



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

July 12<sup>th</sup>, 2021  
Planning Board Meeting Minutes

Meeting Called to Order by Chairman Perry

**6:00 P.M.**

Pledge of Allegiance

Quorum:

Board Members – Paris Perry, Harry Hansen, David Cobb, John Kotsides, Max Stratton, Sharon Klein, Dan Proctor

Staff Present – Shawn Marks, Tracy Kellogg

Communications and Announcements: None

Applications:

**1. Hardenburgh Hills II – Request for Extension of Approval**

Harry H. – Requesting an extension of the Approval which expired in March of 2021. Letter received from property owner requesting such. Reports that work is still being managed with Central Hudson and that COVID put plans on hold.

Noted during review that several driveways are greater than 10% grade, a couple noted to have 15% grade.

Harry H. We did not have a prior sign off for the driveways in the file. Fire chief was contacted.

Shawn M. in touch with Chief Bogart of Stone Ridge Fire Department who advised that those grades will be manageable for the subdivision. Will provide letter to document such.

Discussion around ensuring a Planning Board focus on driveways moving forward regarding subdivisions. Town has purview over Private Rural Roads and grades should be 10% or less where possible. No state code addresses driveways other than “shall be approved by the fire code official”. Town Code has language which triggers a review of driveways by the local fire chief.

Subdivision map and approval reviewed by the Board.

Tracy K. The Board may grant an extension by resolution.

**Resolution: Whereas the Planning Board has received a letter from George Fakaris, property owner of the Hardenburgh Hills II Subdivision, and whereas this letter has requested an extension of the subdivision approval, and whereas the property owner has noted that work has been slowed due to COVID-19, and whereas work is continuing with Central Hudson and other contractors, and whereas the Board has received the approval of the Stone Ridge Fire Department Fire Chief that driveways**



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with slopes between 10 and 15 percent are acceptable, the Board grants a one-year extension to the Hardenburgh Hills II subdivision approval.

***Motion to approve the resolution and extend the approval for the Hardenburgh Hills II subdivision for another year made by Max S., second by John K, all present in favor. (6-0)***

**2. Mandia SBD – Approval of Updated Site Plan**

Max S. (Application Lead) – This SBD was approved previously, and the applicant has submitted a revised sit plan and layout for the subdivision. The revised site plan is a much better arrangement, I think, for the layout of the subdivision.

Mike Mandia (Applicant) – When we conducted tests for the septic systems, we discovered there was difficulties with its feasibility. We reconfigured the plat to reflect two parcels that would be configured with both houses at the rear of the parcel, and the 2 lots would split the parcel in half. The revised site plan will enable the septic difficulties to be resolved. The shared driveway was also reconfigured to better allow for the updated site plan.

The Board reviewed the updated site plan and subdivision plat.

Paris P. – The final plat will need to include the emergency vehicle turnaround on the plans and the addition of all utilities and notes.

Mike Mandia – We're in the final approval stage with the Board of Health.

Max S. – We'll make the condition that the Emergency Vehicle turn outs and turn around at the terminus of the shared driveway be included on the final plat.

***Motion to approve the revised Site Plan for the Mandia Subdivision with the condition that the required emergency vehicle turnout at 500 feet and turnaround at the end of the driveway be included on the final plat for signature in addition to all utilities, well, and septic locations by Dan P., second by Max S., Vote with all present as Aye. (6-0)***

**3. Clendening Subdivision – Public Hearing**

Harry H. (Application Lead) – A revised plat has been submitted better depicting the existing road that will service the 4 new parcels and the existing parcel adjacent. The update reflects the requested emergency vehicle turnouts.

Shawn M. – Reviewed the plat and placed scales for measurements. Noted that there are the makings for an emergency vehicle turnaround (hammerhead) on the 4<sup>th</sup> parcel. The width and length are called out, as well as the radius, but the hammer head is not yet called out on the plat. Will need to be marked as such.



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Bill Eggers (For the Applicant) – We are still in the process of adding more of the final details to the Plat. We will include the call out for the hammer head turnaround. Still a way away from the final product.

John K. – Is this a shared driveway or a private road?

Harry H. – A private rural road with driveways branching off.

Shawn M. – Is required to meet the private rural road specs as it serves 5 parcels and will be serving 5 dwellings. There is a cabin on the 5<sup>th</sup> parcel which has electric running, so it triggers the fire code.

Paris P. – Need engineer to review and inspect the existing driveway to see if it meets specs and will need to gather an “as built”.

Max S. – Previously set escrow but have not motioned to have the roadway inspected or reviewed yet.

Shawn M. – Suggest putting this project out to CPL as Peak is already engaged in several Town reviews and have a heavy workload currently.

Bill Eggers (for the Applicant) – Most of the roadway is already constructed through the last parcel. There may be an issue with some of the roadway width before it approaches the 1<sup>st</sup> parcel of the subdivision. There are some difficulties with the topography. The width of the turns on the roadway are better reflected on the updated plat and the width at turns is greater than the 20 feet.

Paris P. – Add the radius of the two corners on the final plat as well as the proposed utilities. We’ll send the project to CPL. Add the hammer head at the end of the roadway at parcel # 4.

**Call for Public Comment x 3:** No Comments from the Public

***Motion to refer the subdivision to CPL for roadway review and all required inspections made by Max S., second by John K., all members present vote Aye. (6-0)***

***POINT OF ORDER by Dan P.*** – Are we in public hearing or is this a holdover from a public hearing at last meeting? Do we need a motion for the Public Hearing?

**CHAIR RESPONSE TO POINT OF ORDER by Paris P.** – This is the first appearance for a Public Hearing on this application. The public hearing was opened with the Pledge of Allegiance.

***Motion to carry the Public Hearing for the Clendening Subdivision at the call of the Chair in August made by Max S., second by Dave C., all members present vote Aye. (6-0)***

**4. Upstate Taco SUP – Public Hearing**

Paris P. (Application Lead) – Application for a Special Use Permit to open and operate a Mexican Food and Taco restaurant at the location of the previous Picnic Pizza on Route 209. The building will be renovated to accommodate the new restaurant. This is the first public hearing on this application. The applicants will need to address the following questions specific to the B2 district moving forward:



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- The placement of the structure remains the same, the use will remain the same, and the type of service provided will remain the same as the previous restaurant. The scale will remain the same.
- Paint will need to comply with the district design standards. Something from the "Historic Color Palette".
- Window design will need to follow the district design standards.
- The roof will need to be as per design standards for B2 district; slope 5/12
- Material will be built up asphalt
- Accessory equipment must not be placed on the roof and needs to be screened
- Dumpsters will need to be enclosed
- Parking space will need to comply with one space for every 50 square feet of commercial space. There is 500 square feet of space.
- Lighting will need to be down lighting, night sky style.

Paris P. - The application has been referred to the Ulster County Planning Board

Harry H.- UCPB indicated that they will be recommending that the DOT look at the existing curb cut for approval because of its age.

Shawn M. – Nothing formal received yet from the UCPB. When received, I'll send a letter to the DOT for the curb cut.

Paris P. – Regarding the sign, the Planning Board would like your 911 Street Address to be included at the top of the sign so emergency vehicles and customers can easily locate your establishment.

Max S. – The grease trap behind the building looks like it may pose difficulties for access to be pumped out.

Sasha (GET NAME) – I believe we will be able to get a truck back there to handle that.

Shawn M. – Based on my site visit, it appeared to have enough room to get a service truck to the rear of the structure.

Paris P. – The schedule will be 7 days from 12 noon till 8 p.m.

Sharon K. – Will you have outside seating?

Sasha (GET NAME) – We are considering that. There is currently a deck out front, and we would like to explore possibly having more seating outside around the side and back.

Paris P. – If the occupancy extends with additional outside seating, the applicant may need to come back before the board for a revised approval for the additional occupancy regarding parking spaces.

Michael (GET NAME) – We will end up coming back for approval as we do have plans to have outside seating expanded. We are looking to focus on take-out but do plan to extend to outside seating when the weather is nice.



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**Call for Public Comment x 3 – None.**

Max S. – We'll need all the particulars for the B2 zone included on the site plan map

Paris P. – Screening will be required for dumpsters and an enclosure. When you have a sign design established, submit for board approval. Also, please submit plans for the window and lighting for final approval.

Sasha (GET NAME) – Will we be required to do anything with the DOT recommendation?

Shawn M. – I will contact DOT. They may wish for you to address the grade or condition of the curb cut. We'll advise you when the DOT gives us their feedback. I will send out a letter requesting them to review the curb cut.

Michael (applicant) – We'll be doing upgrades to the parking area anyways to make sure it looks and presents nice. We plan to make the place as best it can be healthy and safe and nice for everyone.

***Motion to carry the Public Hearing for Upstate Taco at the call of the chair in August by John K., second by Sharon K., vote by all present Aye. (6-0)***

**5. Sandbox Slope Subdivision – 55 Depew Road – New Application**

John K. (Application Lead) – 4-acre parcel to be subdivided into 2 parcels. R3 Zone, splitting off 1 acre to create the new parcel. Parcel will have public water and private septic. There has been an engineer's letter of feasibility submitted. Parcel is adjacent to a working farm; the applicant owns the farm. Parcel is in a designated Ag district. The SEQR will need to be provided with a little more detail before its circulated. The EAF has multiple hits that collectively will require a SEQR to be circulated.

***Motion to classify the application as a SEQR Unlisted Action and to circulate for lead agency by Max S., second by Sharon K., vote of the board unanimous Aye. (6-0)***

John K. Reviewed the EAF with the applicant and instructed which items will require to be completed. Utilities will need to be listed on the Subdivision plat.

***Motion to make a referral of the SEQR and EAF to SHPO, UCPB, DEC, Fish & Wildlife, High Falls Fire District, High Falls Water District, by Max S., second by Dan P., vote of the Board unanimous. (6-0)***

Max S. – How many bedrooms will the house be?

Dyami S – 3 Bedrooms

Sharon K. – Trying to picture where the driveway will go in relation to the slop on Depew Road. Could you provide some more insight?

Dyami S. – The driveway will be at the bottom of the Depew Road slope just before the curve at the base of the slope.



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Max S. – We'll need to have a note on the Plat demarcating the water district hook up to the parcel.

Sharon K. – I'm familiar with the parcel and some of the issues the previous owner had. What is the status of the septic system?

Dyami S. – The Septic system was replaced and upgraded.

Paris P. – We'll require all setbacks to be provided for Parcel 1 and Parcel 2.

John K. – Add the location of the second tank and the leech field. There is some concern about the topography and the location of the driveway. We will need to see more details.

Dyami S. – We will send an updated map with the topography noted on it to Shawn. We currently live in the 2-story house on the parcel and this subdivision is for a friend who wishes to purchase and build a home.

Shawn M. – Had to take measurements from the proposed Plat to ensure you are not creating a Flag Lot. Can you have your surveyor include a note as to the frontage; it is required to be 125 feet to avoid a Flag lot trigger.

***Motion to set a public hearing for the August 2021 Planning Board meeting at 6:00 p.m. made by Dave C., second by Max S., board voted with unanimous Aye. (6-0)***

**Seaman & Krupica Lot Line Adjustment – Berme Road**

Sharon K. (Applicant Lead) – These are 2 adjacent lots on Berme road who have applied for a lot line adjustment. There will be +/- 0.4 acre conveyed to the smaller of the two parcels. The action is a Type II SEQR action, and the conveyance will not create any new non-conforming conditions with either lot. The setbacks are appropriate. We will need to see utilities and septic on the LLA plat.

Paris P. – We'll need to have the setbacks included on the plat and Sharon is requesting the septic and the utilities be noted on the plat. Do we need utilities on the plat?

Board agrees that the utilities should be included on the Plat.

Bill Eggers (Applicants Surveyor) – We have completed an updated Plat which does make note of the utilities and the septic facilities to include the well also. The parcel is primarily flat except for a steep grade at the drop off to the Rondout Creek.

***Motion to classify the application as a Type II action under SEQR by John K., second by Dave C., board voted with unanimous Aye. (6-0)***

The Board reviewed the Draft Determination and the Lot Line Adjustment Plat. The Board noted that because the larger parcel is situation such that the conveyance will in no way create any nonconforming conditions, that the full survey of that larger parcel is not necessary, and that the utilities and placement of septic on the larger parcel is not required.



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Tracy Kellogg (Barrister) – I recommend making a motion to note that the Board found that it's not necessary, based on the information provided, to include a full survey of the large parcel because of the site conditions. There is no significant impact on the larger parcel or any of the utilities, setbacks, or other information.

*Whereas the Board has taken into consideration (1:09:00) 169 section 17(a) and has determined that the Plat as provided is sufficient to decide on the Lot Line Adjustment Determination, and that only the smaller of the two parcels (insert SBL) shall be required to note setbacks, utilities, septic, and all other required items noted in 169 section 17(a),*

***Motion to approve the Lot Line Adjustment with the conditions noted by Max S., second by Sharon K., the board voted unanimously Aye. (6-0)***

**Reagan Minor Subdivision – 1084 Ashokan Road**

Dave C. (Application Lead) – A new application for a 3-lot subdivision at the intersection of Ashokan Road and Lapla Road. The applicant wishes to subdivide a parcel of 18 acre and dividing it into 3 lots; 2 lots to be 4.5 acre and the remainder will stay with the applicant. This is zoned A4. The parcels are to be used for single family residences. There is federal wetlands on the parcel that will need to be demarcated and a 100 foot buffer added to the Plat. There will be two driveways, one on Lapla and one on Ashokan, which will service the two new parcels. The wetlands appear to not have any effect on the locations of the proposed houses on the new parcels. I met with Zach Gumpel last week and this was discussed. The applicant is waiting on the BOH response for the septic. Lot 2, which is the parent parcel, will not be developed any further. It has an existing single-family residence on it.

Max S. – The 100-foot buffer will definitely need to be included and there may be impact on the proposed location of the house on new parcel # 1. The measurement will need to be taken.

Shawn M. – With the wetland and the proximity to the proposed house, the Planning Board should make a referral to the DEC so that they can approve the location. This approval will be required when it comes time to apply for a building permit.

Paris P. – We'll need to make a referral to the UCPB, DEC, DEP, as well as Fish & Wildlife. The project is in proximity to the Watershed and the Esopus Creek.

***Motion to make a referral of the application to the UCPB, the DEC, the DEP, and Fish and Wildlife by Max S., second by John K., vote of the Board unanimous Aye. (6-0)***

***Motion to classify the application as Type II SEQR by John K., second by Sharon K., vote of the Board unanimous Aye. (6-0).***

Zach Gumpel (Applicant) – We'll be sure to add the 100-foot buffer markers to the wetlands. We are doing low impact builds and the houses will be net-zero homes. Both driveways are existing. We'll be utilizing utilities that are already in place. There will be very low environmental impact.



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***Motion to send the application to Public Hearing at the August 2021 Planning Board Meeting to commence at 6:00 p.m. made by Dave C., second by John K., vote of the Board with unanimous Aye. (6-0)***

**Hasbrouck House Special Use Permit – North River Architecture – New Application**

Paris P. (Subdivision Application Lead) – A few notes on the Subdivision application before we move onto the Special Use Permit. The following information will need to be provided to round out the Subdivision Application: Road Maintenance Agreement, the breakdown of the Conservation Overlay Subdivision bulk and code requirements, the locations of utilities listed on the Plat. The Board needs a breakdown of all the code requirements for the Conservation SBD to make it a bit easier to check against the code. We will be doing one SWPPP review to cover both the SUP and the SBD.

Max S. (Special Use Permit Lead) – The application is for modification of the existing special use permit to relocate and expand the guest parking area replace a maintenance building on the property and replace and expand the septic system. There was some discussion around whether the overflow parking would remain or not remain?

Stephanie Bassler (Applicant) – The parking shows on the SUP site plan is all new parking. The existing parking will wrap around into the new parking area which is being proposed. It will be 60 total, with 25 overflow parking spaces. The Tennis Courts were removed from the plan since it was last discussed with the Board. Does the overflow area need to be improved, or is gravel agreeable?

Max S. – A gravel surface would be the most appropriate for the improvement and expansion of the parking. I think that would be the best choice.

The Board agrees that the overflow parking area should be gravel base

Max S. – There should be screening provided and noted on the site plan. The screening should go between Lot 1 and the overflow, and the proposed primary.

The Board reviewed the proposed sketch plat for the appropriate location of the screening to be included

Max S. – The screening should be on the left-hand side of the proposed roadway and driveway to access the parking area and the subdivision. The screening should be noted on the Plat, and some photos provided to confirm the location of the screening.

Paris P. – Parking lots in the Business district will require to be screened per the code. There is also discretionary screening from parcel to the adjacent parcels. Please provide that as well on the sketch site plan.

Max S. – We'll also require some cut sheets to approve the designs of the proposed maintenance shed.





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Stephanie B. – We'll provide some elevations and sketches to show the design compliance for the maintenance shed. We'll provide an updated Site Plan with the information requested here tonight by the Planning Board.

The Board discussed the lot lines and adjacent property lines.

Harry H. – Will the driveway be part of the subdivision?

Paris P. – No, it will be a part of the parent parcel and the Hasbrouck House property.

Max S. – We'll need to see the 100-foot demarcation for distances within the business district from property line.

Paris P. – We'll need to see the basic 4 questions answered for the SUP. These can be found in the Town Code for the Special Use Permit regulations.

***Motion to classify the SUP application as a Type I action under SEQR and to circulate for Lead Agency by Max S., second by Dave C., vote by the Board: Harry H., Aye, John K., Aye, Sharon K., Aye, Max S., Aye, Dave C., Aye, Paris P., Nay. (5-1)***

***Motion to set a Public Hearing for Hasbrouck House SUP Modification on the August 2021 meeting agenda to begin at 6:00 p.m. made by John K., second by Dan P., vote of the Board unanimous Aye. (6-0)***

***Motion to increase escrow for the Subdivision and the Special Use Permit Modification by an additional \$5,000.00 made by Max S., John K., vote of the Board unanimous Aye. (6-0)***

Stephanie Bassler (Applicant) – I'd like to address the questions and suggestions that were made specifically about the location of the Subdivision access road and the possibility of its relocation. The suggestion was reviewed, and we've determined that the relocation of the roadway is not feasible due to limitations with septic feasibilities, the slope and grade of the topography and the drainage of the property. There is a grading challenge due to a drop off of 24-26 feet and then an additional incline of 12 feet. The grading would be a particular challenge.

Paris P. – Provide a narrative that explains why the relocation of the road is not feasible so we can include that in the file along with the breakdown of the Conservation Overlay code requirements.

**Jasinski Subdivision – Continued Application**

Max S. (Application Lead) – A revised plat and site plan was received that provided the additional information requested by the Board. Utilities and septic are provided. The Plat reflects all the appropriate zoning requirements, and the density is per code. The setbacks are confirmed by scale measurement.

Shawn M. – The High Falls Water District has been notified of the pending subdivision. It was not previously referred by the Planning Board. To hook to the water system, both Town Board are required



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to approve the connection. Terry from the Water Dept is going to start that process to move the application forward to the Town Boards. This will need to be a condition on the determination. Also, the application still needs to go to Public Hearing before it can be approved.

***Motion to set a Public Hearing for the August 2021 Planning Board meeting to begin at 6:00 p.m. by Max S., second by Dave C., vote by the Board with unanimous Aye. (6-0)***

**The Den – Sign Application for Approval – Freestanding and Bulletin Board Style**

Paris P. (Application Lead) – Application to replace an existing free-standing sign with a new sign and the addition of a bulletin board style sign. We'll require the 911 Street Address at the top of the sign, a minimum of 4".

The proposed design was reviewed by the Board

Steve F (Applicant) – So I need to have the whole address on the sign?

Shawn M. – Just the street address, #1 Basten Lane.

Paris P. – Just put the address at the top of sign. You can paint it on. It looks like there is room at the top of the sign frame to make that addition without issue.

Shawn M. – I would recommend that because you front on Route 209, that you add "Basten Lane" after "1" is a very good idea so people can spot you more readily as they pass down Route 209.

Paris P. – There is another white sign of bulletin style, that is permitted by code. The Elephant sign that is in the front yard is not permitted. You will need a variance to have the elephant sign. You can file an application with the ZBA if you wish.

***Motion to approve the proposed replacement for the existing free-standing sign and the bulletin board sign with the conditions that the Code Enforcement Officer will complete a final inspection to ensure code compliance, the addition of the 911 number to the new sign, and the removal of the Elephant sign made by Sharon K., second by John K., vote of the Board unanimous Aye. (6-0)***

**Additional Business:**

***Motion to approve the June 14<sup>th</sup>, 2021, Planning Board meeting minutes by John K., second by Dave C., vote of the Board unanimous Aye. (6-0)***

**Conservation Overlay Subdivisions – Discussion by the Board**

Paris P. – A Subdivision over 4 lots, or a major subdivision, must comply with the Conservation Overlay Subdivision requirements unless the proposal is more agreeable to the Planning Board, it can be passed by a majority + 1 vote. At a certain point in the law, it was made code that all major subdivisions must be reviewed against the Conservation Overlay Subdivision. There are metrics that need to be met to be approved for this type of subdivision. When time permits, read the Code section that this applied to.



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Tracy K. – You must pull out 10% for the roadway and 66% for the wetlands area. These metrics must be met or there must be compelling reasons why the applicant's proposal is better than the conservation overlay design standards. The Codes need to be reorganized to better able referencing of the Codes. This chapter is buried in the Supplemental headings.

The Board discussed and reviewed the components of the Conservation Overlay District design subdivision.

Paris P. – We need to ensure that this is followed and document such in the file so if it's questioned later, there is documentation. With the Hasbrouck House as an example, the Conservation Design SBD, once all the math is done, may not have enough space for what is being proposed.

Harry H. – Discussion I had with the Ulster County Planner is that the Accessory Apartment Law and the way it's being applied with the Hasbrouck House Subdivision agrees with the intent of the law.

Tracy K. – They are using the wetland as the "Conservation Area", but the conservation area needs to be set aside at a rate of 66% as per the Code.

Paris P. – Be sure to read over the code that references this, and we'll continue the discussion.

***Motion to adjourn the meeting by Max S., second by Dan P., vote of the Board unanimous Aye. (6-0)***

**Meeting Adjourned**

**8:08 P.M.**

Draft submitted for review on July 18<sup>th</sup>, 2021

Approved on August 9<sup>th</sup>, 2021, by unanimous vote (5-0)

Shawn N. Marks