

## TOWN OF MARBLETOWN PLANNING BOARD MINUTES

Date: September 19, 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	Absent
Larry Ricci	Present
Laura Shabe	Absent
Max Stratton	Present
John Kotsides	Present
Dave Cobb (alternate)	Absent
Kimberly Cole (alternate) for Laura Shabe	Present

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

Chairman Dan Proctor called the meeting to order with the Pledge of Allegiance at 7:03 p.m.

### **Pending Application:**

Applicant - Board Member Delegate		Application	Location	Zoning District	SBL	Status
David & Molly Caballero	Steve Wood	Project Salt Room	Route 213, High Falls	R-3	70.46-2-1.100	Site Plan Review, SEQRA determination

Applicants David and Molly Caballero were present for review of their application. Point person Chairman Steve Wood deferred to Planner Franson to provide the Planning Board with her recommendations and determinations as to what actions could be taken on the application. The Caballeros were called upon to provide further explanation of the plan and their latest proposal to serve and sell tea and other related salt therapy products. The tea service would be both complimentary to paying customers and also sold retail. The Board indicated that Board of Health approval would be needed and this would be a condition of approval, if granted.

The Planning Board Secretary confirmed that the Code Enforcement Officer Dave Allen had reviewed the final Site Plan (layout of parking and dimensions of actual plan submitted). CEO Allen confirmed immediately prior to the Planning Board meeting that the plan as provided was acceptable to him for reference.

Discussion ensued with regard to the proposed freestanding sign and possible issue of the sign being located within the County Department of Transportation Right-of-Way. Vice Chairman Wood noted that the Board was not holding the applicants to an exceptional standard but rather “the” standard mandated pursuant to the Town Code.

The draft Negative Declaration was projected for review and the Secretary made changes during the review at the direction of the Members.

**Vice-Chairman Steve Wood called for a Motion to issue a Negative Declaration.** Upon Motion of Member Larry Ricci, 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 0 members being absent, the motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Max Stratton	Aye
John Kotsides	Aye
Kimberly Cole (alternate) for Laura Shabe	Aye
Larry Ricci	Aye

Thereafter, the draft Resolution was projected for review and discussion, with the Secretary making appropriate changes to the draft as suggested by Planner and Planning Board. It was noted that the present draft was based upon older approval Resolutions that had been used as templates for examples and the Board preferred the standard being used by Board presently. The Resolution was revised to note that, although the freestanding sign was shown on the Site Plan, the Board didn’t review it as part of the present site plan and said sign was subject a separate review by the Planning Board.

The Applicants were provided with copies of outstanding invoices that were required to be paid through escrow of the applicants and amount to be paid was to become a condition to approval.

**Vice-Chairman Steve Wood called for a Motion to adopt the Resolution to approve the Site Plan.** Upon Motion of Member Kris Lovelett, seconded by Member John Kotsides and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the

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

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Max Stratton	Aye
John Kotsides	Aye
Kimberly Cole (alternate) for Laura Shabe	Aye
Larry Ricci	Aye

**Pending Application:**

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Isaac Fuhrmann	Larry Ricci	Fuhrmann 3- Lot Subdivision	7 Ricci Road	A-3	60.4-1-27.120	Preliminary Plan, Slopes & Grades provided 9/11/18, Rec'd UCPB advisory comments; Fire Chief verbally approved access with turnouts depicted

Surveyor Bill Eggers was agent for applicant Isaac Fuhrmann on the application and was asked to provide updates. Code Enforcement Officer Dave Allen had provided written confirmation just prior to the meeting, confirming design of turnoffs on the plan as determined by Medenbach & Eggers, Engineers and Land Surveyors would be acceptable to Kripplebush-Lyonsville Fire Chief. Point Member Larry Ricci notified Surveyor Eggers that it would be in the applicant's best interest to schedule an appointment with the NYS DEC with regard to the mapping out the wetlands which would allow for confirmation of what permits were going to ultimately be required, if any, and by what agency. Surveyor Eggers had provided Slopes & Grades as well a Preliminary Plan. Slopes & Grades image was projected for review and discussion. Bill Eggers noted that the building up of the road had created a dam of sorts which held back water on portion of property, creating a "wet" condition near the road area which could be corrected by the installation of a culvert. This condition was what needed to be reviewed by the DEC to determine whether it was State or a Federal wetland and depending on the findings, what

permitting would be required. The previous DEC delineation could have changed significantly from the last determination and needed to be updated. Planner Franson noted that there could be potentially three regulatory bodies that may require a permit– DEC wetland, DEC regulated stream (protection of waters) and Army Corp. of Engineers regulation.

Planner Franson noted she hadn't calculated limits of disturbance and the plan may change depending on findings of the DEC. The road was to be considered private and would require the need for a Road Maintenance Agreement and the Board should review specs for private driveway to determine if it was adequate. Surveyor Eggers noted that creation of a private driveway as part of the Reynolds Subdivision application had taken place and he was going to look back at that application.

**Pending Application:**

Applicant - Board Member Delegate		Application	Location	Zoning District	SBL	Status
Martin Fetner	Max Stratton	Fetner 3-lot subdivision	Old Kings Highway Road, Accord	R-1	69.4-1-20.110	Escrow rec'd., Ag Data Statement mailed; site visit conducted; view shed study provided; maps revised 6/5/18

Bill Eggers, L.S. was present as agent. Although the matter was not on the Agenda, discussion took place regarding the status of the application. Revised maps and Full EAF Part I had been provided September 18, 2018. For the benefit of the press, the Board explained what was taking place. Attorney Tracy Kellogg was present in the audience and provided information as to the process pending before the Town Board relative to the request to designate the involved parcel as an open development area. The markers to delineate the trees not to be disturbed still needed to be decided upon and Member Stratton and Mr. Fetner were still deciding what should be used. A Notice of Intent to serve as Lead Agency needed to be circulated and a SWPPP, letter to serve from Central Hudson and DEC Permit were going to be needed. The Ulster County Department of Health approval had been granted for the three (3) proposed lots as well as the archeological report which had been provided to the New York State Parks, Recreation and Historical Preservation. Chairman Proctor noted that the Secretary would be providing a note to Surveyor Eggers summarizing the current status of the application and what else was necessary.

Attorney Kellogg confirmed that actions could be taken on the application under old business.

**Member Max Stratton thereafter called for a Motion to classify the action as a minor subdivision.** 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 0 members being absent, the motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Max Stratton	Aye
John Kotsides	Aye
Kimberly Cole (alternate) for Laura Shabe	Aye
Larry Ricci	Aye

**Member Max Stratton thereafter called for a Motion to circulate Notice of Intent for Planning Board to serve as lead agency.** Upon Motion of Chairman Dan Proctor, seconded by Member Larry Ricci and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Max Stratton	Aye
John Kotsides	Aye
Kimberly Cole (alternate) for Laura Shabe	Aye
Larry Ricci	Aye

**New Application:**

Applicant- Board Member Delegate		Application	Location	Zoning District	SBL	Status
Town of Marbletown by Tracy Kellogg, Esq. as Agent	TBD	Town of Marbletown with Harry Hanson LLA	66 Rest Plaus Road and Marbletown Rail Trail	R-1	70.2-2-12 & 69.4-1-31	New application

Town Attorney Tracy Kellogg was present for the application review and addressed the Board. Town Board Member Eric Stewart and Surveyor Bill Eggers were present as well. Sketch displayed and an updated hard copy of the proposed lot-line adjustment was provided to the Board. The proposal was to be an almost even swap of land which would provide parking area for access to the rail trail. Attorney Kellogg desired the input of the Planning Board during the early stage of the preparation of the formal submission. Questions were raised relative to the Central Hudson easement, entire bounds of the Central Hudson easement, whether the rail trail would be considered a public park and whether Department of State or New York State Office of Parks would be involved. No concept layout had been developed to date with regard to the actual parking area. SEQRA review would be based upon whether the proposal was exempt – if it wasn't, it would be a Type I action due to location in the Rest Plaus Historic District.

Town Board Member Stewart provided information relative to a project being put together by the Town and the High Falls Conservancy to create a promenade along the High Falls waterfront.

**Chairman Proctor called for a motion to approve the August 15, 2018 minutes.** Upon Motion of Member Max Stratton, seconded by Member Larry Ricci and the affirmative vote of 6 members, 1 alternate member, the negative vote of 0 members, the abstention of 0 members and 0 members being absent, the motion was carried by the following vote:

<b>Vote:</b>	<b>All Aye</b>
Dan Proctor	Aye
Steve Wood	Aye
Kris Lovelett	Aye
Max Stratton	Aye
John Kotsides	Aye
Kimberly Cole (alternate) for Laura Shabe	Aye
Larry Ricci	Aye

Ulster County Planning Board Memorandum of Agreement was to be provided for review and comment of members so the decision could be made at the October meeting as to whether the Planning Board wanted to sign the Agreement. Planner Franson was to provided a copy of the Agreement signed by the Planning Board of Shawangunk to use for information purposes. The County Planning over time became more amenable to making modifications to the standard Agreement. Member Lovelett who also serves as Chairman of the Ulster County Planning Board noted that a large number of applications that burden the County Planning Board were referred as a result of certain Towns not signing the Agreements and actually tied up the Planning Board.

The meeting was adjourned at 9:06 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Respectfully submitted on September 27, 2018

Minutes Approved on: