

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

MINUTES OF February 28th, 2019 **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 7:00PM.

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

PRESENT:

Dan Proctor, Chairman
John Kostides
Larry Ricci
Harry Hansen

ABSENT:

Steve Wood
Max Stratton
Laura Shabe

Also present:

Dave Cobb and Sharon Klein, Alternates. Shaye Davis, Secretary. Tracy Kellogg, Attorney for the Town.

Mr. Cobb and Mrs. Klein took seats on the Board at 7:04PM.

ACTION ON MINUTES

Mr. Ricci motioned to accept the January Regular Planning Board Meeting Minutes. Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

APPLICATIONS

PB2019-01SBD – New Application

Minor 2-lot Subdivision

Estate of Myron Boice Jr. – Daniel Boice – Executor - Point Person – Laura Shabe

2387 Lucas Avenue, High Falls. SBL: 70.9-2-4.100. R-1 Zoning District. 100.6 +/- acres.

Proposes a 2-lot subdivision. Located in Flood Plain, National Wetlands Inventory, NYS Aquifer District, Ulster County Ag District #3.

SEQR: Unlisted Action

Daniel Boice was present on behalf of the application.

Chairman Proctor gave the Board a little history on the application. He asked Mr. Boice if he or Medenbach and Eggers had been in touch with Central Hudson regarding their right of way.

Mr. Boice stated that he had not been in contact with Central Hudson, and that he didn't think it was a concern for the subdivision now but may be when the new owner decided to build a home on the land.

Chairman Proctor mentioned about the right of way for the shared driveways.

Mr. Boice stated that he looked but did not find a right of way agreement for the shared driveway or the rail trail.

Mr. Ricci said that it may be a little tricky with the rail trail right of way access.

The Board discussed the condition of the shared driveway and if it would need to be brought up to private road specs.

Attorney Kellogg stated that at the time of the 4th building permit issued they would need to update the driveway.

Mr. Ricci motioned to classify the application as a minor subdivision. Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Cobb asked what was going to happen with the old house and barn site.

Mr. Boice stated that the prospective new buyer plans to demolish what's left and clean it up and grow his vegetables on that section of the parcel.

Chairman Proctor opened the meeting for public comment.

No one from the public spoke.

The Board reviewed Part 2 of the Short Environmental Assessment Form.

Mr. Kostides motioned to declare a Negative Declaration. Mr. Ricci seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Ricci motioned to close the public hearing. Mr. Hansen seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Chairman Proctor stated that the plans should have an updated chart and add any wetlands that are on the parcel. He added that they should reach out to Central Hudson to check about the right of way. He also noted that a Road Maintenance Agreement would need to be filed.

Fuhrman Subdivision – Continued Application

Isaac Fuhrmann – Point Person – Larry Ricci

Proposes 3-lot Minor Subdivision

Located at 7 Ricci Road, Accord, Zoning District – A-3. SBL: 60.4-1-27.12

SEQR: Unlisted Action – Negative Declaration 1/16/19

Bill Eggers was present on behalf of the application.

Chairman Proctor explained the history of the proposed subdivision to the Board and the members of the public. He noted that several of the owners of adjoining lots and expressed concern about the environment impact of the subdivision. The chairman agreed that the environmental impact must be carefully reviewed before a subdivision permit would be granted. He indicated that the application had been carefully reviewed by the DEC and the board had incorporated their comments in the application package. He also noted that the board was concerned about the shared driveway on the current site plan as it appeared prevent water from percolating into the site wetlands.

The Board reviewed the updated map from Medenbach and Eggers. They agreed that the driveway had been reviewed and approved by the Highway Superintendent, but as a private road and not a driveway. The Superintendent would have to re-review driveway and approve it as such. They indicated that the driveway had sufficient turnouts for emergency vehicles and a culvert, but they were concerned about the comments from the neighbors of standing water that was collecting against the side of the driveway.

The board stated that a flag lot statement should be added to the plan.

The Board discussed the Department of Environmental Conservation (DEC), the Wetlands and the Protections of Waters Permit. The stated that the wetlands had been delineated and members of the Board walked the property with the DEC to see it all. The proposed driveway

and homes were farther from the wetlands then the distance that was required. The also discussed upgrading he driveway to better standards and having a Storm Water Pollution Prevention Plan (SWPPP) in place for the upgrades.

Mr. Ricci explained the situation with the streams flowing into Roosa Pond. He noted that the DEC had been out more than once to delineate the wetlands.

Mr. Eggers stated that he would have a Biologist and the State confirm the wetlands on the parcel as well.

Chairman Proctor read aloud the letter from DEC that the Board had received.

Mr. Eggers stated they would also consult with the Fish and Wildlife Department at DEC and find out about any permits they need.

Chairman Proctor noted that the DEC had indicated that protected insects and plants had not been noted within the subdivision lands but were in the neighborhood. Consequently, the contractor had to be diligent in ensuring the limits of disturbance requirements were not exceeded.

Chairman Proctor opened the meeting for public comment.

Charles Chrissy stated concerned about the driveway and how it was constructed. He stated that he was not sure if the owner had followed the correct procedure to obtain a driveway permit to construct the driveway. He had concern about the current driveway flooding the surrounding areas due to blocking the way of the water. He stated that he did not believe the driveway was a pre-existing one.

Eric Stewart stated that the driveway was badly constructed. He stated that the water used to not run along the driveway, it does now due to the driveway being constructed. He stated there were no culverts put in during the construction. He noted there were probably around 50 downed trees due to the water build up and the trees dying. He added that Mr. Fuhrman had not been a good neighbor. He stated that when the driveway was put in the tossed debris and downed trees onto David Yaffe's property. He added that there was a restriction on the right of way and that the current right of way was not wide enough. He noted that Mr. Fuhrman does not pay his taxes and that this purchase was strictly for money and that he did not care about the community. He voiced his concern about the septic flowing to the wetlands and eventually into Roosa Pond. He stated that in 1996 he had no issues with is well but now the water is more

sulfur smelling. He added that the neighbor, David Yaffe's well runs dry now and was concerned the additional homes would cause issues for the existing surrounding homes. He stated that this subdivision was the sort of development we did not need in the Marbletown.

Anita Banta stated that the per test holes were the size of graves. She added that the driveway was raised and blocking the water with no culverts and there were pine trees growing with in the driveway because it was not constructed correctly.

Mr. Ricci motioned to hold the public hearing open. Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

There was no further discussion.

Brickner Subdivision – Continued Application

Paul and Eileen Brickner – Point Person: Larry Ricci

Proposes 3 lot Minor Subdivision

Located at 24 Stillwater Road, A-3 Zoning District, SBL: 54.2-1-36.112

Paul and Eileen Brickner, owners and Travis Engineering were present on behalf of the application.

The Board reviewed the updated maps as the Engineer explained some of the key points.

Mr. Ricci stated that they had everything Board had asked.

Chairman Proctor stated that there will need to be a Road Maintenance Agreement reviewed by the Town Attorney and filed with the Town.

The Board saw no other issues with the plan.

Mr. Ricci motioned to approve the minor subdivision with the following conditions:

1. *Submission of new legal descriptions.*
2. *Map note "The bog turtle, a New York State and federally protected species, is reputed to be located on or within the vicinity of the parcels that are the subject of this lot line adjustment. Bog turtles primarily inhabit freshwater wetlands especially open-canopy wet meadows, sedge meadows, calcareous fens and forested wetlands with appropriate soils and hydrology and adjoining upland habitat within 300 feet of the wetlands. Any disturbance to a bog turtle's habitat is subject to the regulations implementing the Endangered and Threatened Species Act, codified at 6 NYCRR Part*

182. Any activity occurring within a wetland or within 300 feet of a wetland should be conducted only after a thorough evaluation and determination that bog turtles and their habitat are not present on the subject site. The construction site shall be contained within a silt fence to prevent turtles from entering the site. Each day before construction activities begin a walk around shall be conducted to determine if any turtles are present within the fence boundaries. If turtles are found, they shall be placed outside the silt fence to prevent injury.

3. Final approval of septic and water from Ulster County Department of Health.

4. Dates of revisions added to the map.

5. Any and all fees paid in full.

6. Road Maintenance Agreement submitted to the Planning and reviewed and approved by the Town Attorney.

Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

PB2019-02SBD – New Application

Lot Line Deletion in Mapped Subdivision

Paul Grassi – Point Person - TBD

Proposes a lot line deletion in a mapped subdivision located at 20 Trinity Way, Kingston, NY
SBL: 55.1-1-7.21 & 55.1-1-7.21. Zoning District A-4. 13.9 +/- acres.

SEQR: TBD

Paul Grassi, owner was present on behalf of the application.

Mr. Grassi explained that he would like to delete the lot line between his two parcels and combine them into one parcel.

The Board reviewed the plan.

Mr. Proctor stated that all looked good.

Mr. Ricci motioned to accept the lot line deletion. Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

PB2019-01SPA – New Application

Christ the King Episcopal Church – Point Person – TBD

3021 State Route 2013, Stone Ridge, NY. SBL: 69.8-2-15. R-3 Zoning District. 4 +/- Acres.

Proposes 1,200 Sqft addition and new 68 space parking lot.

Matt Towne, Engineer and Allison Quin, representative was present on behalf of the application.

Mr. Towne explained the site plan to the Board. He pointed out the new addition and parking area and parts where they would do extra landscaping. He added that he had spoken with DOT already and there would be new specs for the driveway. He stated there would be no trees being removed but they would be adding a little more screening. He stated that the existing lights are not dark sky compliant and they would change them to be. He added that the exterior of the addition would match the current building. He noted that the disturbance was minimal and a SWPPP would not be needed for this project.

Mr. Ricci asked about the sign and if that would be changing.

Ms. Quin said not at this time.

There were no further comments from the Board.

Mr. Kostides motioned to refer the application to the Ulster County Planning Board. Mr. Ricci seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Cobb motioned to refer the application to the Department of Transportation. Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Kostides motioned to set the application for public hearing. Mr. Ricci seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Cobb motioned to type the application as an Unlisted Action under SEQR. Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

The Board reviewed Part 2 of the Short Environmental Assessment Form.

Mr. Cobb motioned to declare a Negative Declaration. Mr. Ricci seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

OTHER MATTERS:

Mr. Ricci motioned to pay the invoice from Nelson, Pope and Voorhis, LLC for \$33.75 for the services rendered by Bonnie Franson. Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Ricci motioned to pay the invoices from Nelson, Pope and Voorhis, LLC for \$270.00 and from Peak Engineering for \$360.00 for services rendered. Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Cobb motioned to pay the invoice from Nelson, Pope and Voorhis, LLC for \$371.25 for services rendered by Bonnie Franson. Mr. Ricci seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Kostides motioned to pay the invoice from Nelson, Pope and Voorhis, LLC for \$33.75 for the services rendered by Bonnie Franson. Mr. Proctor seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

The Town of Marbletown's Bookkeeper sent a list of all escrow accounts that were in the negative or that needed to be closed out and the money returned.

Mr. Ricci motioned to return the monies left in the escrow account and close the escrow account regarding the account for 3805 Main Street, LLC (Hasbrouck House). Mr. Kostides seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Kostides motioned to close the escrow account regarding the account for Applestone Meat Co. Mr. Proctor seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Ricci motioned to return the monies left in the escrow account and close the escrow account regarding the account for Stonegate Subdivision/Usvolk. Mr. Hansen seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Kostides motioned to return the monies left in the escrow account and close the escrow account regarding the account for Green 209 LLC Subdivision. Mr. Ricci seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Ricci motioned to request \$405.00 from the Hardenburgh Hills Subdivision to cover the cost of an outstanding invoice. Mr. Cobb seconded the motion.

All in favor. Motioned Carried.

6 ayes, 0 nays, 0 abstain, 3 absent

Mr. Kostides motioned to adjourn the meeting at 9:08PM. Mrs. Klein seconded the motion.

All in favor. Motion carried.

6 ayes, 0 nays, 0 abstentions, 1 absent

Respectfully submitted,
Shaye Davis, Secretary

Adopted and accepted, March 20th, 2019