

TOWN OF MARBLETOWN PLANNING BOARD MINUTES

Date: May 16, 2018
 Rondout Municipal Center, 1915-1925 Lucas Avenue
 Meeting Room M-1
 Cottekill, New York 12419

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

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

Vice-Chairman Steve Wood presided over the meeting in the absence of Chairman Dan Proctor.

Upon Motion of Acting Chairman Steve Wood, seconded by Member Kris Lovelett, and the affirmative vote of 5 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 1 members being absent, a motion to accept the April 18, 2018 Minutes was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Acting Chairman Wood provided an explanation as to how the Public Hearing was going to be conducted and noted a limit of three minutes for public comment, but that once all individuals wishing to comment had been given an opportunity, anyone wishing to speak a second time may do so and any additional comments beyond the second could be submitted in writing. Acting Chairman Wood asked if neighbors had similar opinions, it would be appreciated if that could be

taken into account. It was noted that during the Public Hearing, comments be made pertinent to the application of Applestone Meat Co. However, if there was anyone present who wished to speak on another matter, they would be given an opportunity once the Public Hearing had been closed.

Bluestone Press Reporter Jodi LaMarco asked if she may get information relative to the corner lot on Route 213 and Route 209. Acting Chairman Wood responded that he and Chairman Dan Proctor did meet with representatives from Dollar General who had with them two architects, an engineer and their attorneys. The representatives of Dollar General were interested in purchasing the property and as part of the due diligence process, were looking into what was going to be involved for a site plan application. There was currently no application before the Planning Board and neither Acting Chairman Wood nor he believed, Chairman Proctor had heard back from the agency.

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	Public Hearing Scheduled

Samantha Gloffke of Applestone Meat Co., Barry Medenbach, P.E. and owner Joshua Applestone were present on behalf of the application.

The meeting was turned over to Member Kris Lovelett to provide an update as to where the application currently stood whereupon he noted that a motion had been made at the April meeting to classify the application as a subdivision with lot line adjustment rather than as a site plan with lot line adjustment.

Acting Chairman Wood called for a Motion to rescind the prior Motion to classify made in April. Upon Motion of Member Kris Wood, seconded by Member Larry Ricci, and the affirmative vote of 5 members, 2 alternate members, the negative vote of 0 members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye

Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Acting Chairman Wood called for a motion to classify the action as a site plan with a lot line adjustment. Upon Motion of Member Kris Lovelett, seconded by Member Max Stratton, and the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, a motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Thereafter, Member Kris Lovelett provided an update, noting that revised plans had been submitted by the applicant, the Board had received correspondence from a neighbor relative to the fence and that the Ulster County Planning Board had submitted its response to the application referral. Barry Medenbach, P.E. was called upon to apprise the Board as to what changes had been made since the last review. Grading for the parking lot were added to the plans as well as modifications to the lighting plan since last submission. Question raised as to significant upgrade to electrical servicing the property to which Engineer Medenbach responded that intent was to put electrical underground rather than overhead. Planner Franson noted that the design of the pavilion had changed significantly since the inception of the project, stating the pitch of the roof was now less and there could be a problem with light being visible to neighboring properties. The possibility of the fence being proposed next to the pavilion blocking the light was discussed and there may be a need to recess the light fixture. Question was also raised as to whether the fence could be solid, the Code had a standard that conflicted with the standards set in the Design Guidelines.

The Public was again reminded of the guidelines for the Public Hearing, noting that the comments were important but, there would be no cross talk or responses from the Engineer at this juncture. There were individuals present who wished to speak to topics not related to the Applestone application. Acting Chairman Wood noted that there was “discussion” on the Agenda and those persons could have an opportunity to speak later during the meeting.

Acting Chairman Steve Wood called for a Motion to open the Public Hearing. Upon Motion of Member Kris Lovelett, seconded by John Kotsides, the affirmative vote of 5 members,

2 alternate members, the abstention of 0 members and 2 members being absent, a motion to open the Public Hearing at 7:36 p.m. was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Neighborhood resident Beverly Bennet voiced her concerns relative to excessive noise, the possibility of loud music, individuals wandering onto her property and inquired as to whether alcohol was going to be allowed on the property.

Barbara Dibeler opined on concerns about health and the quality of the air and agreed that she would be providing written comment on reference materials and studies.

Jodi LaMarco inquired as to what sanitation and Board of Health concerns were being addressed.

Lenore Mennin was an adjoining neighbor who concurred with concerns raised by the other commentators and added that lighting was a concern directly related to her property.

Acting Vice Chairman Steve Wood called for a motion to close the Public Hearing, leaving opportunity to accept written comment for two weeks (May 30th). Upon Motion of Alternate Member Dave Cobb, seconded by Member Max Stratton, the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Returning to the application review, Member Lovelett asked for the Response of the Ulster County Planning Board (annexed hereto as UCPB Response). Recommendations are under advisement, but the required modifications must be met or overruled. Based on the plans submitted to date, the requirement modifications have now been met except for the Board of Health approval which could be a condition of approval.

Member Kris Lovelett motioned that the Marbletown Planning Board was in receipt of the comments of the UCPB and that the modifications have been or will be adhered to, seconded by Member Acting Chairman Steve Wood, the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Member Kris Lovelett than indicated his desire to now address concerns raised by public during the Public Hearing. One issue not raised during the Public Hearing was an issue of site distance and overgrown landscaping with limited sight southbound. Mr. Applestone responded that the overgrowth was not located on his property and he would not be able to do anything with regard to that. Another inquiry made by Member Kris Lovelett was that siding had been removed from the Picard House. The initial plan submitted indicated that it would be storage only and no modification would take place. Mr. Applestone responded that they were repairing and replacing rotting portion of extension that was added to the original structure and that nothing was being torn down. Finally, the issue of the sheds was discussed, reflecting that SHPPO and the Historic Preservation determined there was nothing of historic value.

Public comments addressed:

Alcohol – none (rules provided and annexed hereto) and violation would be enforceable by Code Enforcement Officer.

General Sanitation – (included in GML Response) - County Department of Health approval would be required.

Fences, security, etc. – fences and gates were going to be designed to inhibit wandering in and out of the site. The extended fence to be created was to be shown on revised site plan and would

comply with Guidelines. The only areas without a fence were an area with a steep slope and an inactive corner of the Highmeadows School.

Member Steve Wood voiced concern of neighboring merchant with regard to music and curfew.

Dimensions and design of fence between property and neighbors discussed with acknowledgment that adherence to previous interpretation to the Design Guidelines would apply.

It was determined that, given the hours of operation, lighting didn't appear to be an issue.

Air quality, smell. etc - Member Larry Ricci commented to the air quality questions. He had worked 30 years for DEC, Division of Air Resources and was familiar with PAH's and their effects. He noted that, although DEC does not regulate emissions from food preparation, it does have a general prohibition on nuisance smoke and nuisance odor permeating off-site. In those instances, the DEC would then become involved. There isn't a standard to regulate for air-monitoring at the State level for this locality.

Planner Franson raised matter of material and design of fence from building to the road and picketing. Deviation from Design Guidelines was not allowed. Picketed and chainlink were discussed and the applicant was requested to come back having addressed this since it dealt with aesthetics.

Planner Franson noted that the Site Plan approval take place within 62 days from the close of the Public Hearing.

Pending Application:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Stone Ridge Equities, LLC	Steve Wood/ Max Stratton	Hardenburgh Hills II Subd.	Hardenburgh Drive	B-1 & R-3	61.20-5-12.100 & 15	Review proposed Resolution

Owner Stacy Varsos, Stephanie Bassler of North River Architecture and Planning and Dan Koehler of Hudson Land Design were present.

Acting Chairman Wood provided some explanation for the benefit of the public that this application differed from the one previously in that it was a subdivision, not a site plan and the difference between the two and they determine what the Town looks like and adhere to the zoning laws and the Town Plan.

The Board was in receipt of the transmittal letter, Full EAF with attachments, full site plan prepared by Hudson Land Design and a Stormwater Pollution Prevention Plan (hereinafter referred to as SWPPP).

Acting Chairman Wood called for a motion to circulate a notice of intent of the Marbletown Planning Board to serve as Lead Agency. Upon Motion of Member Max Stratton, seconded by Member Kris Lovelett, the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Stephanie Bassler was called upon to provide an update as to what had taken place since the last meeting attendance. New documents submitted had addressed matters discussed at the initial meeting. The Board was polled as to whether the information provided was sufficient for SEQRA purposes to which all present indicated that it was.

Discussions had taken place with Highway Superintendent Dimler with regard to the cul de sac and the hammerhead (letter response annexed hereto).

The watershed map provided by Dan Koehler was projected for discussion. Mr. Koehler inquired as to whether the Town's Engineering Consultant would have any issues and the Board recommended that Dan be placed in contract with the Town's Consultant at Brinnier & Larios when the application was referred.

Content of Planner Franson's review was discussed (annexed hereto as Hardenburgh Review).

GML referral was to made upon receipt of the revised Full EAF.

Acting Chairman Steve Wood called for a motion that escrow be supplemented by \$2,000.00. Upon Motion of Member Larry Ricci, seconded by Member John Kotsides, the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Acting Chairman Steve Wood wished to note something that was not pointed out by Dan Koehler or Stephanie Bassler. The laying out of the subdivision lots was a prefacing of the laying out of the buildings which were going to be by design, net zero energy holdings and were going to be laid out so that they collect passive solar, which was a state of the art design still fitting within the Town.

Planner Franson asking to be excused, the Board moved from the order on the Agenda and took some action items out of order.

Member Larry Ricci motioned to extend Stone Ridge Shoppe Site Plan one year, seconded by Member Max Stratton. Upon said motion, second, and the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Acting Chairman Steve Wood motioned to close escrow for Stone Ridge Shoppes, seconded by Member Larry Ricci. Upon said motion, second, and the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye

Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Acting Chairman Steve Wood entertained comment “off topic” from Ramona Jenkin. Her concern was that if property was purchased by developers with regard to the property located at the corner of Route 213 and Route 209, the developers would be allowed to move forward with no oversight. It was explained that Site Plan review including SEQRA would still apply.

Casey Kurtti expressed her concerns also with the proposed Dollar General location and only the fact that reporter Jody LoMarco brought up matter at the prior Town Board meeting was the public given knowledge of the proposal. Member Kris Lovelett responded that it was not common knowledge because there was no formal application on file. He recommended that any one with interest go to the Town Website and check meeting Agendas, noting that all meetings are public but not all are Public Hearings on a particular application. Acting Chairman Steve Wood noted that a private sale of a private property was not considered a public event. It was the Press’s job as a news reporter to obtain knowledge. Member Larry Ricci referenced what was involved in a pre-application process and that he worked during the day. Planner Franson clarified that there was no daytime pre-application meeting relative to the possible Dollar General location. Pre-application meetings were not required to be noticed and a quorum could not be present at same. Laura Cunningham was final commentator making inquiries relative to the Town’s Comprehensive Plan and water within the Town. Ms. Cunningham was informed that the citizens could request wetland comprehensive study and contact person for DEC was Brian Drum.

Planner Franson having returned, the Board turned the attention back to review of a new application submitted.

New 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	New Application, pre-application meeting held on 4/18/2018

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

Extensive discussion ensued relative to the driveway and pull-offs with the Board members agreeing that a site visit with members going on their own prior to next meeting take place.

It was determined that the project site was outside of the 500' proximity for referral to the Town of Rochester.

Surveyor Eggers provided location of house site on Lot #3 which he was not able to provide digitally prior to the meeting. Due to each lot being greater the 5 (five) acres, Board of Health approval for septic and well would not be required. A map note "no further subdivision" was going to be placed on the maps.

Acting Chairman Steve Wood called for a motion designating the Planning Board Lead Agency and that the action is unlisted under SEQRA. Upon Motion of Member Kris Lovelett, seconded by Member John Kotsides, the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Acting Chairman Steve Wood called for a motion making motion to classify as a minor subdivision. Upon Motion of Member Kris Lovelett, seconded by Member Larry Ricci, the affirmative vote of 5 members, 2 alternate members, the abstention of 0 members and 2 members being absent, the motion was carried by the following vote:

Vote:	All Aye
Steve Wood	Aye
Kris Lovelett	Aye
Larry Ricci	Aye
Max Stratton	Aye
John Kotsides	Aye
Dan Proctor by Dave Cobb (alternate)	Aye
Laura Shabe by Kimberly Cole (alternate)	Aye

Upon Motion of Vice-Chairman Steve Wood, seconded by Member Kris Lovelett, all members in agreement, the meeting was adjourned at 10:14 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 13th Day of June, 2018

Minutes Approved on: June 20, 2018

Ulster County Planning Board



Dennis Doyle, Director

RECOMMENDATION

Dan Proctor, Chairman
Town of Marbletown Planning Board
P.O. Box 217
Stone Ridge, N.Y. 12484

REFERRAL NO: 2018-061
DATE REVIEWED: 5/2/2018

Re: Applestone Meat Company – Site Plan Review

Summary

The applicant is proposing to merge two lots into a single lot for the purposes of converting two existing structures for office use, constructing a new storage area, and for the development of a pavilion with accompanying grill park. The proposed additional parking is adequate to meet the standards of the Town's zoning statute.

The following materials were received for review:

- UCPB Referral Form
- Application for site plan review
- SEQR Lead Agency Coordination Form
- Full EAF Part One
- Project narrative including description, architectural guidelines and appendices A through C
- Memo from NP&W dated 3/28/18
- Memo from Medenbach & Eggers dated 3/24/18, 4/5/18, 4/16/18, 4/22/18
- Memo from Town of Marbletown HPC dated 3/28/18
- Site Plan Set

Recommendations

Lighting

The applicant is utilizing full cut-off/dark sky compliant LED lighting fixtures. However, lighting levels were not established for the property.

Required Modification

A photometric plot plan for the facility should be provided. Lighting levels should not exceed the Illuminating Engineering Society (IES) Outdoor Site/Area Recommended Illuminance Levels (see attached).

Health Department

Given that this will be open to the public and food preparation will be occurring on site, approval from the County Health Department may be necessary.

*2018-061 Applestone Meat Company
Site Plan Review*

Required Modification

The applicant should consult with the County Health Department to ensure they have completed all the necessary permits and are compliant with the Health Department's regulations.

Reviewing Officer

A handwritten signature in black ink, appearing to read 'R. Leibowitz', with a long horizontal stroke extending to the right.

Robert A. Leibowitz, AICP
Principal Planner

Cc: Shelley Mertens, UCDOH

**TOWN OF MARBLETOWN HIGHWAY
DEPARTMENT**

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GEORGE DIMLER, SUPERINTENDENT OF HIGHWAYS

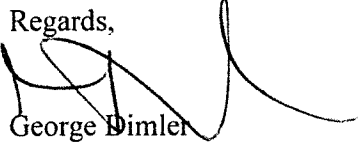
May 9, 2018

To All: Stephanie Bassler/Steve Wood

I reviewed the drawings by Dan Koehler of the addition to the existing turnaround of the upper road of the proposed subdivision. I think this is adequate for trucks of all types to be able to turn around there.

I also read through the report regarding the roads condition and thickness of the cold mix paving that is there. The paving is still in fairly good shape. The cold mix paving does show signs of wear from the elements. Usually after a cold mix pavement is put down and is used by traffic, it would need to be resealed after 3-5 years of use depending on the usage of the roadway. I cannot tell you for sure how the road will hold up when it starts being used regularly. In the area where it was reported that it was not full thickness, a regular hot mix asphalt can be used over the cold mix. To raise the thickness, if after that, and construction work is completed, or houses are built, the road could be chip sealed to help keep it in good condition providing it does not start to come apart with heavy truck use.

Regards,


George Dimler
GD/r

HWY SUPT DIMLER LETTER