

## TOWN OF MARBLETOWN PLANNING BOARD MINUTES

Date: April 18, 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	Absent
Laura Shabe	Present
Max Stratton	Present
John Kotsides	Present
Dave Cobb (Alternate) for Larry Ricci	Present
Kimberly Cole (Alternate)	Present

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

Chairman Dan Proctor noted that Alternate Member Dave Cobb would be voting on behalf of Member Larry Ricci and noted new member John Kotsides (replacing past Member Todd Natale) and new alternate member, Kimberly Cole. A quorum being present the meeting was called to order with the Pledge of Allegiance at 7:00 p.m.

### **Chairman Proctor called for a motion to accept the Minutes of the March 29, 2018**

**meeting.** Upon Motion of Vice-Chairman Steve Wood, seconded by Member Kris Lovelett, and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 1 members being absent, a motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci by Dave Cobb (Alternate)	Aye
Max Stratton	Aye
Laura Shabe	Aye
John Kotsides	Aye

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Donald Brewer, PLS o/b/o Nancy Janicke, Administratrix	Dan Proctor	Zajkowski 4 Lot Subdivision	299-300 Vly- Atwood Road	A-3	70.3-6-4.121 & 70.3-6-2	Resolution tabled for vote

Don Brewer, PLS, CFM was in attendance to represent the applicant with regard to the subdivision application. Chairman Dan Proctor provided a synopsis of what had transpired up to the present. Member Laura Shabe wished to go on record with regard to the depiction (lack of) the spring/stream through the wetland and the limits of disturbance and relevance to the Stormwater Protection Plan. Additional comments from the Board were entertained, specifically with changes being made to the limits of disturbance and requirements of the Stormwater Prevention Plan and discussion had taken place with Mr. Brewer with regard to the limits of disturbance depicted on the map. At the recommendation of the Board previously, the limits of disturbance had been increased to allow for some “wobble” room while still remaining under the 1 acre of disturbance which would then trigger the need for a Stormwater Prevention Plan (SWPPP). The map in the possession of the Planning Secretary used for the meeting was not the most recent map provided by Surveyor Brewer (both Secretary and Planner had map last revised on 2/2/2018). **Chairman Proctor called for a motion** to approve the Resolution with additional condition that the most recent map depicting the presence of stream and spring be presented for signature. Upon Motion of Member Kris Lovelett, seconded by Vice Chairman Steve Wood, and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 1 members being absent, a motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci by Dave Cobb (Alternate)	Aye
Max Stratton	Aye
Laura Shabe	Aye
John Kotsides	Aye

Chairman Proctor noted for the record that the Board had adequately met and exceeded the requirements in the review of the application.

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Applestone Meat Co. (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	Revised EAF Part I submitted; Lead Agency Coordination Form responses due by 4/14/18; determine GML referral

Emily Arehart of Applestone Meat Co., Barry Medenbach, P.E. and James Reynolds, Architect, were present on behalf of the application.

Member Kris Lovelett, point person on the application, provided a chronological update as to where the application stood, indicating that the Planning Board was now able to claim Lead Agency, as the time for any responses from any involved agencies to the contrary had expired on April 14, 2018.

**Member Kris Lovelett called for a Motion to classify the action as a subdivision** that also included a minor lot line adjustment. Upon Motion of Member Max Stratton, seconded by Chairman Dan Proctor, and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 1 members being absent, a motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci by Dave Cobb (Alternate)	Aye
Max Stratton	Aye
Laura Shabe	Aye
John Kotsides	Aye

**Member Kris Lovelett called for a Motion to classify the classify as a Type I action under SEQRA.** Upon Motion of Vice Chairman Steve Wood, seconded by Member Laura Shabe, and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the

abstention of 0 members and 1 members being absent, a motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci by Dave Cobb (Alternate)	Aye
Max Stratton	Aye
Laura Shabe	Aye
John Kotsides	Aye

Member Kris Lovelett noted that, although a lighting plan had not been submitted, the omission had no bearing of the completeness of the application to allow for its referral to the Ulster County Planning Board (UCPB) for GML review. Barry Medenbach, P.E. interjected to state that he had a plan in his possession to present at the meeting and although it was being submitted late, the Board was amenable to review said plan. **Member Kris Lovelett called for a motion to refer the application to the UCPB** for GML review. Upon motion of Chairman Dan Proctor, seconded by Vice-Chairman Steve Wood, and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 1 members being absent, a motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci by Dave Cobb (Alternate)	Aye
Max Stratton	Aye
Laura Shabe	Aye
John Kotsides	Aye

Member Kris Lovelett indicated that the clerical duties having been disposed of, the review could now move on to the memo of Barry Medenbach, P.E. prepared in response to Planner Franson's 3/29/18 review. Barry Medenbach provided a flash drive to secretary with a revised map that had lightened the shading to make it easier to read the maps. He confirmed that he had received the April 16, 2018 review of Planner. Discussion ensued with regard to encroachment of shed – it was determined that it was not an issue in this application. Both 3/29/18 Review of Planner and 4/5/18 Response Memo of Medenbach annexed hereto. Although colors weren't presently required to be selected, Ms. Arehart provided a pallet reflecting the color the applicant was selecting. Member Lovelett indicated that the architectural packet should be updated to

indicate the colors that were proposed to be used and would become part of the approval and enable the Building Inspector to have for his use. A request was made to include the hours of operation and when lighting would be taking place whereupon Mr. Medenbach replied the exact hours would need to be worked out, adding that an exterior light (currently not shown) would illuminate the grilling park. Member Lovelett noted that the concern was more with casting light offsite. Comment was made that there was a discrepancy in the Design Guidelines with regard to light on-site and castoff sight. Paper copies of the lighting and photometric plan (not provided previously) were distributed to the Board for reference and request was made by Board to update photometric plan with colors, timers, lighting, etc.

Last issue to be discussed was the demolition of the two (2) sheds, one being part of the consistent with the period of the Picard House and in the nominating document which created the historical district. It cannot be determined which of the sheds is part of the historical description for the Picard House. The Planning Board had made a referral to State Historic Parks Office (SHPPPO) for comment which response was returned that it had no interest in any further review. The Applicant had made a referral to the Marbletown Historic Preservation Commission (HPC) which responded that “the property does not fall within the official HPC required review.” The Board indicated that a letter to the HPC for clarification was needed from the Planning Board.

**Member Kris Lovelett called for a Motion to schedule a Public Hearing for May 16, 2018.**

Upon Motion of Vice-Chairman Steve Wood, seconded by Member Max Stratton, the abstention of 0 members and 1 members being absent, a motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci by Dave Cobb (Alternate)	Aye
Max Stratton	Aye
Laura Shabe	Aye
John Kotsides	Aye

The Board recognized Barbara Dibeler who was present in the audience and raised question relative to smoke and the grills. James Reynolds noted that it was not a commercial operation and would be unlikely to have all grills in operation on a continuous basis. Additionally, the grills were going to be fueled by charcoal, not wood. Members of the Board weighed in on amount of smoke and need for further study and that this topic should be brought up at the Public Hearing.

Vice-Chairman Steve Wood initiated discussion regarding referral of a request made by Redbox from Code Enforcement Office Dave Allen to the Planning. A proposal from the representatives of Redbox requested the installation of a unit outside what is presently the RiteAid in the Stone

Ridge Plaza which would be subject to the Design Guidelines for the B-1 Business District in the Town of Marbletown. Vice-Chairman Steve Wood had generated an e-mail with his opinion that it should not be allowed, citing that it could be considered an interior lit sign (which weren't allowed), the bright red color did not help to promote the historic appearance and character of the Town's hamlet and wasn't allowed under the color standards and increase in the tendency for patrons to park in the designated fire line currently in front of the store. The Secretary was directed to project images provided.

Member Kris Lovelett inquired as to what type of response was requested and if a written response was to be issued, each member of the Board should be polled with their respective insight. The general input of members included the alternative inside location could be suggested, promotion of illegal parking in a fire lane, non-compliance with the requirements of the Design Guidelines for the B-1 District, allowing a bad precedent for future dispensaries, and basically, not addressed in the Code and therefore, not allowed. A solution to be open 24-hours a day could occur if access to inside was allowed and the Board was able to suggest an alternative to the proposed location.

Upon Motion of Vice-Chairman Steve Wood, seconded by Member Kris Lovelett, all members in agreement, the meeting was adjourned at 8:17 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 1<sup>st</sup> Day of May, 2018

Minutes Approved on: May 16, 2018