



**Town of Marbletown
Planning Board
PO Box 217, Stone Ridge, NY 12484
(845) 687-7500 Ext. 171
Email: Planning@marbletown.net**

**Planning Board Meeting – Via Zoom
June 14th, 2021**

Call To Order: Chairman P. Perry

6:02 P.M.

Pledge of Allegiance

Quorum Call:

Present - Paris Perry, Dave Cobb, Scott Boyd, Harry Hansen, John Kotsides, Max Stratton

Absent - Sharon Klein, Dan Proctor

Staff Present - Shawn Marks, Tracy Kellogg

From the Chair: Scott Boyd will be a voting member in the place of Sharon Klein

Applications:

1.) 2021-02 SBD: Mandia Minor Subdivision – Public Hearing Cont'd (Max S.)

Applicant for the Owner Jeff & Beth Foertsch

SBL: 55.3-3-7, Zone R1, Parcel 9.34 Acre +/-

SBD to Create 3 Parcels w/ Proposed SFR Ea. Parcel

Parcel On 209 Between New Beginnings & Creekside, Right Side

Application Review & Update by Max S. – The well was moved as requested, updated Plat is accurate and conforming, archaeological letter received from Joe Diamond. Engineer letter received confirming parcel is suited for septic systems. Ready to move towards determination.

Board Discussion: None

Call for Public Comment: None

Motion to close the Public Hearing by Max S., second John K., call of the roll: Paris P. Aye, Harry H. Aye, Dave C. Aye, Max S. Aye, John K. Aye, Scott B. Aye. Unanimous 6-0

Draft Determination reviewed by the Board

Motion to approve the Determination and Application for Subdivision by Dave C., second by Max S., call of the roll: Dave C. Aye, John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Paris P. Aye. Unanimous 6-0

2.) 2020-07 SBD: Oakwood Estates – PHASE II – Public Hearing Cont'd (Paris P./Max S.)

Applicant John Russell

Oakwood Drive / Oakwood Circle, Kingston NY, 12401



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SBL: 61.2-4-1.110

Phase II: Approval for 6 additional parcels to create a total of 10

Application Review & Update by Paris P. - EAF Part 2 completed and accepted, Part 1 Long Form was previously completed for the whole project during Phase 1 of the Subdivision. Board needs to review Part 3, Part 3 Narrative, and vote on a Declaration.

EAF Part 3 reviewed and discussed by the Board

SEQR EAF Part 3 Narrative reviewed, discussed, and amended by the Board

- Board verified that there are slopes of 15% or greater, confirmed by Applicants Architect
- SWPPP review pending with Town and Applicant Engineers
- SPEDES/MS4 pending approval by Town Stormwater Officer
- Determination will be conditioned by the acceptance of SWPPP by Town Engineer and MS4 permit approval by Stormwater Officer

Call for Public Comment: None

Motion to accept Part 3 EAF and Part 3 EAF Narrative by Max S., second by Dave C., Call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

Motion to issue a SEQR Negative Declaration by John K., second by Max S., Call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

Board Discussion on Application: None

Additional Call for Public Comment: None

Motion to close the Public Hearing by John K., second by Harry H., call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

Draft Determination reviewed and discussed by the Board

- Addition of SEQR Classification Date
- Addition of Road Maintenance Agreement date of approval
- Clarification that the Board reviewed Phase II as being 10 lots in total

Conditions of Determination reviewed and discussed by the Board

- SWPPP approval
- Roadway to be Completed or Bonded
- MS4/SPEDES approval by Town Stormwater Officer



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Motion to approve the Conditioned Determination and Application for Subdivision by Harry H., second by Dave C., call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

3.) 2021-03 SBD: Jurbala-Barnett Minor SBD – Public Hearing (John K.)

Applicant: Paul McGinnis (For Jurbala-Barnett)

SBL: 61.3-1-35.200, Zone A3, 23.8 +/- Acre

214 Bone Hollow Road, Accord NY, 12401

SBD of 2 existing parcels to create a total of 3 – Flag Lots x 3

Application Review & Update by John K. - Updated plat with revised Private Rural Road specifications received. Emergency Vehicle turn outs and turnaround added. Road Maintenance Agreement received. Ready to move for SEQR classification and Public Comment.

Motion to classify the application as Type II Action under SEQR by John K., second by Harry H., call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

Discussion of Septic Feasibility letter with Applicants Engineer Chris DiChiaro

- Chris reports that field work was conducted, and the application process is underway with the Ulster County Board of Health
- No foreseeable reason for denial of Septic Application by the Board of Health

Call for Public Comment:

Anthony DiGuiseppe*: (Bone Hollow Road) My property is adjacent to the property being subdivided. Are there any wetlands that have been looked at on that property?

John K. – Wetlands are not on the parcels that are being subdivided and are well off from the property line and not a concern on the EAF. These wetlands were looked at by the Board and are no where near the construction that is proposed

*What about the wells?

Max S. – Wells are multiple times beyond the setbacks to the wetlands which are on an adjacent parcel at the far end of the subdivision location. The Board does not see any disturbance issues

*I have an access road which is at S85-11-36 and the subdivision road is on the left side of that property line, I thought the wetlands were along that line on the left side of the subdivision. Will there be an impact to the wetlands by the proposed roadway?



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Chris DiChiaro (Applicants Engineer) – The only wetlands in the area are well off of the properties. There is a significant one to the south but is over 1,000 feet from the house. All distances to wetlands are distant and not on the parcels being discussed. The area at the curb cut has minimal drainage that will be sufficiently captured by the road. There will be no change in drainage patterns or no concentration of drainage. The land as is, drains out toward Bone Hollow.

*Is there going to be, where the access road is from Bone Hollow, is there going to be a ditch with a catch basin?

Chris DiChiaro (Applicants Engineer) – Planning on a culvert pipe at the curb cut. The topography at the curb cut is able to manage any runoff without issue. A small culvert will handle that. Culvert is included in the Road Specifications.

*This land is all wooded, completely. Were there any studies done on Wildlife there?

John K. – Short EAF was completed and there were no triggers on the form for wildlife; no major impacts noted.

Max S. – Most parcels will trigger the Northern Long Eared bats and Indiana Bats on the EAF. If it is triggered, then there are restrictions on clearing.

*When are they going to be doing construction on this in regard to the bats?

Paris P. – Cannot clear from April 1st till October 30th.

Paul McGinnis (Applicant) – Chris the Engineer can shed light on the Bats

Chris DiChiaro – The EAF did not trigger for the bats on any of the parcels. If the EAF does not trigger the notice, then the response is voluntary by the owners. When I walked the property, I didn't see many Shagbark Hickory and those are the common roosting trees for the Bats.

*Has anyone done a wildlife study? The land has been wooded for 100 years

Chris DiChiaro – The EAF was completed, and nothing was triggered for wildlife

*It says Lower Bone Hollow Road, its no longer called Lower Bone Hollow, its Bone Hollow

Peter Stenton: My property is to the east of this property. I have seen the Shagbark Hickory to the east of the proposed subdivision. Do you have a sense of how much they are planning to clear?

Paul McGinnis (Applicant) – As limited as possible. The blue area of disturbance is provided on the subdivision site plan (confirmed by Engineer DiChiaro and Max S.)

Pierce North: I live just across the road from the proposed entrance to the Subdivision. I'm concerned about the disruption to the road as the entrance is on a very narrow part of the road. When there are construction vehicles on the road its difficult to maneuver around the vehicles. Are there any plans to



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manage that for traffic and for School buses? Difficult to see oncoming traffic with vehicles in the roadway. Just understanding the schedule would be very useful.

Paul McGinniss – The construction vehicles should no longer be an issue. Now that the curb cut has begun, we have removed those vehicles from the side of the road. Traffic there should no longer be an issue.

Paris P. - Provide a flagger for safety if you have large trucks coming in. There should be no obstruction of the Town road.

Antonia Nelson: We live two lots down from the property to be subdivided. We do have Shag Bark Hickory along the property line along the subdivision, and there are some along Bone Hollow Road. What is the time frame for completion? Concerned about the sound and disturbances because the construction is quite loud.

Paul McGinniss – We're looking to do the job as quickly and efficiently as possible so as to not drag it out and be noisy. We're hoping to complete the site work and road work done by the Fall at the latest, but possible before that.

Chris DiChiaro – We walked the driveway line and looked at the house sites, and there were mainly pine trees. I can imagine that there may be Shagbark Hickory on the eastern end closer to where its wet

The Board discussed the Shag Bark Hickory trees and the Bats. Reiterated that the EAF did not trigger for the species. In agreement that that a condition is not warranted given that the EAF did not trigger the need for conditions. The Board has no authority to limit the clearing because the EAF did not trigger it.

Max S. – The area of clearing has no Shagbark Hickory, and we have no legal authority to preclude the cutting given that the EAF did not trigger.

Anthony DiGuiseppe*: Does the Planning Board have any authority to limit the times of construction? The sound travels very easily in this neighborhood. Does the Planning Board have the option to limit the times of construction?

Paris P. – This is a Type II SEQR, basic subdivision, and there is no power over the construction and it would be an ask by the neighbors.

Max S. – There is no noise ordinance in the Town of Marbletown and the Building Department does not have any say over times of construction.

*I think there should be limits placed on the times of construction so we can live in tranquility.

The Board discussed the request to limit construction hours.

Paul McGinniss – We have only worked on 1 Saturday, and have been very conscious to try and not start working too early or too late



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Additional Call for Comments from the Public: None

Motion to close the Public Hearing by Max S., second by Dave C., call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

Following the Close of the Public Hearing, resident **Danny Korwin** began to speak to her concerns about the noise of construction. Comments were heard by the Board. Ms. Korwin found the hours of construction on a Saturday to be objectionable.

Max S. – If this wasn't a subdivision, a contractor could begin work and stop work when they please. The Board is going to take a step to mitigate, because this is a subdivision, but we can not put an undue burden on the applicant or the contractors ability to run their business.

Paul McGinniss – So far the crews have not worked more than 8 hours

Ms. Korwin reiterated her objection to the hours of construction

Paris P – You are talking over top of me. If it continues, we will have to mute you so we can deliver our mitigation message. What is your idea of hours that are acceptable?

Danny Korwin – 9 am till 5 pm at the very latest, and on a Saturday 10 am till 5 pm the very latest

Paris P. – Those hours are not reasonable for construction. The reality of a 9 am start is not practical in construction. We appreciate your comments, we're going to move forward with the determination

The Board reviewed the Draft Determination:

- Wording adjusted to reflect the proposal of existing 2 lots subdivided to allow for one additional lot totaling 3
- Addition of a mitigating condition, voluntarily agreed upon by the applicant, for construction hours to be 8 am till 6 pm as a response to the Public Commentary regarding noise. This shall be in effect Monday through Saturday.

Paris P. – This is not to set precedent. This is a response to the Public Hearing comments, location of the property, and the Applicants willingness to mitigate the concerns of the neighbors.

Motion to approve the Conditioned Determination and Application for Subdivision by Dave C., second by John K., call of the roll: John K. Aye, Harry H. Aye, Scott B. Aye, Max S. Aye, Dave C. Aye, Paris P. Aye. Unanimous 6-0

4.) 2021-04 LLA - Seeman-Rizzo Lot Line Adjustment – New Application (Paris P.)

Ford & Lyndsey Seeman & R&H Rizzo Enterprises

29 Krom Road & 4183 Atwood Road, Stone Ridge NY, 12484

SBL: 54.4-2-32 & 54.4-2-27; A3 Zoning; Conveyance of 4.2 acre

Lot Line Adjustment Between 2 parcels, separate ownership



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Review of Application by Paris P. - 2 parcels adjacent to one another; lands from Rizzo being conveyed to the lands of Seeman. Lot Line adjustment is conforming and would create no conflict with Code. Donor parcel reduced to 13.25 acre, receiving parcel increased by 4.2 acre to a total of 9.05 acre.

Bill Eggers (Surveyor for Applicant) – Expansion of Lot 32 by conveying lands from Lot 27. Lot 32 will be expanded by 4.2 acre.

The Board reviewed the Plat and Application without further commentary

Motion to approve the Determination and Application for a Lot Line Adjustment by Harry H., second by Max S., call of the roll: John K. Aye, Max S. aye, Harry H. aye, Paris P. aye, Dave C. aye, Scott B. aye. Unanimous 6-0

5.) 2021-05 LLA – Murphy/NAIRB Lot Line Adjustment – New Application

Brian Murphy & NAIRB Inc

3606 Main Street, Stone Ridge, NY, 12484

Lot Line Adjustment between two parcels; same ownership

SBL: 61.20-3-28.100 & 61.20-3-29.100, B1 Zone, 0.7 acre conveyed

Existing undersized lot and conforming lot

Review of Application by Dave C. - Proposal to convey lands from parcel adjacent to Marbletown Hardware. Parcel purchased and now owned by Brian Murphy is existing undersized with a ROW split by a property line. Conveying lands to NAIRB and cleaning up the presentation of the lot line between the two parcels. The conveyance will create a more conforming lot at 61.20-3-28.100. A portion of NAIRB property was also conveyed to 28.100, as noted on the plat, and will clean up the jagged nature of the property line. This conveyance to and from will not create any increased nonconformance of setbacks for existing structures.

The Board reviewed the proposed plat for the LLA. No questions or comments.

Motion to approve the Determination and the Application for a Lot Line Adjustment made by John K., second by Dave C., call of the roll: Max S. aye, Scott B. aye, John K. aye, Paris P. aye, Harry H. aye, Dave C. aye. Unanimous 6-0.

6.) 2021-06 LLA – Brendle Lot Line Adjustment – New Application

Joseph & Kimberly Brendle

Old Kings Hwy

SBL: 69.4-1-2 & 69.4-1-3; R1 Zone, 3.49 acre total between 2 parcels

Dissolve parcel 69.4-1-2 into 69.4-1-3; 0.97 acre conveyed

Review of the Application by Scott B. - Conveyance of 0.97 acre of land and the deletion of a lot line between two parcels to create one parcel. Merging 2 vacant lots to a combined size of 3.49 acre. Parcel will meet zoning requirements. Intent to construct a single-family residence. There is wetland noted with an established buffer also noted on the LLA plat. This LLA will make the lot buildable.



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The Board reviewed the plat and the application. No comments.

Motion to approve the Determination and Application for Lot Line Adjustment by Max S., second by Dave C., call of the roll: Harry H. aye, Scott B. aye, Max S. aye, John K. aye, Dave C. aye, Paris P. aye. Unanimous 6-0.

7.) 2021-04 SBD – Minor Subdivision – Clendening – New Application

Alpheus & Dania Clendening

212 Bush Road, Stone Ridge, NY, 12484

SBL: 61.2-2-7 & 54.4-2-44

Zone: A3; 17.05 acre & 1.8 Acre, respectively

Lot line deletion between two parcels and Subdivision into 4 lots

Review of the application by Harry H. - Proposal to delete a lot line, merge two lots, then subdivide into a total of 4 parcels. This will create flag lots off an existing unimproved access road. The roadway is existing but as of now we do not have confirmation of ROW's or design specs. Half of the road is on the Clendening property, and the other is on the Ross property. The existing portion of the access road serves a cabin on the Ross property. Setbacks are easily met for all parcels with the proposed locations of the SFR to be constructed. This will require a shared driveway or private rural road and will require deeded ROW to all parcels. This roadway will essentially serve 5 structures and 5 lots.

The Board reviewed the sketch plat for code compliance and discussed additions to be made for such

Paris P. – Will require emergency vehicle turn arounds or hammer heads.

Max S. – If the roadway is 20 feet wide, only Turn arounds will be required. Does the distance of the lots meet the flag lot code?

Shawn M. – Proposed frontage measured with scales and each lot appears to have enough fronting. With the 5th dwelling, this is required to be a Private Rural Road.

Paris P. – Will require inspection from Town Engineer and as built/design specs from MECELS

Bill Eggers – Surveyor: We can work with the 90 degree turns in the access road to facilitate better passage of Emergency Service Vehicles. We'll update the Plat with Roadway design and submit.

Motion to set Escrow at 2,500\$ to fund Town Engineer review of the roadway by Max S., second by John K., call of the roll: John K. aye, Scott B. aye, Harry H. aye, Dave C. aye, Paris P. aye, Max S. aye. Unanimous 6-0.

Motion to refer the roadway for inspections and design review to the Town Engineer by Max S., second by Dave C., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.



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Motion to set a Public Hearing for July 12th, 2021 at 6 p.m. by Harry H., second by Max S., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

Motion to classify the application as SEQR Type II by Max S., second by John K., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

8.) 2021-02 SUP: Upstate Taco –SUP/SP for Restaurant – New Application (Paris P.)

Michael & Concetta Spinard/ Sasha Miranda (Applicant)

4293 Route 209, Stone Ridge NY, 12484

SBL: 69.2-2-37

SUP/SP for Restaurant in B2 Zone

Review of the Application by Paris P. - Application for Special Use and Site Plan approval to restore the old Picnic Pizza store next to MECELS to become a dinette with Mexican food, takeout meals, and a liquor license. Shawn and I met with the Applicants at the site to review the SUP/Site Plan requirements and to discuss the project. We discussed lighting, parking, design standards, and Shawn discussed building code and fire code requirements. Discussed possible expansion to outdoor dining and the addition of more deck space. Discussed the addition of a storage shed and possible an outdoor cooler to support the restaurant operations.

Shawn M. – Discussed the building code and fire code with the Applicants. Most of the work will be interior with the relocation of systems and the addition of new systems.

Paris P. – Discussed signage and lighting. Discussed the addition of the 911 address to the signage.

Sasha (Applicant) – We are looking to begin with lunch and dinner and possibly expand to breakfast or brunch.

Bill Eggers (MECELS) – We will be handling the site design for the applicant.

Paris P. – Design will be based on the B2-Soth design standards as found in the Town Code

Motion to classify the application as SEQR Type II by Dave C., second by John K. call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

Motion to set a Public Hearing for July 12th, 2021, at 6 p.m. made by Max S., second by Harry H., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

9.) 2021-02 SP - 4 Ray LLC – Site Plan – Non Store/Outdoor Retail – New Application

Applicant Scott Daniel

P.O. Box 219, Stone Ridge NY, 12484

Location: 1409-1415 Route 213, High Falls

SBL: 70.9-2-18; 1.8 acre, B2 Zone

Expansion of use for outdoor flea market



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Review of the Application by Paris P - Referral from Code Enforcement for the approval of a non-store retail outdoor market.

Shawn M. – The proposal is for an outdoor retail market at the old Birdwatchers country store. The applicant is looking to run vendor booths on a Saturday or a Sunday, their choice, from 7 am till 6 pm. There will be mandatory requirements to keep emergency vehicle access lanes clear around the entirety of the primary retail building, as well as an access lane to the gate for Paraco. Paraco stores propane on a portion of the parcel and access to that must remain unobstructed. Parking to be along the property line closes to the rail trail, and in the pre-existing parking area on the parcel. There will need to be a reduction in the number of booths proposed, as access lanes will not allow the number of booths proposed by the applicant. There will be sanitary facilities inside the primary retail store. Parking must be managed by the site manager, and a strict no parking policy will be mandated for Route 213. A parking attendant must be provided if parking becomes an issue. The Fire Department and Code Enforcement officer will have conditioned access to the property to monitor and may revoke the permit for cause. Booths will need to be placed on the creek side property line and along the fence at the rear of the existing parking area. No booths will be allowed in the parking area as proposed, only on the perimeter.

Shawn M. queried the Board about the temporary signage proposed by the Applicant. The signage is to be used to manage the flow of traffic onto and out of the property. The Board was unanimous in support of allowing the use of the signage on a temporary basis during the hours of operation.

Max S. – The signage is a necessity for the safety and for the flow of traffic. If its temporary and doesn't sit out during hours of non-operation, I think it's a necessity.

Harry H. – We should stipulate the 10-foot x 10-foot vendor booth sizes.

***Motion to accept the Site Plan Application for a non-store outdoor retail by Max S., second by Dave C., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye.
Unanimous 6-0.***

10.) Fuhrman SBD – Continued Application & Public Hearing at the Call of The Chair (Paris P.)

Isaac Fuhrman

Proposes 3-lot Minor Subdivision

7 Ricci Road, Accord, Zoning District – A-3. SBL: 60.4-1-27.120

Update by Paris P. - Skipping ahead on the agenda to Fuhrman to not make the public wait. We have not received any updates for the road build design. We have not received information about pull outs for emergency vehicles or information regarding erosion control or drainage. We cannot move on the SBD tonight, so we will continue to public hearing for July 12th. I apologize to the public for making you wait that long I should have done it earlier.



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Motion to keep the Public Hearing for the Fuhrman SBD open at the call of the chair by Max S., second by John K., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

11.) 202-06 SBD - Hasbrouck House Major SBD – Revised Application (Paris P.)

Stephanie Bassler – Applicant – North River Architecture & Planning
3805 Main Street, Stone Ridge NY, 12484
SBL: 69.2-5-1.100 B1/R3 Zone
Subdivision – 6 parcels w/ Private Rural Road

For the Application – Stephanie Bassler – Engineer/Architect – North River Architecture

Review of the Application by Paris P. - The original application was a blended application for a SUP and a SBD. We can't have the two together. We'll need to separate the Site Plan information for the Special Use Permit expansion. The Parking lot, shed, and other items pertinent to the Special Use will need to be removed from the SBD plans. If we review the SBD and not the SUP, and we approve the maps for the SBD, the contents on the maps that are relevant to the SUP will be deemed approved on the site plan without having been formerly reviewed in the SUP process. Until the maps are cleaned up, we can review the SEQR and set a Public Hearing tonight.

Motion to classify the Subdivision Application as Type 1 SEQR by Max S., second by Harry H., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

SEQR Circulation and Referral form reviewed by the Board and all applicable concerned or interested agencies were noted on the Lead Agency circulation form

Motion to circulate for Lead Agency, with SEQR referrals as selected by the Board, by Paris P., second by Max. S, call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

Tracy K. – Request that anything submitted from North River regarding the Hasbrouck House SBD be submitted in PDF-A format

North River to submit updated Maps for SEQR circulation

Paris P. – There was discussion about moving the roadway away from the neighbor's property lines, sliding Lot 3 to the property line further, and moving the roadway so that it cuts into the SBD between lots 2 and 3. This could mitigate the neighbors' concerns about the SBD and the roadway, as well as make the maintenance agreement a bit easier. There could be one hammerhead and then the driveways connecting to lots 4, 5, and 6.

Stephanie B. - Moving the roadway would mean that it would cut into the buffer zone for the Wetlands. We also have a planning preference for the Roadway to be a privacy separation between the SBD and the existing lots to the South. The roadway would provide more separation. Our preference is to e



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proceed with the current concept for the roadway. If the roadway is not compliant with regulations, then we would be willing to discuss.

Paris P. - Currently there is a rather complicated maintenance agreement for the Private Road and lots 4,5, and 6. The Board has concerns about the road traffic for the neighbors. Crossing the wetland buffer could probably be accomplished without a big deal. We think the DEC and the Army Corp wouldn't have a big objection to crossing the buffer.

Stephanie - I've heard the points and we'll consider them. The plan revision that is sent for circulation will reflect what we would like to plan with moving forward.

Paris P. - We can set a public hearing provided the maps reflect the requested changes in removing components related to the SUP.

Motion to set a Public Hearing for July 12th at 6 p.m. for the Hasbrouck House Application for Subdivision by Max S., second by Dave C., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

Paris P. - We need to ensure that we have the full 30 days to declare as Lead Agency in order to have the Public Hearing. We may need to conduct the Public Hearing in August.

Tracy K. - We'll want to ensure we have commentary back from agencies circulated to for this project. We'll want commentary back from DOT, from Ulster County Planning Board.

Max S. - We'll need to receive the updated plan set as soon as possible so we can ensure the 30 days for circulation.

Stephanie B. - We understand the timeline.

Motion to vacate the previous motion to set a Public Hearing at the July Planning Board meeting for the Hasbrouck House Subdivision, and to set the Public Hearing instead for August 9th, 2021, at 6 p.m. by Max S., second by Dave C., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

Stephanie B. - There is still some discussion to be had about the Accessory Apartments that are proposed but I'm not sure if this is the forum, or it should be during the Public Hearing? I want to go into the Public Hearing having an understanding on what the Board's consensus is on the Accessory Apartments. We would want to be discussing the Apartments if they are deemed within the Zoning standards of the town.

Max S. - To me, this is a little more of a gray area because we go from having 6 houses to essentially having 12 houses, and then you are looking at road specs for a major road. That is my position.

Paris P. - Any more comments on 12 versus 6 dwellings?



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Tracy K. – The Accessory Apartment code was never intended to be a part of a full-scale development. This proposal essentially is increasing density in having 2 dwelling units on each parcel. Does this many houses need a secondary access?

Max S. Do the parcels have enough acreage to meet the Accessory Apartment Code?

Shawn M. – Based on R 3 zoning, they do.

Tracy K. – Here you are looking at a project that is anticipating 12 residential units. This is not the same as just a house with a garage or storage shed.

Shawn M. – I would have to dig a little bit as this is not something we see often, but the density and road length may trigger fire code for a separate access.

Tracy K. – From the beginning I have had concerns about safety and access based on density.

Stephanie B. – we would want to ensure that there is safe access. The guidance I've received so far on the road standards is that this would be a minor street, in triggering fire code section 503. Minor street is a paved street in composition and top course.

Shawn M. – I'll look up the code in the Fire Code and provide the information

Stephanie B. – I am hearing that the intent of the Accessory Apartment law was meant to be on a per lot basis, and that the use of it or our hope to use of it as part of a subdivision is an issue. I've read the accessory law and I don't see a stipulation about that use of the law. I'm not saying the concern isn't founded, and we can talk about the road and the egress standards, but in terms of the intention of the law is that an item or an aspect that the Board would have grounds to deny the apartments? Is it discretionary, as I'm wondering what specificity you're seeing in the law or rather wishing that it were there?

Harry H. – This is an unanticipated application of the law and we need to be careful. It does not seem that there is anything that precludes it, but it's unanticipated. There are hiccups with new laws at times, so we need to look carefully. This may be something the Town may wish to visit this project. It seems it is permitted. The fact that you applied now it is under the current law.

Tracy K. – This application has been before the board for a period of time, and this issue was raised from the inception that there was substantial concern that you were using the law in a way that was potentially not the intention. Maybe the Town board may modify it, and the discussion we've had has been a back-and-forth discussion, and initially it was not clear whether or not your intent was to have all of those units as residential structures or if some were going to be garages with the potential for a future change. If the intent coming out that they are all going to be residential, then the planning board has a strong obligation to look at what the impact of what 12 units in there will have instead of 6. It's a significant increase in the density, the traffic, the septic, and every other aspect that we look at when



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they are considering a project of this scope. It may be that you are legally within your rights, but the planning board also has the obligation to look at it from proper planning perspective.

Paris P. – This is supported by Section A accessory Apartment's statement 2; The intent is not to develop and put 12 homes on 6 lots. (Accessory Apartment Law was cast on the Zoom Screen for review)

Max S. – Accessory Apartment law prohibits STR's within those structures. When we started with this law, it was about helping people deal with the increase in property values and to be able to support a family who wishes to offset their taxes or bills with income from an apartment, but to support young families, underserved populations. What I'm hearing that you may be legally within your rights, but we need to take a look and ensure this won't hurt the community instead of helping the community.

Tracy K. – It was never intended for full scale development. It was anticipated that families with existing properties would be utilizing this. The Board is going to have to look at this from the Building Code standpoint and fire code, and whether this was truly the intent and what the application of the Board is.

Stephanie B. – The accessory Apartments would be for rent on a long-term basis and would be in the real estate market in Marbletown at a rent that would be competitive in the marketplace. It's not inconceivable that the proposal would fit the intent of the law.

Approval of Minutes:

Motion to approve the May 10th, 2021, meeting minutes by Max S., second by Dave C., call of the roll: Harry H. aye, Scott B. aye, Paris P. aye, Max S. aye, John K. aye, Dave C. aye. Unanimous 6-0.

Motion to adjourn by John K. second by Max S., unanimous 6-0.

Meeting Adjourned

8:38 P.M.

Minutes Approved 7/12/2021

Shawn N. Marks
7/15/2021