

**PLANNING BOARD
TOWN OF MARBLETOWN
ULSTER COUNTY
COTTEKILL, NEW YORK
(845) 687-7500 Ext. 171**

MINUTES OF November 29th, 2018 **Regular Meeting of** the Town of Marbletown **PLANNING BOARD**, held at the **Rondout Municipal Center**, Cottekill, NY.

Chairman Proctor called the meeting to order at 7:07PM.

Chairman Proctor asked everyone to stand for the pledge to the Flag.

Pledge to the Flag.

PRESENT:

Dan Proctor, Chairman
Steve Wood, Vice Chairman
Max Stratton

ABSENT:

Laura Shabe
Larry Ricci
John Kostides
Kris Lovelett

Also present:

Dave Cobb Alternate. Shaye Davis, Secretary. Tracy Kellogg, Attorney for the Town.
Planning Board Consultant Bonnie Franson of Nelson, Pope & Voorhis, L.L.C.

Alternate Dave Cobb took a seat during the meeting to make a quorum.

ACTION ON MINUTES

Mr. Stratton motioned to accept the October Planning Board Meeting Minutes. Mr. Wood seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

| Applicant - Point | | Application | Location | District | SBL | Status |
|---------------------------|------------|-------------------------------------|-------------------|----------|------------|---|
| Stone Ridge Equities, LLC | Steve Wood | Hardenbergh Hills 6-Lot Subdivision | Hardenbergh Drive | R-1 | 61.20-3-47 | SEQR determination needed; DOT access approval needed |

The owners of Stone Ridge Equities, LLC, Mr. Farkis and Dan Koehler, the Engineer from Hudson Design and Peter Reynolds from North River Architecture were present on behalf of the application.

Mr. Wood explained to the Board and the public what the status of the application was.

The Board reviewed Part 2 of SEQR.

Mr. Stratton motioned to declare a Negative Declaration under SEQR. Mr. Cobb seconded the motion.

All in favor. Motion Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

Peter Reynolds and Dan Kohler gave a presentation to the Board and the public. He explained this 6 single family home development will be an example for people to see how you can have a net zero home. He stated the they would be improving the roads so the Town of Marbletown would accept them. He also noted that they would be doing two test wells to check the water before the construction starts. He stated that there would be no new roads.

There were no questions from the Board.

Vice Chairman Wood opened the meeting for public comment.

Eric Kruger stated that he was a neighbor of the property and asked if the Board could show them a site plan to identify the properties to see where it is in relation to his property.

The Secretary pulled up the parcels on Ulster County Parcel Viewer for the neighbor to see.

George Dimler stated that his property borders the subdivision and wanted to know if the back part was just being left or part of a lot.

Mr. Kohler stated that one lot that is 14 acres has 12 acres in a conservation easement.

Chairman Proctor motioned to close the public hearing. Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

The Board had a discussion on conditions that would be needed to give the application preliminary approval.

Ms. Franson read over the Ulster County Planning Board recommendations and requirements.

Mr. Wood proposed the following conditions:

- 1.) Obtain Ulster County Health Department Approval
- 2.) Obtain US Army Corps of Engineers jurisdictional termination for isolated wetlands or obtain a permit to fill the wetlands.
- 3.) Obtain New York State Department of Transportation approval for access
- 4.) Payment of all outstanding fees and escrows.
- 5.) Creation of a Conservation Easement and Deed Restrictions for the protected open space area
- 6.) Map note that indicates road being dedicated to the Town of Marbletown
- 7.) Final sign off or Road Pavement and design by the Town of Marbletown Highway Superintendent
- 8.) Cover Sheet indicating all plan sheets including subdivision plan set should be provided
- 9.) Subdivision plans should be consistent and incorporate design improvement with the map notes set forth in the Negative Declaration
- 10.) Metes and Bounds to be placed on the final map
- 11.) Plans subject to final review by the Tow Engineer
- 12.) Filing notice of intent with the New York State Department of Environmental Conservation for a SPEDES Permit for general construction.

Mr. Stratton motioned to give Stone Ridge Equities, LLC a preliminary conditional approval for their subdivision with the conditions Mr. Wood stated. Mr. Proctor seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

| Applicant – Point | | Application | Location | District | SBL | Status |
|-------------------|--------------|--------------------------|--------------------------------|----------|---------------|--|
| Martin Fetner | Max Stratton | Fetner 3-lot subdivision | Old Kings Highway Road, Accord | R-1 | 69.4-1-20.110 | ODA granted by Town Board 10/16/18; UCPB response rec'd 10/17/18; Lead Agency Declared 10/17/18; SEQR determination needed |

Martin Fetner was present on behalf of the application.

Mr. Stratton explained to the Board what the status of the application was.

Mr. Wood motioned to have the Town of Marbletown Planning Board take Lead Agency under SEQR. Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

Mr. Stratton stated that the parcel is located it in the Rest Plaus Historical District.

Mr. Wood motioned to classify the application as a Type I under SEQR. Chairman Proctor seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

The Board read through Part 2 of SEQR.

Chairman Proctor motioned to declare a Negative Declaration under SEQR. Mr. Wood seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

Mr. Stratton opened the meeting for public comment.

A neighbor asked where exactly the subdivision was happening and if it was meeting design guidelines.

Mr. Stratton motioned to close the public hearing. Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

The Board discussed the conditions for Final Approval.

- 1.) Completed Design Guidelines
- 2.) DEC Spedes Permit
- 3.) Review of the final specs of the driveway by the Town Designated Engineer
- 4.) Map notes added to the survey map
- 5.) Payment of any and all fees

Chairman Proctor motioned to grant final conditional approval to Martin Fetner for his 3-lot subdivision. Mr. Wood seconded the motion.

All in favor. Motioned Carried.

4 ayes, 0 nays, 0 abstain, 4 absent

| Applicant- Point | | Application | Location | District | SBL | Status |
|------------------|-----|-----------------------------|------------------|-----------|--------------------|-----------------|
| Susan Brown | TBD | Brown Minor Subdivision/LLA | Mossy Brook Road | R-1 & A-4 | 70.3-6-25.100 & 30 | New Application |

Bill Eggers was present on behalf of the application.

Attorney for the Town, Tracy Christiana, explained to the Board an explanation/history of subdivision. She stated that a contiguous neighbor had asked for part of her land. She agreed to the sale and the neighbor stated that he would take care of all proper paperwork. Ms. Brown sold the property to Seeds of the Future, who discovered the lot line was not where Ms. Brown and Mr. Ruger, the neighbor had discussed. The new owners discovered that they did not have creek frontage like they thought they had bought. Ms. Brown was not trying to fix the illegal subdivision and give land to Seeds of the Future, so they could have creek frontage from another area.

The Board analyzed the site plan and discussed how they should handle the situation.

The Board concluded that they would want two Lot Line Adjustments and a minor subdivision application along with a long environmental assessment form. They advised the applicant to come back to the Board when they have that completed.

| Applicant- Point | | Application | Location | District | SBL | Status |
|-------------------------------|-----|--|--------------------|----------|-------------------------------------|-----------------|
| Town of Marbletown/ Hansen | TBD | Town of Marbletown Rail Trail/Hansen LLA | 66 Rest Plaus Road | | 69.4-1-31 70.9-2-12 69.4-1-37 | New Application |

Tracy Kellogg, the Attorney for the Town was present on behalf of the application.

Ms. Kellogg explained what the application was about. She noted that they had already spoken with Central Hudson.

The Board looked over the survey map and discussed the application.

Mr. Stratton motioned to classify the application as a Type 2 under SEQR. Mr. Wood seconded the motion.

All in favor. Motion carried.

4 ayes, 0 nays, 0 abstentions, 4 absent

Other Matters:

Mr. Wood stated that the Town Board had scheduled a public hearing for Local Law #2 and that they should have to cancel the public hearing due to not referring the Local Law to the Planning Board.

Mr. Stratton motioned to enter executive session at 9:00PM. Mr. Cobb seconded the motion.

All in favor. Motion carried.

4 ayes, 0 nays, 0 abstentions, 4 absent

Mr. Proctor motioned to exit executive session at 9:07PM. Mr. Stratton seconded the motion.

All in favor. Motion carried.

4 ayes, 0 nays, 0 abstentions, 4 absent

Mr. Stratton motioned to rescind the previously approved Pine Cone Lot Line Adjustment Application dated October 17th, 2018. And declare the application invalid. Mr. Cobb seconded the motion.

All in favor. Motion carried.

4 ayes, 0 nays, 0 abstentions, 4 absent

Mr. Stratton motioned to adjourn the meeting at 9:15PM. Chairman Proctor seconded the motion.

All in favor. Motion carried.

4 ayes, 0 nays, 0 abstentions, 4 absent

Respectfully submitted,

Shaye Davis, Secretary

Adopted and accepted, December 19th, 2018