



TOWN OF MARBLETOWN PLANNING BOARD MINUTES

Date: June 15, 2016
 Rondout Municipal Center, 1915-1925 Lucas Avenue
 Meeting Room M-1
 Cottekill, New York 12419

Richard Lanzarone (Chairman)	Present
Steve Wood (Vice-Chairman)	Present
Sylvia Ricci	Absent
Todd Natale	Present
Kristopher Lovelett	Present
Kathleen Hawk (7:07 p.m.)	Present
Larry Ricci	Absent
Mary Collins (Alternate o/b/o Sylvia Ricci)	Present

Also present was Planning Board Consultant Bonnie Franson,

Chairman Richard Lanzarone called the meeting to order with the Pledge of Allegiance at 7:05 p.m.

Relative to the McClatchy-Weiss Subdivision Application, the submission of written consent from Medenbach & Eggers, and upon mutual consent, it was agreed that the time to render a decision was extended 63 days from July 19, 2016.

Upon Motion of Vice-Chairman Steve Wood, seconded by Member Kris Lovelett, and the affirmative vote of 4 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 members and 2 Members being absent, a motion was carried unanimously by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice Chairman)	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent

Kathy Hawk	Absent
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Pending Applications:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Stone Gate Subdivision	Larry Ricci	4 Lot Minor Subdivision	Atwood Road	A-3	54.1-1-21.200	Conclude SEQRA

Applicant Mark Usvolk and Engineer Andrew Willingham were present on the application.

Subsequent to a review of the Negative Declaration, terms of which were previously discussed at the May 18, 2016 meeting of the Planning Board, a motion to memorialize said declaration was made by Vice 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 Member being absent, a motion was carried unanimously by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood (Vice Chairman)	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Public Hearing:

Chairman Lanzarone opened the Public Hearing on the Stone Gate Subdivision application at 7:20 p.m.

Those present who spoke to the application were:

1. **Jack Boden** of 135 Cedar Hill Road High Falls raised question with regard to Lot 4 of the proposed plan and presence of stone foundation and relation to insurance liability and what remedies would be available.
2. **Marc Miller, Esq.** an attorney practicing at Fair Street, New York was present to represent neighbors, Daniel D'Aquila, Elizabeth Arnold and Atwood LLC, owners of property located directly downhill from the proposed subdivision. Mr. Miller requested additional time for an engineer they had retained, Joe Boek, to review the SWPPP proposal and relation to their neighboring property. The Board directed that one week from the date of the Planning Board meeting would be allowed, within which time the concerned parties were requested to submit written comments which would in turn, be referred to the Town's engineering consultant. Concerns were raised with regard to the water supply and the Board referred to the Town Aquifer Study and that it was available for review.
3. **Daniel D'Aquila and Elizabeth Arnold**, owners of adjacent property, spoke to the notice of the Public Hearing and their need to retain attorney Miller.

The Board requested that written comments submitted by the 24th of June would be considered, which in turn would be referred to the Town Engineer to determine their merit and advise the Board as to whether modifications were warranted or not.

Chairman Lanzarone called for a motion closing the Stone Gate Subdivision Public Hearing. Upon Motion of Member Kris Lovelett, seconded by Alternate Member Mary Collins and the affirmative vote of 4 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 1 Member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Abstain
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Pending Application:

Applicant – Board Member Delegate		Application	Location	Zoning District	SBL	Status
Ballincurry Builders, Inc.	Steve Wood	5 Lot Major Subdivision of 38.71 Acres	Canary Hill	A-4	55-1-3-22	Application Review

Applicant Walter Heenan and Engineer Lou DuBois were present on the application.

Vice-Chairman and point person on the application, Steve Wood, indicated that in contemplation of the Negative Declaration, he had contacted Dr. Massey of the NYS DEC, to determine what the requirements were for an acoustical study for the presence of a variety of bat species, in particular, the Indiana Bat and the Northern Long-eared bat, and the recommendations made by Dr. Massey. He recounted what she had indicated what was entailed to comply with the DEC study and timeframes allowed for disturbances, specify the area which included filing for a jurisdictional determination, public hearing and comment period and the issuance of a permit which outlined conditions which were under the direct supervision of the NYS DEC. The process was not an easy process and should involve as small an area as possible. If cutting was taking place within the allowed period, it was presumed that the bats were not present.

Vice-Chairman Wood requested the amended Negative Declaration be brought up for review. Planner Bonnie Franson noted that the erosion control plan and the issue being raised, was that there were areas indicated as “protected steep slope area” but that there were areas for septic that were located in the ar. Specifically, plans presented to Department of Health were not consistent with those plans which were presented to the Board and the location of the septic was contrary to what had been agreed upon – areas were being disturbed beyond the agreed upon line. Impact hasn’t been mitigated based upon the plans as presented and applicant agreed to relocate the location of the septic. Member Kris Lovelett desired to see actual plans to confirm resolution of the issue. The Board agreed to move forward in the review of the remainder of the Negative Declaration and revisit with any other concerns that may arise. Chairman Rich Lanzarone suggested that the Negative Declaration include verbiage “the applicant represents that they will relocate the septic field on Lots 1 and 5 that are currently shown to encroach on the ‘designated steep slope area’ to an area outside the protect area and obtain Department of Health approval for the change.” It was determined that it was an environmental concern and it was going to be mitigated based upon the representations of the applicant. The Board was requesting a consolidated plan be presented to the Board with building envelopes and limits of disturbance being delineated. It was also noted that the located of the wetland was not correct with Engineer Lou DuBois indicating that it had been changed. Discussion ensued as to what the areas of disturbance were to be and Negative Declaration was changed to eliminate any ambiguity as to what the areas will be.

Map note relative to the well depth was discussed in detail and the Board's responsibility to make sure each approved lot had sustainable, reliable water supply and relied upon scientific data provided by aquifer study. The study found that reliable water existed at a depth of 500'. A suggested option available was that a study could be provided by the applicant indicating sufficient water existed at depths less than 500' could be considered as an alternate to drilling 500'. Member Kris Lovelett opined that it was the burden of the applicant to provide mitigation option(s) to the Board to review which would support choices made. The issuance of a Negative Declaration was tabled pending receipt of revised map and a proposal addressing Board's concerns with regard to the water supply.

Upon mutual consent of the applicant and the Board, **Chairman Lanzarone called for a motion** to extend the date upon which Board had to issue a decision 63 days from July 19, 2016. Upon motion of Member Kris Lovelett, seconded by Member Todd Natale and the affirmative vote of 5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Pending Application:

Applicant – Board Member Delegate		Application	Location	Zoning District	SBL	Status
Gibbs Subd.	Richard Lanzarone	Lot Line Adjustment	1066 Berme Road	R-3	70.9-2-39	Daytime Review held 1/8/16

William Eggers, L.S. was present on the application. The Board completed review of the Full EAF.

Chairman Richard Lanzarone called for a motion issuing a Negative Declaration. Upon motion of Member Kris Lovelett, seconded by Member Todd Natale and the affirmative vote of

5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Chairman Richard Lanzarone called for a motion granting approval with conditions. Upon motion of Member Todd Natale, seconded by Member Kathleen Hawk and the affirmative vote of 5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Conditions to the approval include:

- Map shall contain the bat note
- New property descriptions
- Mylar and 6 copies

Pending Application:

Applicant – Board Member Delegate	Application	Location	Zoning District	SBL	Status

Reynolds, Bash & Gorn	Mary Collins	Subdivision & Lot Line Adjustment	88 Cherry Hill Road /72 Cherry Hill Road	A-3	61.3-3- 37.100 & 61.3-3- 37.200	New Application
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Applicant Peter Reynolds was present on the application and Mary Collins provided the Board as to where the application stood and the requirement of filing a CPS7. Chairman Lanzarone providing his findings which had resulted from conversations he had with the Attorney General's Office, Association of Towns Legal Counsel, Sharon LaFrance, Esq., and prior applicants who had filed for the CPS7. The

Bonnie Franson provided review of her comments on the application (attached hereto and made a part hereof). It was confirmed that a CPS7 would be required, a note to the map relative to the bats (updated note), clarification of the septic approval requirement relative to the 3- acre lot and because limits of disturbance were more than 1 acre, an erosion control plan (short SWPPP) would be needed (installation not required until actual construction was commenced).

Advisory comments contained in the Ulster County Planning Board response would be adequately addressed by revisions to the map. The 3-acre lot was going to require septic approval. The Board determined that the topography depicting 20' contours on the sketch plan were adequate and need for 2' contours would not be required.

The Board reviewed the content of the EAF Part II.

Chairman Lanzarone entertained a motion to issue a Negative Declaration. Upon Motion of Alternate Member Mary Collins, 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 member and 2 Members being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Chairman Lanzarone entertained a motion to schedule a Public Hearing on the application for July 20, 2016. Upon Motion of Member Todd Natale, 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 member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Pending Application:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Schneller Subd.	Kathleen Hawk	2 Lot Minor Subdivision	75 Bowden Road	A-3	54.3-1-28.100	Application Review; revised maps submitted

Surveyor Terry Ringler and applicant Austin Schneller were present on the application. The Board directed that the revised map, when received, be forwarded to the Ulster County Planning Board. Surveyor Ringler provided an explanation of revisions to the map. He indicated that application had been made to the Ulster County Department of Health for septic approval.

Discussion took place wherein it was indicated that the driveway was approximately 12' wide and Member Todd Natale indicated that pulloffs would be required. Surveyor Ringler raised issue of commitment to build as indicated on the proposed map to which the Board responded that Building Department would refer to filed maps and map notes and restrictions, stating that significant changes could possibly require referral back to the Planning Board.

Subsequent to review of the Short EAF, **Chairman Lanzarone entertained a motion** to issue a Negative Declaration. Upon Motion of Member Kris Lovelett, seconded by Member Todd Natale and the affirmative vote of 5 members, 0 Alternate Member, the negative vote of 0

Members, the abstention of 0 member and 2 Members being absent (Mary Collins stepped from the room), a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Absent

Chairman Lanzarone called for a motion to schedule a public hearing for July 20, 2016. Upon Motion of Member Kris Lovelett, seconded by Member Steve Wood and the affirmative vote of 5 members, 0 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 3 Members being absent), a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Absent

Pending Application:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Rite Aid #10704	Richard Lanzarone	Site Plan Modification	3852 Main Street	B-1	69.2-5-3.200	Application Review

Most recent façade and material proposal was submitted to the Board. Chairman Lanzarone indicated that the proposal as submitted was not acceptable to the Board, given the colors and appearance and dimensions of the proposed signs. Review of the design guidelines transpired with specific requirements being pointed out to the applicants. The applicants were asked for a ¼ view to obtain an idea of how the alterations would relate to the existing buildings and design of the plaza.

New Application:

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Perry LLA	Todd Natale	Lot Line Adjustment – Different owners	35 & 15 Suncreek Lane	R-1	62.3-1-47.13, 62.3-1-14 & 62.3-1-12	Application Review

Applicant Paris Perry and Surveyor Bill and Eggers were present on the application. The applicant indicated that the intent was to eliminate a lot.

Chairman Lanzarone called for a motion to confirm that the plan qualifies as a Lot Line Adjustment. Upon Motion of Member Todd Natale, 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 member and 2 Members being absent, the motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Chairman Lanzarone called for a motion to classify as an Unlisted Action. Upon Motion of Member Kris Lovelett, seconded by Member Kathleen Hawk, and the affirmative vote of 5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Members being absent, the motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Chairman Lanzarone entertained a motion to issue a Negative Declaration. Upon Motion of Member Kris Lovelett, seconded by Alternate Member Mary Collins and the affirmative vote of 5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye

Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Chairman Richard Lanzarone called for a motion granting approval with conditions. Upon motion of Alternate Member Mary Collins, 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 member and 1 Member being absent, a motion was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

Conditions to the approval include:

- New property descriptions
- Mylar and 6 copies

Action items:

Upon Motion of Member Kris Lovelett, seconded by Member Todd Natale and the affirmative vote of 5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Member being absent, a motion to supplement escrow in the Ballincurry Builder Subdivision application in the amount of \$2,000.00 was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent

Todd Natale	Aye
Mary Collins (Alternate)	Aye

Upon Motion of Member Kris Lovelett, seconded by Member Todd Natale and the and the affirmative vote of 5 members, 1 Alternate Member, the negative vote of 0 Members, the abstention of 0 member and 1 Member being absent, a motion to approve the Minutes from January 30, 2016, February 17, 2016 and April 20, 2016 was carried by the following vote:

Vote:	All Aye
Richard Lanzarone (Chairman)	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Sylvia Ricci	Absent
Kathy Hawk	Aye
Larry Ricci	Absent
Todd Natale	Aye
Mary Collins (Alternate)	Aye

No action was taken on approval of the Minutes for May 18, 2016.

Upon Motion of Member Kris Lovelett, seconded by Member Todd Natale, the meeting was adjourned at 11:05 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 22nd Day of June, 2016

Minutes Approved on: August 17, 2016



PRE-APPLICATION REVIEW - TOWN OF MARBLETOWN PLANNING BOARD

APPLICANT/OWNER/PROJECT ID

Applicants: Gibbs Minor Subdivision

Landowners: Lila Gibbs

Name of Development: Minor Subdivision for Lands of Gibbs

SITE LOCATION AND ZONING

Street Address and Jurisdiction, Tax Map Number (Section/Block/Parcel) and Acreage: 1066 Berme Road, High Falls, NY; Tax Map No. 70.09-2-39 and 40, 9.8 acres.

Zoning District: R-3

Agricultural District?: No; but adjoins district at Lot 40 **Historic District/Archaeo. Sensitive Area?:** Yes (archaeo) and within 900 feet of the High Falls Historic District.

DESCRIPTIONS AND APPROVALS

Project Summary: Applicants propose to reconfigure two existing lots into two building lots.

Preliminary SEQR Classification: Type I Action (to be confirmed by Planning Board).

Planning Board Approval(s): Minor subdivision or lot line adjustment – to be determined by Planning Board.

Other Required Approvals and Referrals: Ulster County Department of Health (septic), Fire District Review; Town road opening permit; Ulster County GML review required of all subdivisions (not for lot line adjustment)

DOCUMENTS REVIEWED

Plan: Sketch Plan showing Subdivision for Lands of Gibbs, prepared by Medenbach & Eggers, PC, last revised September 7, 2012.

Floor Plans/Architectural Plans: Not applicable.

PRE-APPLICATION MEETING: Yes, to be held on January 8, 2016.

ON-SITE NATURAL CONDITIONS/IMPROVEMENTS & OCCUPANCY

Topography: Ranges from flat nearer Berme Road in places to sloping conditions at Rondout Creek and near canal bed.

Soils: PIB, Plainfield loamy sand, 0-8% slopes; Lm, Lamson fine sandy loam (hydric).

Vegetation and Habitat: Forested with cleared area associated with existing dwelling and Lot 39. As per NYSDEC, rare animals and plant species are present in the project area.

Streams, Wetlands, Flood Hazard Zones. Wetlands are present along Rondout Creek and potentially along northerly lot line. The 100-year floodplain associated with Rondout Creek is present on the portions of the lots on the west side of Berme Road. Stream may be present on-site and south of the existing dwelling.

Existing Structures on Site: A single-family detached dwelling fronts to Berme Road, and is to be situated on a new lot.

APPLICATION/MAP COMMENTS

1. Type of Subdivision. The application involves two tax parcels, and the lot lines are being adjusted and will remain two tax parcels. The Planning Board should determine whether this application qualifies as a lot line adjustment. However, the applicant will be seeking DOH approval, so the applicant's engineer should indicate whether for permitting purposes, it should be treated as a subdivision.
2. Existing lot lines. The existing lot lines should be shown on the map, along with the new lot line locations. Note that Berme Road bisects the two proposed lots, and this needs to be addressed, i.e., should it be shown as a user road, or should it be contained within a right-of-way. Also, note that the Town tax maps illustrate Berme Road being in its own right-of-way.
3. Agricultural data statement. Lot 40 extends to the center of Rondout Creek, and abuts a property within an agricultural district. An agricultural data statement needs to accompany the application.
4. Metes and bounds. The metes and bounds are missing from the map.
5. Septic and well. The septic and well for Lot 1 needs to be shown. If Lot 1 is connected to the High Falls Water District, this should be indicated on the map.
6. Setback lines. The setback lines should be added to the map. Note that the lot fronts to two streets. It is unclear from the zoning law, due to a lack of definitions including rear lot line and front lot line, whether both yards should be considered front yards, or whether one yard can be deemed a rear yard.

While it is clear that a corner lot (with two road frontages) has two front yards, the zoning is silent with regard to "through lots".
7. Scale. The scale noted on the plan does not appear to be correct.
8. Water line. Any existing water line which will serve the property needs to be shown, and the proposed connection into the lot. A review should be conducted by the water district to ensure service can be provided.
9. GML review. The plan will need to be transmitted to Ulster County for GML review if it is processed as a minor subdivision.
10. Cultural resource survey. The subdivision shows the location of a future dwelling, so it is the applicant's intent to create a building lot. As such, the site is located in an archaeologically sensitive area, and a cultural resource investigation is required.
11. Natural Heritage Program. Since the property is in a location that has the potential for rare and sensitive species, the NYSDEC Natural Heritage Program and US Fish and Wildlife Service need to be consulted early in the process for SEQRA review processes.

12. Floodplains and Wetlands. The location of the 100-year floodplain should be shown, as well as the location of wetlands (Rondout Creek). There are hydric soils present along the northerly edge of the property, and hydric vegetation is present, as per aerial photo review. At a minimum, the soils need to be shown on the map, and the Lm soils identified as hydric on the map. Lastly, if a stream is present along the southerly lot line near the existing dwelling, it should be shown.

The Rondout Creek has a "B" water quality classification, and any activity within 500 feet of the banks of the stream will be regulated by the NYSDEC.

Please include the Town's wetland and stream notes on the map.

13. Canal. There is a dotted line along the canal bed and towpath. Please explain what the dotted line signifies.
14. Berme Road and Canal Road. To the extent the roads are located within the boundaries of the proposed lots, the Town's standard road reservation notes should be added to the map.

A map note should clearly indicate to which road access will be provided. The map shows it accessing Berme Road. This will avoid any potential disturbances to the canal bed and towpath.
15. Sketch plan information. The sketch plan should present topographic contours using secondary resources, the vegetative lines, and soil map unit boundaries.
16. Adjoiners. The map's preparation date indicates it was prepared in 2012. The map should be reviewed to ensure it lists current adjoining property owners.
17. Boundaries. The final plan will need to show the proposed location of boundary markers.

SEQRA COMMENTS

1. Classification of action. The application appears to be a Type I action as the site is within 900 feet of the High Falls Historic District. A long EAF Part 1 needs to be submitted. The Planning Board must conduct SEQRA coordinated review if there are any other involved agencies.

Date of Review: January 8, 2016.



Town of Marbletown Planning Board Planning Board
PO Box 217
Stone Ridge, New York 12484
(845) 687-7500 Ext. 171

RESOLUTION GRANTING LOT LINE ADJUSTMENT APPROVAL FOR LILA GIBBS

Tax Map Numbers 70.9-2-39 and 70.9-2-40

Property Address: 1066 Berme Road, High Falls, NY in the Town of Marbletown

WHEREAS, the proposed action is a lot line adjustment to reconfigure two (2) existing lots (70.9-2-39 and 70.9-2-40) which will remain two tax parcels; and

WHEREAS, the Town of Marbletown Planning Board (the “Board”) received the application for a Lot Line Adjustment from William Eggers, L.S., of Medenbach and Eggers, P.C., last revised on February 15, 2016; and

WHEREAS, the proposed lot line adjustment is shown on a map entitled “Survey Map Showing Lot Line Adjustment for Lands of Lila Gibbs”, prepared by Medenbach & Eggers, P.C., and last revised February 15, 2016; and

WHEREAS, on February 17, 2016, the Town of Marbletown Planning Board classified the application as an Type I action under SEQRA; and

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQRA), the Marbletown Planning Board, as lead agency, determined on or about June 15, 2016, after having reviewed parts 1 and 2 of the Short EAF, the proposed Type I action would not have a significant effect on the environment and a draft environmental impact statement would not be required, and

WHEREAS, on February 17, 2016, the Board unanimously agreed that the application meets the criteria for a lot line adjustment as per 169-17 Subdivision of Land with the conditions imposed herein and on the final map; and

WHEREAS, the site is located within an archeologically sensitive are. The Applicant retained Joe Diamond, PhD, who prepared a Phase I Cultural Resource Investigation of the subject property, which included shovel tests within the Area of Potential Effect (APE), and

WHEREAS, the application was referred to the New York State Parks, Recreation and Historic Preservation (“SHPPO”) which, in the June 9, 2016 response, indicated that the

“project did not include potential environmental impacts to the New York State Parkland that may be involved in or near the project,” and

WHEREAS, it has been determined the NYS DEC records indicate that the Northern Long-eared Bat (NYS *threatened*) and Indiana (NYS *endangered*) were found to be recorded within or near the project site and that the impacts of the project pursuant to SEQR be fully evaluated with the recommendation that any tree removal associated with the proposal take place between October 31st and March 31st; and

WHEREAS, there was a disputed property line between the lands of Lila Gibbs and the lands of Larry and Sylvia Ricci, which property line is to be confirmed pursuant to the Ricci Deed; and

NOW, THEREFORE, BE IT RESOLVED, that the map depicting the plan of the lot line adjustment of lands N/F belonging to Lila Gibbs as shown on maps prepared by Bill Eggers, a licensed surveyor, last revised February 15, 2016, and revised to reflect the conditions depicted below, is hereby approved.

1. A Mylar and 6 paper sets of the lot line adjustment map shall be submitted for signature.
2. Map note shall be added: “This property has been identified by the NYS DEC as potential habitat for certain threatened and/or endangered species of wildlife. Therefore, trees shall be cut, removed, or lopped only during the time period after October 31st through March 31st of each year to avoid any potential impact to roosting Indiana and Northern Long Eared bats.”
3. New legal descriptions to be provided.

NO WRITTEN OR VERBAL NOTICE OF THE PENDING EXPIRATION OF THE FINAL APPROVAL SHALL BE GIVEN TO THE APPLICANT BY THE PLANNING BOARD OR ANY OTHER TOWN DEPARTMENT.

Dated: June 15, 2016

Moved by: Todd Natale

Seconded by: Kathleen Hawk

Resolution approved by a unanimous vote of 6 ayes (including Alternate Mary Collins), 0 nays, 0 abstentions and 2 absent (Members Larry and Sylvia Ricci).

Dated this 15th day of June, 2016

Heather Moody, Town Clerk
By Joyce Cain, Deputy Clerk

Filed this 13th day of July, 2016

Lisa K. Mance, Planning Secretary