRA. We rely on the Engineer retained for this review to provide the Board with comments on the engineering details.

**General Comments**

1. SP1 of 8. The area usable for parking shown in gray within the property boundaries indicates 1.62 acres. The note at the margin indicates 1.95 acres. These need to be made consistent.
2. SP2 of 8. Zoning Compliance table. The front yard setback in the zoning district is 40 feet – 100 feet has not been provided. The buildings appear to be setback slightly more than 40 feet.
3. SP7 of 8. Lighting plan. As per the design guidelines (Local Law 1 of 2017), light poles are to be no more than 18 feet. It is unclear if the photometric plan is calling out 20 foot light poles. Also the LED lamps on the plan are 4000 K, whereas the new standards indicate they should be white and within 3000-3500 K. Notes still need to be added to the sheet with regard to hours of operation, dimmers and if the lights will be on timers.
4. As a general comment, the Planning Board will need to discuss the acceptability of the building materials, design, lighting style, landscaping amounts and other elements presented in the site plan

and architectural renderings. These are to be discussed at the April meeting. We note that the B-1 District South is to have “historic lighting” as per a previous comment – this should be discussed. Also, the adequacy of the buffer along the rear line should be discussed, in light of the fence being installed and adjoining existing vegetative. A dwelling adjoins the property.

### **SEQRA Comments**

The following is a list of SEQRA items which have been in progress. We remind the Board that these items need to be addressed before SEQRA can be concluded.

1. The Peak Engineering transmittal letter indicated a revised Traffic Assessment was attached, but we did not receive a copy. It is unclear whether this statement was referring to the Creighton Manning letters, or a fully updated Assessment Report.
2. Traffic response to NP&V comments. Response to Comment 4 – what is the date of the traffic count from which the data were taken – this was not identified.
3. Traffic response to NP&V comments. Response to Comment 4 – now that the outbound driveway is a single lane, does this affect the queue length. How many vehicles can be accommodated in the queue for the single length driveway, i.e., is it long enough?
4. Has NYSDOT responded to the Creighton Manning response letter at this time?
5. At this time, we do not recall seeing a response to the Natural Heritage Program letter.
6. Has the Town engineering consultant reviewed the most recent SWPPP which addresses runoff from the most recent layout, and has he signed off on its adequacy?
7. Has the Town engineering consultant and the UCDOH reviewed and found the sewer and water system to be adequate?
8. What is the status of ACOE, and any permitting that may be required? Please indicate whether a Nationwide or Individual Permit is required for the disturbances.
9. The Board must be satisfied with the buildings, lighting, and landscaping to be able to determine that there will not be a visual impact on the environment.