

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

August 9th, 2021
Planning Board Meeting Minutes

Meeting Called to Order by Chairman Perry

6:00 P.M.

Pledge of Allegiance

Quorum Call:

Present – Paris Perry, Harry Hansen, Sharon Klein, David Cobb, Scott Boyd

Town Staff – Tracy Kellogg, Shawn Marks

Absent – Max Stratton, John Kotsides, Dan Proctor

Announcement from the Chair: Scott Boyd will be a voting member of the Board this evening

New Business:

1. HowGood Inc – Site Plan Approval

Application Overview - Sharon Klein – Application for change of use at #10 Gagnon Drive in Stone Ridge. This building used to house a medical practice. Application is from a business that seeks to establish a data archiving center; office that tracks and archives product data for corporations. The office space will be reconfigured to suit the needs of the new business being proposed.

P. Perry – Use is a lateral move in use, converting the medical office space into business office space. No change to the exterior of the business. Mention of potential change in the windows in the building.

Motion to classify the application as SEQRA Type II by Sharon K, second by Dave C., vote of the board unanimous. (5-0)

Motion to set a public hearing for September 13th, 2021, at 6:00 p.m. by Sharon K., second by Harry H., vote of the board unanimous. (5-0)

2. Norman Special Use Permit – Accessory Apartment in the SR District

Application Overview – Paris Perry – Dan Proctor is point but unable to attend this evening. The accessory apartment law refers the applicant to the planning board because the structure needs to meet the design guidelines for the SR district. The Board reviews the design, colors, lighting, and other standards as set forth in the zoning code. This reflects a need for a special use permit to establish the design standards for the building which houses the accessory apartment. The existing structure does not meet side yard setback requirements, and a separate application is being considered by the ZBA to satisfy the side yard setback requirement for the existing structure.

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Motion to classify the application as a SEQRA Type II Action by Harry H., second by Sharon K., vote of the board unanimous. (5-0)

Motion to set the public hearing for September 13th, 2021, at 6:00 p.m. by Dave C., second by Harry H., vote of the board unanimous. (5-0)

3. Lot Line Adjustment – RPS 2019 & Leigh

Application Overview – Scott Boyd – Property line adjustment between two adjoining lots separately owned. During a title search it was determined that one parcel was being taxed on land that is owned by the other property owner. This LLA will convey 2.05 acre to and from each applicant and will serve to clean up the title and deeding. LLA does not create any new non-conforming conditions.

Stacy Sindt (Applicant) – It's essentially sloppy paperwork. To clean it up, 2.05 acre traded for 2.05 acre with no dollar value.

Motion to classify application as SEQRA Type II Action by Sharon K., second by Scott B., vote of the Board unanimous (5-0)

The Board read and reviewed the draft determination for the Lot Line Adjustment

Motion to accept the determination and approve the Lot Line Adjustment for RPS 2019 and Leigh by Dave C., second by Scott B., vote of the Board unanimous. (5-0)

Old Business:

4. Cont'd Application & Public Hearing: Clendening Minor Subdivision – Bush Road

Application Overview – Harry Hansen – Most of the work is complete on this application. We've received the updated site plan with improvements and notes added to the roadway which was previously constructed. We are waiting on the as-built specification to provide them to the Town Engineer to begin inspection on the roadway.

Paris P. – Road Maintenance Agreement and Deeded Right-Of Way's are still outstanding

Harry H. – Waiting for the road specification from Medenbach & Eggers. We'll need the specifications to provide to the Town Engineer for inspections and approval of the roadway.

Public Hearing opened for Public Comment:

Herb Ross – I own 17 acres at 210 Bush Road. My property is adjacent to the subdivision. We share a ROW where the constructed roadway comes off Bush Road and heads up the side of the hill to the parcels being created at the top of the hill. The construction of the roadway has created a lot of significant water runoff from the top of the hill where the roadway into the subdivision has been built. I'm concerned about the amount of runoff that coming down the private roadway. The water is eroding the roadway and is too much for my existing culvert across the roadway where it passes by my property.

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The water from up on the hillside is now coming down onto the portion of my roadway and I'm worried that it's going to destroy my roadway and my culvert. My roadway is right at the sharp turn in the roadway. The water is coming down and building up, pooling at the bottom on my property.

Paris P. – We'll need to discuss an option to address this. Is this because of the unusual amount of rain we've had recently? Is the runoff unusual?

Herb Ross – I believe it's more than usual. I believe that with an average snowfall and the melting of the snow, the runoff down the side of the hill and the roadway. The water coming down is not where it used to come down. This appears to be a new path the water is taking.

Bill Eggers – The road was constructed before MECELS picked up this project. We're coming in after the fact and looking at what is there already. We'll have to investigate what is there and what can be done.

Herb Ross – I brought in 428 yards of shale and rock to make sure the culvert wouldn't wash away. But now I'm concerned about this with the new amount of water coming down the side of the hill from the roadway that has been built.

Bill Eggers – The roadway into the subdivision is a newly constructed road but not by us. It's a 36-inch culvert that was put in. A contractor built the road and now we're following up on it.

Herb Ross – The portion of the road coming off Bush Road has been there a while and I constructed it. The part that runs up the hill into the subdivision is the newly constructed part of the roadway. I can hear the water coming down the hill from my back deck.

Harry H. – Mr. Ross can we have the Town Engineer, when they do their inspection, look at your culvert and give us an interpretation of what needs to be done for the runoff along with any recommendations?

Herb Ross – Sure, I would be ok with that.

Tracy Kellogg – The applicant must be able to address the runoff from their property onto adjacent properties. The applicant has created the issue and can not just dump the water onto the neighbor's property. It will need to be addressed if the water flow has altered or intensified.

Harry H. – The roadway was constructed before coming to the planning board, but it's not an existing roadway like Mr. Ross's access road is.

Tracy Kellogg – They still must meet the standards for the roadway, it's not an existing road. It was built before the application was presented to the Planning Board.

Dave Cobb – They have changed the course of the water runoff. The adjacent properties are also going to eventually be impacted also.

Paris P. – We should extend this next month and have CPL make their inspections and recommendations for the existing roadway moving forward.

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Dave C. – I agree

Herb Ross – I have one additional issue. I'm concerned that the construction for the subdivision will interrupt my electric service. I put up the poles and the electric system myself running onto my property. While the road was being constructed, the contractors knocked out the electricity. ADT called and advised me that my property had no power. I would like to know how the new electric is being hooked up and run in, and if it's going to affect my electricity.

Bill Eggers – The plan as far as we know is that its to be underground from Bush Road up into the subdivision. The existing poles and run will not support what they are planning to do.

Motion to extend the public hearing at the call of the chair to September 13th, 2021, by Harry H., second by Sharon K., vote of the board unanimous. (5-0)

5. Upstate Taco – SUP and Site Plan for Restaurant

Paris Perry – Point – Application Update – The Board has received the updated site plan and all requested information and facts by the applicant.

Dave C. – Is the grease trap system going to be accessible?

Michael & Sasha (applicant) – It will be accessible for service.

Public Hearing opened for Public Comment:

<Thunderous applause for Tacos>

Motion to close the Public Hearing by Sharon K., second by Dave C., vote of the Board unanimous. (5-0)

The Board read, amended, and reviewed the determination

Motion to accept the determination and approve the SUP/SP by Harry H., second by Scott B., vote of the Board unanimous. (5-0)

6. Reagan Minor Subdivision – 3 Lots 1084 Ashokan Road – Public Hearing

Dave Cobb – Review of Application – 18-acre plat that is to be subdivided into 3 parcels. The two new parcels will be for single family residences. It was classified last month as a Type II SEQRA. There was a question about the federal wetlands that cuts through the middle of the 3 parcels to be and had requested a 100-foot buffer to be added to the plat to delineate that.

Zachary Gumpel – Applicant – The buffer was added to the plat and the primary and reserve septic for parcel 3 have been relocated to be outside of the wetland buffer.

Dave C. – I believe this application is all set to move forward with the map changes that were made. This is at the very end of Ashokan and Lapla road in a R4 district.

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Paris P. – We'll need to ensure that a condition for the approval of the septic system is included in the determination.

Public Hearing opened for Public Comment: None

Motion to close the Public Hearing by Dave C., second by Scott B., vote of the Board unanimous. (5-0)

The Board reviewed and read the determination

Motion to accept the determination and approve the 3 Lot Minor Subdivision by Dave C., second by Harry H., vote of the Board unanimous. (5-0)

7. Jasinski – 4 lot Minor Conservation Overlay Subdivision

Paris P – John K and Max S are on this project but could not attend tonight. Shawn can fill us in on the application update.

Shawn Marks – Secretary – Application was stalled a little because of COVID and a few other items that needed to be discussed with the applicant. Application is for a minor subdivision off Canal Road on a private road called Mountain View Acres or Aqueduct Way, or vice versa. During the application we worked out that the legal name of the private road is indeed Aqueduct Way and will be added to the plat to reflect that. This is a minor subdivision so that the family can disperse lands amongst the family members. The densities are conforming for the conservation overlay code and 25% has been set aside as protected open space. The current plat does not have this reflected but the current plat, but the final plat will need to be submitted to reference that. All setbacks are appropriate on the plat, the utilities are listed, as well as the driveway access. There is a road maintenance agreement in place already and deeded ROW which lists all owners of the parcels. This is an R1 district but there is a provision to subdivide into less than the 3-acre requirements.

Public Hearing opened for Public Comment: None

Motion to close the Public Hearing by Dave C., second by Scott B., vote of the Board unanimous. (5-0)

The Board read, reviewed, and amended the Determination

Board discussed the inspection and approval of driveways to be cut into the existing Private Rural Road. Highway Superintendent and Fire Chief to approve the driveways for emergency vehicle access and the curb cut for proper drainage. Determination amended to reflect this.

Motion to accept the amended determination and approve the Jasinski 4-lot Minor Conservation Subdivision by Harry H., second by Sharon K., vote of the Board unanimous. (5-0)

8. Sandbox Slope Minor Subdivision – Depew Road

Paris P – John is point but was unable to attend. The application is continued from last month. We've received a few letters regarding the "5-Locks Walk" in High Falls which is adjacent to the parcel which is

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being subdivided. The proposed house is setback 65 feet from the property line. The requirement by code is 30 feet. The driveway comes off Depew Road. The septic is on the opposite side of the parcel from the "5-Locks Walk". The electric and utilities run along the driveway. There were concerns on the impact of the "5-Locks Walk" by the subdivision and construction of the proposed house. We'll need to discuss some mitigation factors as there is a Historical Area nearby. We'll gather photos and do a site visit to better visualize and understand the impact. Screening will need to be discussed along the trail side of the property. The subdivision itself meets all codes and is complete by right.

Sharon K. – Perhaps a berm can be built up and the evergreens could be higher?

Dave C. – Is the trail in the vicinity of the viewshed or is it wooded? It appears to be already partially wooded and partially screened.

Tracy K. – Depending on the slope, you might be better off with shrubbery than a tree. A bush might be a better buffer from the trail.

Sharon K. – There aren't any other evergreens in the area really, so maybe some other plantings can be put in there. Something that is native or that's always there.

Public Hearing open to Public Comment:

Gretchen Reed – I live at 40 Canal Road. I sent a letter to the Planning Board. <letter of record read to the public> It appears that the proposed septic has been relocated on the most recent map and that's a better location, further away from the "5-Locks Walk". I'm concerned that the cutting of trees for the construction will serve to enhance the erosion of the slope that is already taking place.

Paris P. – It appears that the suggestions in your letter are very similar to what the Board just discussed as potential mitigating measures, do you see something different?

Gretchen R. – I would like it to be a stipulation to extend the setback and keep the existing vegetation remaining in place. I'm concerned about plopping other kinds of trees into that area. If we can maintain the trees that are there, that is a better option. I think keeping as much as the trees and plants that are existing is the best option. The additional visual screening proposed by the board is welcome.

Paris P. – The proposed house is twice the distance that our code allows it to be.

Dyami Soloveiv – Applicant – I think that we are in accord with the concerns raised. Both I as the current owner, and the future owner of the land, are both ecological landscape designers and we are looking at the parcel with a desire to minimally disturb. We plan to keep as many of the legacy trees as possible. We are open to screening and landscape designing. Given the landscape, landscape shrubs are probably not the best choice and there are really no evergreens in the area.

Paris P. – The applicant can provide a plan for the landscaping and screening and the board will review the plan.

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Motion to extend the public hearing to September 13th, 2021, by Dave C., second by Harry H., vote of the Board unanimous. (5-0)

From the Chair:

Chairman Perry provided an overview of both the Hasbrouck House Special Use Permit Modification and the Subdivision Application.

9. Hasbrouck House Special Use Permit Modification

Paris P – Overview of Application – Max is Point for the SUP, I'm Point for the SBD. Max cannot be here this evening. The overview of the SUP application is the following: Relocation and the enlargement of the parking area from its current location to the new location depicted on the sketch plan. Its calling for 57 parking spaces, an additional 26, 3 of which are to be ADA. This conforms with code. The second request is the demolition of an existing dilapidated maintenance shed to construct a new one. The shed needs to be 100 feet from the property line as per the guidelines for the district. The parcel is in the B and R3 district. There is open discussion as to whether there will be access to the new parking area from the old parking area. There were also concerns raised about the events at the Hasbrouck House in relation to the noise generated by the events and the late evening noise. The board will review this and look at the last SUP document to confirm. They are also moving the septic system to provide for access to the subdivision. The SWPPP is being reviewed for both the SUP and the SBD applications. This covers the entirety of the project and all areas to be disturbed. This is being reviewed by the Town Engineer. The Town Engineer will be analyzing the parking lot, the roadway, and the subdivision in relation to the SWPPP.

The Board discussed reviewing SEQRA Part II Form, but the Board was in concurrence that it wished to wait until there were additional members present to complete a full Board review and obtain all input. The Chair provided an overview of the SEQRA process and the Part II/Part III negative declaration process. It was explained that this will also occur for the Subdivision Application.

Public Hearing opened for Public Input and Commentary:

Elizabeth Ryan - I own the Stone Ridge Orchard and we have a have a significant lot line along the back of the property. I would like to clarify as I'm a little confused; there are two applications? They are linked in some way. Can you clarify what is taking place this evening?

Paris P. – Board procedure and SEQRA explained. SWPPP review process explained. The only things that are in common with the two, are they both will have a SEQRA process, and they are both being reviewed with the same SWPPP. Other than that, they are two separate applications.

Elizabeth Ryan - Is this the official public hearing, will there be another, is this the definitive public hearing? Are the votes binding?

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Paris P. - We have a full board, and our votes tonight are binding. This is an official public hearing. This will probably be continued for 3 or 4 public hearings. If facts are being discussed and managed, the discussion will continue and move forward with the process.

<unintelligible name> - I live across from the Hotel. Is the hotel being enlarged?

Paris P. – No, the hotel is not being enlarged. The parking lot is being moved and there is to be a subdivision, which is a separate application. For the SUP application, it's the parking lot, the shed, and the relocation of the septic.

<intelligible name> - We've had a lot of trouble with the noise from the Hasbrouck House Hotel and the events.

Demmi Dillon – I live a couple houses away from the Hasbrouck House. Regarding the noise, 10 o'clock is when it really starts cooking. If that's the cutoff time in the SUP, it goes on well past that. Regarding the 57 parking spaces and 26 additional spaces, are they within the Hasbrouck House lands?

Paris P. – Described the plan for the parking area and its location on the map. We're also discussing screening for the parking lots to soften the impact of the parking. If the Board finds the parking requires it, the Board will request screening.

Shawn M. – Provided the Board with the most recent SUP details for noise – From 12 noon and can go till 10 p.m. at 90 decibels, then must turn down to 80 decibels after 10 pm with cut off at midnight.

Stacy Sindt – Is this to be a curb cut from Route 209 to create the new access road leading to the parking lots and the subdivision?

Paris P. – The curb cut is part of the subdivision application. We'll get to that with the next application. The new parking areas are proposed to be connected to the current parking area in the plans currently. The curb cut being proposed is on their property. Our code does not allow for a curb cut to come through a business district to a subdivision. It needs to come from the residential zone.

David Cutler – I'm a neighbor on the south-west side of the proposed subdivision. I'm about a thousand feet maybe 1500 feet from the sound source and from my back deck its 55 decibels. This is from 10 p.m. till about 11:30.

Paris P. – Decibels and distance are perceptive, but when something is repetitive, I understand that it becomes an annoyance. We'll have to discuss the mitigation possibilities with the noise.

Allan Coleman – 21 Lamberti Lane, I'm Dave's neighbor. I experience the same noise. I have not measured it like Dave has. I can tell you that I hear bad karaoke and I can tell what the lyrics are when the events are going on. It's not fun for us on Lamberti lane.

Elizabeth Warren – Have they looked at other locations for the parking? Is this the only location because of topography or?

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Paris P. – The designers present the design, and we check it against the code. We don't participate in that process when it comes to designing. We take what's presented and check it against the law.

10. Hasbrouck House Subdivision Application

Paris P. – The subdivision facts are as follows; we'll need an archaeological phase 1 study. The roadway shoulder feedback from PEAK is that the shoulders will need to be the same foundation as the roadway itself. The code says it needs to be the same as the wearing surface.

Stephanie Basseler – The shoulders can be gravel but they would need the same subbase as the roadway, understood.

Paris P. – Agricultural Data Statement will also be needed. PEAK has sent a preliminary letter on the subdivision and SWPPP review. The DEC letter came back with information about the SPEDES, the Bats, and a few other items that we'll need a response to. Accessory Apartments are the other issues that's out there. We've begun to discuss the explicit condition that the accessory apartments can not be short term rentals. The owner of the lot can choose between their primary residence being in the house or in the apartment. They can claim either one or may rent out the other dwelling. These can not be an extension of the hotel. The idea is to create additional accessible housing in the town. Its up to the owner to choose which one they wish to live in.

Paris P. (Cont'd) – This is a conservation overlay subdivision. This complied with the town code for major subdivisions. We've requested clarification and a memo from the designer that spells out the exact breakdown of the plan and its conformity with the code. There is a formular where you subtract land out for roads, conservation, ect, and then what is left is what you're permitted to develop. So, this one piece of property, will be divided into 7 lots. 6 of the lots will be for the residences. The 7th lot will have the conservation land. The final math will be provided, and we'll use that to make the final decision.

Stephanie Bassler – We will work on the calculations requested to verify the conservation overlay.

Public Hearing opened for Public Comment and input:

Peter MacDonald – My family lives on the property that abuts the Hasbrouck House on the back side of the property. The application does not comply with the accessory apartment law, and I'll outline why. The law requires the primary owner of the property to seek the permit for the accessory apartment. The owner must have a primary residence. In this care the developer doesn't maintain a primary domicile on the property. This doesn't meet the threshold for that statute. A developer doesn't occupy the property as a resident, and its inconsistent with the statute for a developer to propose this. This approach undermines the zoning law. The proposal of the project conflicts with the purpose of the statute. We saw an example tonight where an older homeowner requests an accessory apartment which is more in line with the intent of the law. Newer luxury houses attached to a boutique hotel is not the intent of the law. The third conflict is it impedes and prevents the town from applying or enforcing the accessory apartment law itself. If the principal homes are built, we don't know who is going to buy them. Many

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people buy homes as second homes and therefore the home or the accessory apartment would qualify as their primary home. If a buyer buys the house and they are not living there primarily, then they will have a dwelling on their property that is not a permissible use. This creates confusion, anger, and possibly litigation that could ensue from that. I feel the correct approach is that the project goes forward, if it is to go forward, should only be on the premise of the 6 individual homes. If they wish to have this use in the future, the owner can file the application in the future, and it can be more accurately assessed for the intent of the law. There are many unanswered questions that I would like to see answered. The developer has taken a black box approach and there has been no engagement or outreach about the project. I don't think this is a coincidence. It's important to note that the subdivision application is being brought by the same people bringing the special use permit and the owners of the hotel. The Board should ensure by condition that the homes being proposed will not be a part of the hotel operation. I can envision a situation where all these proposed houses end up being rentals themselves. And the owners of the property go to the owner of the proposed homes and construct rental arrangements for the homes. I can also envision a legal challenge by the buyer of the home in which they argue that they are permitted to rent out the accessory apartment on a short-term basis because they did not specifically ask for it when they bought the property. The zoning rules only permit one home, this is putting in a second home in addition to it.

Paris P. – Question, how do you mitigate any house from being an Air B & B? How do you prevent anyone in the town from buying a home and then renting it out?

Peter MacDonald – I take your point, but what I'm seeing is a hotel and developer adding six plus six additional spaces that I fear may be rented. This is a development, a green field development, where the law is going to be used in an aggressive and creative way, and a way I don't think the language supports, in a way that will generate an end of a degree of short-term rentals or hosting large events.

Paris P. – We do have the ability to place conditions that can be enforced. There is some mitigation there. I'm just asking for additional input and insight moving forward.

Stacy Sindt – I helped to create the law. I didn't think it would be used in this manner. How does this accessory apartment transfer to the next owner? From the developer to the next owner? Given that the primary owner needs to have the primary residence. Then how do you pass that onto the next owner and not allow a short-term rental for the new owner?

Paris P. – The accessory apartment law has grown and changed over the years as it's applied and as the needs have developed and become apparent. It started as inside the residence only, then moved to detached structures. There is nothing in the law that really prevents the developer from doing this, whether it's not speaking to the intent or not. The job of the Board and the Town is to apply the law equally.

Tracy Kellogg – The accessory apartment is not something that would be built into a deed or carried over as a restriction. This law is not a deed restriction or enhancement.

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Dave Cutler – It already seems as if its already a crunched subdivision to begin with and they're putting additional homes onto these parcels. The DEC documents did their evaluation for 6 single family homes and not 12 single family homes. My particular concern as a neighbor is the impact from doubling the impact of the subdivision. I want to make sure we're looking at this as a 12-home subdivision instead of a 6-home subdivision.

Elizabeth Ryan – I have very specific comments as it troubles me greatly that the Hasbrouck House is not here. I would figure a whole community approach is what's needed. We don't want to destroy the accessory apartment law just because of this development. What is the transparency and what are the business goals behind this? I would rather just see them expand the hotel. I think it's a bad project and I'll address some of the other issues later. There are important issues here that can be addressed and then maybe we don't have to address the impact of the road on the bats and the bees and the orchard.

Allen Coleman – The plans submitted and published are seriously flawed. They raise serious questions about the lot size, road location, and septic. I ask that the plans be kept open to allow time for the residents of Lamberti Lane to hire an independent firm to review them. Please keep the public hearings open until we can submit and independent professional review of the proposal.

Paris P. – If you want to do something independently you need to act on it. The hearings will be open if we need to determine facts.

Deb Silverman – We don't abut the property, but we live nearby. We're concerned about the traffic. The amount of traffic in and around town and on 209 has become very bad. There was a fatality recently. There's an accident on 209 at least once a week. If you add more of this the problem will get worst. I'm very concerned, and I know we've done traffic studies, but we can count how many times a month there is an accident.

Ted McKnight – I purchased the property at 10 Gagnon drive. I'm concerned about the ecological impact and the water runoff into the wetlands. I believe that this will be 12 buildings and not 6 having a greater impact.

Allen Coleman – The septic issues, my main concern in lot 1. The perc rates are not adequate. There are no soil maps included in the proposal to date. Regarding the road, why is it positioned a mere 10 feet off the property line? The traffic and noise pollution will spill onto the adjoining properties. Why did the board endorse its position there without consulting the public?

Paris P. – We have not done anything as far as approving or disapproving.

Allen Coleman – Tracy Kellogg said at a video meeting back in April or March that the Board has approved the roadway location.

Paris P. – We've not had a public hearing; this is the first one. The developer came to the board with ideas several times to bounce them off the board and garner feedback. Stephanie have been before the

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board and asked what the boards thoughts were. Nothing was official, it was simply proposals. This is the actual public hearing, and nothing has been approved. This is the final map and the first time we have something before the board formerly.

Allen Coleman – I have a video meeting that I have reviewed the video, as has David Cutler, that in the video, that record, Tracy Kellogg specifically states on behalf of the board that the position of the road has met the boards approval, or sentiment, whatever you want to call it, you gave them the go ahead to keep the road there. If you want to deny that I will re-send my statements to the board.

Tracy Kellogg – At one point, the access to the roadway was proposed to be through the existing parking lot. This did not meet code or law. They changed it and then it met the law.

Paris P. – Law states that you can not go through a business property to access a subdivision. The initial plan had it as such. Nothing was approved.

Allen Coleman – That's not true and I want it on the record that it's not true. I will resend the letter that I sent to Shawn Marks for the Board that had the time stamp of where it was said.

Paris P. – For the record, nothing is approved. Nothing is in stone. For the record we did make the statement that you can not go through a business property to access a subdivision. For the record this is the first public hearing. Those are the facts I know for sure.

Demmi Dylan – My concern, living on main street down from the Hasbrouck House, is the evolving water scarcity in town and on the ridge. My concern is 6 more houses plus 6 more houses and septic.

Sharon Ashworth – Being up here, and I came from the city, where there are sidewalks. Being up here, there are no sidewalks. There is a sidewalk that stops, and I don't get it. I can't get to Emmanuel's easily. How about putting in a sidewalk with the project?

David Cutler – I believe there was something in the past regarding the expansion of the Hasbrouck House and the inclusion of a sidewalk and connectivity. Regarding the roadway, specifically, Paris you did bring up the fact that there are concerns that could be mitigated by moving the roadway. I was dumbfounded that this was not taken seriously as it appeared this was blatantly ignored. The president that this sets for a subdivision design is unfortunate as its going to take away the woodland and the screening. Its going to create a road where there will be traffic which will impact multiple current taxpaying residents for the sake of up to 12 long term rentals, residences, or whatever their intentions are which I question by the way, for future home buyers who don't even exist yet and I don't think they will ever exist. If you look at the history of the Hasbrouck House and how they have responded to the community, which is basically zero. I think we should follow the guidance of the board and not allow the owner to selfishly place a road along backyard property lines. The Ulster County Planning Board last week, this project came up, they passed a motion with the requirement to move the road or add significant buffer. A bunch of them said "that's crazy, why is there even a road there?". There is no consideration of the community, no communication with the community, and the fact that they did not

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(845) 687-7500 Ext. 171
Email: Planning@marbletown.net**

show up tonight, shows that they don't care now and won't care in the future. I think all these concerns show that this project needs a holistic look. At a bare minimum, I want to go on record, that the roadway is nowhere near the residences on Lamberti lane. There is privacy that will be gone. They will take down trees that shade my pool. They have already cleared the land along 209. You can see my pool. When you come down 209, wave to me, we'll be wearing bathing suits, but wave to me. It's a nice cocktail lounge and I enjoy it at times, but I question their motives and their commitment to the residents of Stone Ridge.

Paris P. – We are not aware of the Ulster County recommendations at this point. We have not received feedback yet from the UC Planning Board. The Board is in a situation of balancing the code and the law with the neighbors concerns and what is allowed. It's a delicate balance. As I said to Peter, lets focus on mitigating factors. We need to consider what could work with some effort. How do you stop someone's right from doing what they can legally do with their property?

Maggie Colan - I'm both a resident and a previous employee of the Town. I was involved in the creation of the Conservation Overlay Subdivision. The Planning Board can't dictate a business plan, but I don't understand 12 residences on the same lot as a busy hotel. I don't understand why they just don't expand the hotel. Regarding the 50% required open space, I believe the intent of this in the law is to include lands other than the wetlands as they are already conserved and protected. Will the lot owners have access to the hotel and its uses? In 2007 there were 2 subdivisions in the Rest Plaus historic district. The Planning Board created design standards for that district. Is had a condition that any building permit on those lots in that district had to be approved to ensure they were conforming with the guidelines of that district.

Dave Cobb - <Board Member> Alison and Mark Stewart had to leave the meeting but left a letter to be read during public hearing. <Mr. Cobb read the letter placed into record>. Primary concern is to have any potential development to be done in a forward looking way. Development should be done with a plan for connectivity to the rest of the town center. Future development on surrounding parcels would benefit from connectivity through this subdivision to prevent Marbletown from becoming a set of isolated neighborhoods that are not connected.

Elizabeth Ryan - I want to talk about the ecology and impact on pollinators, bog turtles, and on bats.

Paris P. - This is part of the DEC review.

Elizabeth Ryan - I have significant concerns over cutting 6.5 acre and its impact on species people don't necessarily think about. There are 38 documented species on my farm, stone ridge orchard. I'm concerned about the fragile wetland, and I'm concerned the DEC will not go far enough in their analysis. I am concerned and ready to hire an outside contractor to review it. The orchard received a grant to build a shed farmers market and I am concerned about the impact the subdivision would have.

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David Cutler - Another impact here is the water supply. Is that going to be covered in SEQRA?

Paris P. - It will be addressed in SEQRA.

Motion to continue the public hearing to September 13th, 2021, by Sharon K., second by Harry H., vote of the Board unanimous. (5-0)

Stephanie Bassler - Can you explain the format of the public hearing and what sort of opportunities I'll have to respond, and my clients will have?

Paris P. - <explained public hearing process>

Stephanie Bassler - There were some characterizations of the property owners that deserve a rebuttal. It needs to be what's factual and what's opinion.

Paris P. – We'll continue to investigate the facts surrounding the proposal and continue to discuss mitigation and other matters moving forward.

Tracy Kellogg – I would suggest that you take the comments that you heard and whether or not you will modify your submission. You don't have to modify it, but you may want to look at it and consider. I would suggest that the planning board should hire an engineer to review if the road can feasibly be relocated and the calculations for the Conservation Design Overlay.

PEAK TO REVIEW IF ROADWAY CAN BE MOVED

David Cutler – Can residents be a part of the inspection or review process? We're willing to collaborate, but there are issues and concerns that need to be addressed. If you want to reach out to us Stephanie, we're willing to have discussions.

Review and Approval of Minutes:

Motion to approve the Planning Board meeting minutes from July 12, 2021, by Dave Cobb, second by Scott B., vote of the Board unanimous. (5-0).

Motion to adjourn the meeting by Harry H., second by Dave C., vote of the Board unanimous. (5-0)

8:50 P.M.

Draft provided August 18th, 2021

Approved September 13th, 2021

Shawn Marks – Secretary