

# **TOWN OF MARBLETOWN PLANNING BOARD MINUTES**

Date: June 20, 2018  
 Rondout Municipal Center, 1915-1925 Lucas Avenue  
 Meeting Room M-1  
 Cottekill, New York 12419

|                            |         |
|----------------------------|---------|
| Dan Proctor (Chairman)     | Present |
| Steve Wood (Vice-Chairman) | Present |
| Kris Lovelett              | Present |
| Larry Ricci                | Present |
| Laura Shabe                | Present |
| Max Stratton               | Present |
| John Kotsides              | Present |
| Dave Cobb                  | Present |
| Kimberly Cole              | Present |

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

Chairman Dan Proctor called the meeting to order with the Pledge of Allegiance at 7:06 p.m.

Chairman Proctor asked Board to review SEQRA process carefully, especially with the possibility of an application being submitted by Dollar General.

**Chairman Proctor called for a Motion** to approve the May 16, 2018 meeting Minutes. Upon Motion of Vice-chairman Steve Wood, seconded by Member Kris Lovelett, and the affirmative vote of 7 members, 0 alternate member, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, a motion to accept the May 16, 2018. Approval of Minutes was carried by the following vote:

|               |                |
|---------------|----------------|
| <b>Vote:</b>  | <b>All Aye</b> |
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |
| Kris Lovelett | Aye            |

| Applicant - Board Member Delegate              |               | Application                     | Location              | Zoning District | SBL                 | Status                   |
|--|---------------|---------------------------------|-----------------------|-----------------|---------------------|--------------------------|
| Applestone Meat Co.<br>(Stone Ridge Base, LLC) | Kris Lovelett | Applestone Park Site Plan & LLA | 3607-3611 Main Street | B-1 & R-3       | 61.20-5-12.100 & 15 | Public Hearing Scheduled |

Bill Eggers, P.E. was present on behalf of the application.

Member Kris Lovelett indicated that Ulster County Planning Board comments had been addressed, there was a Public Hearing at the May meeting and one written comment had been received subsequent to the Public Hearing. That written comment was consistent with comments presented at the Public Hearing and raised no new concerns. Issues with the fence, line of sight and lighting and glare onto the neighbor's property were raised and needed to be addressed. Updated plans had been received June 14, 2018 and Member Lovelett asked Mr. Eggers to advise as to what changes had been made. Planner Franson stated that the Lot Line Adjustment needed to be addressed and could be added as a condition. Member Lovelett stated that it could be incorporated into the Resolution. Bill Eggers indicated that the fence plan had been revised to comply with the Design Guidelines. Question of lighting under pavilion being recessed enough so that it would not cast onto neighboring property had not been addressed. The shape of the pavilion had changed during the review process and the peak of the roof wasn't as steep as originally presented. It was noted that issues arising from smoke were not regulated in the Town Code and the New York State Department of Environmental Conservation would not regulate unless it became a nuisance.

Samantha Glofke arrived at 7:14 p.m. and confirmed that the revised photometric plan had not been submitted. Member Kris Lovelett stated that there were no other outstanding issues and that the draft Negative Declaration could be reviewed for additions and update. The Planning Secretary was directed to add the updated Park Rules as part of the Negative Declaration.

**Chairman Proctor called for a Motion to issue a Negative Declaration.** Upon Motion of Member Max Stratton, seconded by Chairman Proctor, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

|               |                |
|---------------|----------------|
| <b>Vote:</b>  | <b>All Aye</b> |
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |

|               |     |
|---------------|-----|
| John Kotsides | Aye |
| Laura Shabe   | Aye |

**Chairman Proctor Motioned to adopt Resolution with conditions**, seconded by Vice-Chairman Steve Wood, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

|               |                |
|---------------|----------------|
| <b>Vote:</b>  | <b>All Aye</b> |
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |

**Pending Application:**

| Applicant - Board Member Delegate |             | Application         | Location             | Zoning District | SBL           | Status   |
|-----------------------------------|-------------|---------------------|----------------------|-----------------|---------------|--|
| Isaac Fuhrman                     | Larry Ricci | Fuhrman 3-Lot Subd. | 7 Ricci Road, Accord | A-3             | 60.4-1-27.120 | Ingress/Egress approved by Hwy. Supt., establish escrow. |

Bill Eggers, L.S. was present and provided an overview of the proposed 3-lot subdivision.

It was noted that although the Agenda indicated Vice-Chairman Wood was member delegated to the application, Member Larry Ricci was actually the point person. Member Ricci indicated that comments of the Ulster County Planning Board had been received and could be addressed. It was noted that clearance on the access for fire apparatus was still an issue and comments from Fire Department were still needed. The Highway Superintendent had signed off on the access and amended sketch plan had been provided. Member Ricci noted that Natural Heritage had concerns regarding species and plant life that could be on the site. There appeared to be potentially significant wetlands on the site, specifically headwaters into same. DEC may need to be consulted and determine if any permits would be needed and if wetlands needed to be further delineated, especially in areas of disturbance. Planner Franson's review (annexed hereto and made a part hereof) was projected and discussed. Planner Franson raised question to the Board as to limits of disturbance and whether more detail should be provided and 30' was determined

to be reasonable. Member Max Stratton had visited the site and remarked that there was a significantly wet area but not sure as to where they were delineated in regard to the driveway.

**Chairman Proctor called for a motion to establish escrow in the amount of \$2,000.00.** Upon motion of Member Larry Ricci, 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 members being absent (Member Laura Shabe left room at 8:00 p.m. and returned at 8:05 p.m.), the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Absent         |

Member Larry Ricci left room 8:05 p.m. and returned at 8:09 p.m.

**New Application:**

| Applicant - Board Member Delegate |              | Application              | Location                       | Zoning District | SBL           | Status  |
|-----------------------------------|--------------|--------------------------|--------------------------------|-----------------|---------------|---|
| Martin Fetner                     | Max Stratton | Fetner 3-lot subdivision | Old Kings Highway Road, Accord | R-1             | 69.4-1-20.110 | Pre-app held April 18, 2018; requires Full EAF Part I; establish escrow |

Bill Eggers, L.S. was present and provided an overview of the proposed 3-lot subdivision.

Concerns with site and location in the Rest Plaus Historic Site and positions of the proposed residences to minimize impact was raised by Planner Franson. A site visit was encouraged to allow members to determine if proposed location of structures would be visible. Planner Franson noted that if the need to be creative relative to house locations was necessary, an average density subdivision could be accomplished.

Surveyor Eggers was requested to provide an Agricultural Data Statement due to the location of the property in proximity to an active farming operation (haying).

**Member Max Stratton called for a classify the proposed subdivision as a Type I action under SEQRA.** Upon motion of Member Larry Ricci, seconded by Member John Kotsides, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |

**Member Max Stratton called for a motion to establish escrow in the amount of \$2,000.00.** Upon motion of Chairman Dan Proctor, seconded by Vice Chairman Steve Wood, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |

Chairman Proctor and Member Stratton agreed to meet the following Monday at 5:30 p.m. to conduct site visit.

Planner Franson noted that input from Attorney Tracy Kellogg may be needed due to the proposed access and the fact that the property was not located in an Open Development Area. Town Board may be approached to request that this site be designated as an ODA.

**New Application:**

| Applicant- Board Member Delegate |            | Application        | Location                | Zoning District | SBL           | Status   |
|----------------------------------|------------|--------------------|-------------------------|-----------------|---------------|--|
| David & Molly Caballero          | Steve Wood | Project Salt Room. | Main Street, High Falls | B-1 &           | 70.46-2-1.100 | New application; pre-application meeting 5/16/18 |

Applicants David & Molly were present and Vice-Chairman Steve Wood called upon them for a presentation of their plan. He noted that although it was located in a Historic District, restrictions normally placed on proposals in that area may not be applicable in this instance due to the limited disturbance proposed. David Caballero provided inventory of what the components of a salt room included. Questions raised relative to parking, number of individuals that would be employed, what happened to the water that was used in process, hours of operation and lighting. Planner Franson inquired as to whether the applicants had checked with any other New York State communities to determine what permits may be required. Certain conditions that would develop as a result of the type of business would be regulated by the Building Code.

Applicants were directed to address parking plan (not depicted on present plan) and comment from High Falls Water District would be needed. An updated narrative provided to include the number of showers to be utilized was also requested.

**Vice-Chairman Steven Wood called for a motion to classify as a Type I action under SEQRA.** Upon motion of Member Laura Shabe, seconded by Chairman Dan Proctor, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |

Planner Franson noted that the application would require GML review and Vice-Chairman Wood stated that more information should be provided prior to referring to the Ulster County Planning

Board. Vice-Chairman Wood also directed applicants to determine lighting and signage to ensure that it would be adequately addressed. Location of septic relative to the residence was needed on the plans as well as the location of parking. It was unclear as to whether the septic served both the barn and the residence and the applicants were requested to get to the bottom of the question of septic. Vice-Chairman Wood recommended the applicants contact the Rondout Business Association. Applicants had taken notes of what was needed but were directed to reach out to the Planning Secretary if they had any further questions.

**New Application:**

| Applicant- Board Member Delegate |             | Application | Location         | Zoning District | SBL               | Status   |
|----------------------------------|-------------|-------------|------------------|-----------------|-------------------|--|
| Eva Langton-Squire               | Laura Shabe | Langton LLA | 374 Marcott Road | R-1             | 62.3-3-54.121& 53 | New application; pre-application meeting 5/16/18 |

Eva Langton Squire and Brian Squire was present on the application and provided an overview of the proposal.

Comments and review of Planner Franson are annexed hereto and made a part hereof. It was noted that the acreage on the plan didn't compute correctly and the surveyor needed to adjust.

**Chairman Dan Proctor called for a motion to qualify the action as a Lot Line Adjustment.** Upon motion of Member Kris Lovelett, seconded by Vice-Chairman Steve Wood, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| Vote:         | All Aye |
|---------------|---------|
| Dan Proctor   | Aye     |
| Steve Wood    | Aye     |
| Kris Lovelett | Aye     |
| Larry Ricci   | Aye     |
| Max Stratton  | Aye     |
| John Kotsides | Aye     |
| Laura Shabe   | Aye     |



**Chairman Dan Proctor called for a motion to classify as an Unlisted action under SEQRA.** Upon motion of Member Larry Ricci, seconded by Member Kris Lovelett, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |

**Chairman Dan Proctor called for a motion to issue as a Negative Declaration.** Upon motion of Vice-Chairman Steve Wood, seconded by Member Kris Lovelett, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |
| Max Stratton  | Aye            |
| John Kotsides | Aye            |
| Laura Shabe   | Aye            |

**Chairman Dan Proctor called for a motion to adopt the Resolution of approval with conditions.** Upon motion of Member Larry Ricci, seconded by Member Max Stratton, and the affirmative vote of 7 members, 0 alternate members, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

| <b>Vote:</b>  | <b>All Aye</b> |
|---------------|----------------|
| Dan Proctor   | Aye            |
| Steve Wood    | Aye            |
| Kris Lovelett | Aye            |
| Larry Ricci   | Aye            |



|               |     |
|---------------|-----|
| Max Stratton  | Aye |
| John Kotsides | Aye |
| Laura Shabe   | Aye |

Vice-Chairman Steve Wood indicated that 1- hour training was to commenced beginning in July at 6:00 p.m. on July 18<sup>th</sup> and then additional training sessions to follow in August and September.

Upon Motion of Chairman Dan Proctor, seconded by Member Kris Lovelett, all members in agreement, the meeting was adjourned at 9:23 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 14<sup>th</sup> Day of July, 2018

Minutes Approved on: July 18, 2018



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## MINOR SUBDIVISION REVIEW - TOWN OF MARBLETOWN PLANNING BOARD

### APPLICANT/OWNER/PROJECT ID

Applicants: Isaac Fuhrman

Landowners: Same

Name of Development: 3-Lot Subdivision for Lands of Fuhrman

### SITE LOCATION AND ZONING

Street Address and Jurisdiction: 7 Ricci Road, Accord, NY, Tax Map Section/Block/Lot 60.4-1-27.120

Zoning District: A-3

Agricultural District?: No

Historic District/Archaeo. Sensitive Area?: No

### DESCRIPTIONS AND APPROVALS

Project Summary: Action involves a three-lot minor subdivision consisting of 3 lots, one with frontage on Ricci Road

Preliminary SEQR Classification: Unlisted Action - to be confirmed by Planning Board.

Planning Board Approval(s): Minor subdivision approval -- to be confirmed by Planning Board.

Other Required Approvals and Referrals: Ulster County Health Department, Town Highway Superintendent review of driveway access; NYSDEC (sensitive species); Kripplebush Fire District review; Ulster County GML referral; and others as determined by the Planning Board.

### DOCUMENTS REVIEWED

Plan: Sketch Plan showing Minor Subdivision for Lands of Fuhrman, prepared by Medenbach & Eggers, dated March 20, 2018.

Floor Plans/Architectural Plans: Not applicable.

PRE-APPLICATION MEETING: Pre-application meeting held on April 18, 2018.

### ON-SITE NATURAL CONDITIONS/IMPROVEMENTS & OCCUPANCY

Topography: flat to steeply sloping.

Soils: HqC, Hoosic gravelly loam, rolling; LOC, Lordstown-Arnot-Rock outcrop complex; MO, Menlo very bouldery soils (hydric); SEB, Scriba and Morris soils, gently sloping, very boulder; VaB, Valois very bouldery soils, gently sloping; WLB, Wellsboro and Wurtsboro soils, gently sloping, very bouldery.

Vegetation and Habitat: Wooded and wetlands - property habitat is shown on the Marbletown Biodiversity Report.

Streams, Wetlands, Flood Hazard Zones. The headwaters to Vly Brook present; Roosa Lake (Class A – potable drinking water) and NYSDEC regulated wetland (M-5) are present in association with the lake and stream; freshwater wetlands may be present elsewhere on the site in association

with a stream not shown on the map. Vly Brook has a water quality designation of A(t) (highest quality) and is regulated by the NYSDEC under the protection of waters program. Hydric soils are present along the southerly border.

**Existing Structures on Site:** Stone walls.

#### **APPLICATION/MAP COMMENTS**

1. Minor subdivision. The application proposes a minor subdivision within the A-3 zoning district. All the data indicated in Section 169-17 needs to be submitted for a sketch plan review by the Planning Board. The following data need to be added:
  - The location of all pertinent natural features that may influence the design of the subdivision, such as wetlands, topography, steep slopes (15% or more), watercourses, swamps, rock outcroppings and wooded areas.
  - 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.
2. Access. The project site is within an open development area. Once the driveway is shown, the Planning Board may forward the site plan to the Kripplebush Fire District for review and comment. Depending on the length of the driveway, the fire district may want turnouts constructed along the drive. The access strip within the flag portion of Lot 1 needs to adhere, at a minimum, to the flag lot regulations.
3. Driveway access. The Highway Superintendent will need to review the location of the proposed driveway entrance.
4. GML review. The application will need to be transmitted to the Ulster County Planning Department for GML review.
5. Flag lot. Lot 1 will remain a flag lot. The requirements for flag lots set forth in Section 169-45.F must be met. The minimum lot area requirement for the flag lot should be added to the bulk table.
6. Proposed dwellings. Proposed locations for dwellings, the design of the access drive, and the limits of disturbance need to be added to the plan.
7. SWPPP. Depending on the total limits of disturbance, a SWPPP may be required.
8. Septic/well and separation distances. The location of proposed septic systems, wells, and the separation distances will need to be added to the plan.
9. Private road or driveway. The Board will need to discuss the proposed design of the private road or driveway. Also, a determination will need to be made as to whether a road maintenance agreement will be required. Topography and proposed grading need to be shown to determine the maximum slope of the driveway. A detail of the proposed driveway should be added to the plan, and the actual location of the proposed driveway to each lot also shown.

10. Stream location. USGS mapping shows that the Vly Brook starts higher up on the parcel than shown on the map. In addition, the area surrounding the stream is shown as containing hydric soils. The limits of the wetland/stream location should be shown on the plan to avoid disturbance to same. Does the stream cross the proposed access drive in the area of the flag lot "pole"? It appears to run along the proposed drive. On aerial maps, it appears to have been straightened. No disturbances should occur to the stream, until its water quality classification is confirmed. The stream lower on the property is an A(t) stream, indicating it is regulated by the NYSDEC.
11. Deed. My hard copy of the deed appears to be missing pages. The digital version includes all pages.

#### **SEQRA COMMENTS**

1. Classification of action. The application appears to be an Unlisted action. A short environmental assessment form has been submitted. Note the following:
  - Part 1.3.b – the disturbance area needs to be added.
  - Part 1.17 – the development of house sites will generate stormwater. This should be answered in the affirmative.
2. SEQRA matters to be addressed. We ran the EAF Mapper to determine what environmental concerns may exist. We note as follows:
  - a. Natural significant communities are found on the project site.
  - b. Wetlands. The project site needs to be assessed to determine whether any federal wetlands are present on the site in addition to the NYSDEC-regulated wetland, especially in association with the streams present on the property.

**Date of Review:** April 15, 2018. Updated May 14, 2018.