



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

**Planning Board 10/18/2021  
Approved Meeting Minutes**

Call to Order by The Chair

6:00 P.M.

Pledge of Allegiance

Communications & Announcements

- Scott Boyd will be a Voting Alternate this evening in place of Sharon Klein

**Quorum:**

Present – Paris Perry, Max Stratton, John Kotsides, Dave Cobb, Harry Hansen, Scott Boyd, Dan Proctor

Absent – Sharon Klein

Town Staff Present – Shawn Marks & Tracy Kellogg

**Applications:**

**1.) 2021-02 SP: Upstate Taco Site Plan & Special Use – Modification to Site Plan**

- Request to remove the names of the previous property owners from the Approved Site Plan
- Request made by the previous property owners, Application filed by current property owners
- No other change to the Site Plan

***Motion to approve the Modification which reflects the removal of the previous property owners names from the Approved Site Plan made by Dan P., Second by Max S.; call of the roll with unanimous Aye. (7-0)***

**2.) 2019-04 SUP: Ridgewell Solar – Modification to Site Plan**

- Request by Applicant and Solar Generation to modify the approved species for screening & plantings
- Request due to market availability of the approved screening
- Board reviewed the proposed alternate species and found it to be acceptable for use

***Motion to approve the Site Plan Modification which reflects the replacement of forsythia with Green Giant Arborvitae made by Max S., Second by Dave C., call of the roll with unanimous Aye. (7-0)***

**3.) 2021-09 SBD: Brown Minor Subdivision – New Application**



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Tim & Erika Brown; 181 Bone Hollow Road, Accord, NY, 12404; SBL: XXXXXXXX  
Subdivide 19.5 acre into 4 parcels to be used for Single Family Residences

Scott Boyd – Application Lead:

- Proposed subdivision meets zoning and density requirements
- Driveway access to all parcels from Bone Hollow Road
- Recommend Type II SEQRA action

***Motion to classify the application as a Type II action under SEQRA made by Harry H., Second by John K.; call of the roll with unanimous Aye. (7-0)***

***Motion to set the Public Hearing for November 8<sup>th</sup>, 2021, by John K., Second by Max S., call of the roll with unanimous Aye. (7-0)***

- Request for Applicant to provide location of proposed homes, driveways, and septic location on the subdivision sketch plat to be provided for review before next month's Public Hearing

**4.) 2021-07 Minor Subdivision – Pra – Public Hearing**

Henry & Veronica Pra; Pine Bush Road, Stone Ridge, NY, 12484; SBL: 69.2-1-22.110

Caleb Carr for the Applicant – Medenbach & Eggers

Dave Cobb - Application Lead:

- 19.8-acre parcel to be divided into 4 lots for residential use
- Lots to range in size from 3.4 to 7.8 acre each; zoning and density compliant for zone
- Driveway access to all lots; 3 lots access from County Route 2, the 4<sup>th</sup> lot access from Pine Bush
- The parcel contains Federal and Regulated Wetlands as well as being in a Flood Zone A
- Previous designation as SEQRA Unlisted and Circulated for Lead Agency and to Involved Agencies
- Revised Sketch Plat provides information about driveway location, proposed house location and proposed septic locations
- Request for an emergency vehicle pull off and turn around to added to the plans on the driveway which enters from Pine Bush Road.
- Discussion of request by Board to have an increased front yard setback due to the property proximity to the Historic District; request 125 feet from centerline, if possible, with consideration of the wetlands.



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- Disturbance for project is 2.5 acre and will require Stormwater and Erosion control plan during construction. Caleb Carr, Engineer, notes project is under 5 acre and will not require a full SWPPP; plan for Residential Construction.
- SHPO is pending and response is expected any day now. DEC has responded and indicated that the property is Archaeologically sensitive. Will require Archeological Survey Phase 1 A/B.
- The property is designated Agricultural; no Agricultural activity for 15 years; Occasional moving and cutting

The Board reviewed and discussed SEQRA Part II for the Unlisted Action (Document in Application File)

***Motion to accept the SEQRA Part II findings to include the official response from SHPO by Dave C., Second by Max S., call of the roll with unanimous Aye. (7-0)***

**Floor Open and Call to the Public for Comment or Inquiry – No Response**

***Motion to extend the Public Hearing for the Pra Application at the Call of the Chair by Max S., Second by Dave C., call of the roll with unanimous Aye. (7-0)***

**5.) 2021-08 SBD: RPS 2019 Minor Subdivision – Public Hearing**

RPS 2019 c/o Stacy Sindt; 385 County Route 2, Accord NY, 12404; SBL: 69.1-41-11

Harry Hansen – Application Lead:

- Minor Subdivision, dividing 1 parcel into 2 parcels
- Previously designated a Type II action under SEQRA
- Application complete, Draft Determination prepared, and ready for Public Hearing and action by the Board
- Subdivision plan meets all zoning and density requirements

**Call to the Public for Comment or Inquiry: None**

***Motion to close the Public Hearing by Dan P., Second by Max S., call of the roll with unanimous Aye. (7-0)***

A Draft Determination and Resolution was read, discussed, and proofed by the Board

***Motion to accept the Determination as written and to Approve the Minor Subdivision by John K., Second by Dan P., call of the roll with unanimous Aye. (7-0)***

**6.) 2021-05 SBD: Sandbox Slope Minor Subdivision – Cont'd Public Hearing**



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Dyami Soloviev, 55 Depew Road, High Falls, NY, 12440; SBL: 70.9-2-41.110

John Kotsides – Application Lead

- Application is complete and all documentation has been received
- All responses from Involved Agencies have been received
- Ready to affirm Part 2/3 SEQRA and discuss Draft Determination
- Mitigating actions to address board and public concerns have been affirmed with the Applicant, the Highway Department, and the Fire Department in relation to the water runoff and driveway emergency vehicle access and should be conditions of the Determination Approval.

The Board discussed, reviewed, answered, and proofed the EAF Part 2/3 Short Form

**Call to the Public for Comment or Inquiry:**

**Gretchen Reed:** I have a question about the plantings and the groundwater mitigation; I was on the 5 Locks Walk today as I am most every day, and I noticed that there are stakes where the proposed driveway is going to be. This is exactly 15 feet from the property line and its much closer than it appears on the drawing. There is already water collecting in the area that they staked. The plan as indicated here will direct the runoff water into the Canal Bed which is a part of the National Historic Landmark. I'm not sure how directing the water into the Canal mitigates the situation.

The members of the Board and Code Enforcement Officer Marks addressed Ms. Reed's questions, concerns, and discussed the mitigation efforts. Conditions of the Approval were discussed.

***Motion to accept the EAF Part 2 Short Form by John K., Second by Dave C.; call of the roll with unanimous Aye. (7-0)***

***Motion to accept the SEQRA Determination and issue a Negative Declaration of Environmental Impact by Max S., Second by Dan P.; call of the roll with unanimous Aye. (7-0)***

***Motion to close the Public Hearing for the Sandbox Slope Subdivision application by John K., Second by Dan P.; call of the roll with unanimous Aye. (7-0)***

The Board reviewed, discussed, amended, and proofed a Draft Determination

***Motion to accept the Determination and to approve with conditions the Sandbox Slope application for a Minor Subdivision at 55 Depew Road, made by Max S., Second by Harry H.; call of the roll with unanimous Aye. (7-0)***

7.) 2021-04 SBD: Clendening Minor Subdivision – Cont'd Public Hearing



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Alpheus & Dania Clendening, Bush Road, Stone Ridge NY, 12484; SBL: 61.2-2-7/54.4-1-44

Harry Hansen – Application Lead

- Application to create 4 lots for residential use to be accessed by a private roadway from Bush Road
- Outstanding matters to mitigate are the design approval of the Private Rural Roadway and the Stormwater & Erosion Control concerns from neighbor Herb Ross; SBL: 61.2-2-8
- A potential solution is to increase the size of the existing culvert under the Ross driveway. This should be increased to a 36" culvert and is currently a 30" culvert

Caleb Carr – Medenbach & Eggers – Applicants Engineer:

- Provided overview of Stormwater Management infrastructure which currently exists, and which is being proposed. Provided additional details on the topography and the site plan as proposed

**Herb Ross** – Neighboring Property Owner:

- Reiterated concerns with Stormwater and Erosion control; provided additional information to the Board and to the Applicants Engineer; details of water pooling on the Ross property due to installation of 2 new culverts at the top of the access road across from proposed Lot # 2.

The Board discussed and addressed the concerns of Mr. Ross in collaboration with the Applicant and the Applicants Engineer. Mitigating solutions were discussed and agreed upon by the Board, Mr. Ross, Medenbach & Eggers Engineer Caleb Carr, and the Applicant.

A revised Site Plan will be provided to reflect a new 36" culvert under Mr. Ross's driveway and the placement of a catch basin, rated for a 25-year event, in the vicinity of proposed lot # 2.

***Motion to close the Public Hearing on the Clendening Subdivision Application made by Max S., Second by Dave C.; call of the roll with unanimous Aye. (7-0)***

The Board read, reviewed, amended, and proofed a Determination and Conditions for the Clendening Subdivision.

***Motion to accept the Determination and Approve with Conditions the Clendening Minor Subdivision made by Dan P., Second by John K.; call of the roll with unanimous Aye. (7-0)***

**8.) 2021-03 SUP Hasbrouck House Special Use Permit – Cont'd Public Hearing**

Hasbrouck House, 3805 Route 209, Stone Ridge, NY, 12484; SBL:



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Max Stratton – Application Lead:

- Public hearing has remained open since the last meeting
- Request for Stephanie Bassler, Applicant's representative, to review submissions and progress made since last meeting

Stephanie Bassler – North River Architecture & Design Build

- Submitted the Ag Data Statement, Environmental Resource Report in response to SEQRA
- Archaeology Phase 1 a/b is complete, and submission is pending. There is a traffic study pending
- In response to our recent conversation with Paris, we're finalizing plans for landscape screening, plantings, and details to be included on the Site Plan
- We're reviewing concerns related to the roadway. We've already made some revisions to reflect our proposed mitigation of concerns. The most recent revision increases the buffer from 30 feet to approximately 55 feet – roadway to property line

The Board discussed potential solutions to mitigate public and board concern for Event music related to the Special Use Permit:

- Proposal to drop to 60 decibels at 10 p.m., and then music shut down at 11 p.m.
- Condition for a decibel meter to be on site for readings to be taken and documented
- Will need to discuss the number of violations, if any, will be permitted before the SUP is re-opened and reviewed for modification

Mr. Reich – Hasbrouck House Representative

- We've put in substantial amounts of money to improve the property and we want to work with our neighbors. We've found out as of late that there are issues, and we were not aware that there were issues with the noise. I'm sorry I could not attend previous meetings, I have teenagers.
- The idea of having neighbors participate in enforcement with meters is questionable; enforcement in general is difficult
- I'm proposing real time monitoring as a solution
- We always work with nonprofits, and we want to work with our neighbors
- We had one or two events that were a tough crowd, drinking more than usual
- We are reading the sound levels and we are following the guidelines of the SUP from 2013
- It's serious when you have contractual obligations. We will need to reach out to everyone we have contracts with if we have to adjust this or change what we have already agreed to with our customers. We are telling our customers that the sound limits are being imposed upon us by the Town



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Dan P. – The issue on the table is the authentication of the readings. Knowing and documenting the time of the readings in a way that can be authenticated. How is this going to be addressed? The only way to do this is with a meter.

Paris P. – The conditions of the approved SUP were to have control at the source. There was supposed to be a sound limiter to prevent the decibels going above the 90 dB and the 60 dB mark. The sound system was supposed to be limited. This was supposed to be in place as per the original SUP approval. You were asked to have plantings in place to help shield the noise; its not there. You were asked to have a manager in charge of each event, not the front desk. You were asked to have a limiter in place and its not there. There needs to be phone numbers that are available and are always reachable during your events.

Max S. – I believe the matter here is that there is a disconnect between the community and your institution. This needs to be addressed. We need to have tangible and verifiable ways of metering and holding the matter to account on the conditions of the SUP. There needs to be a clear process for having an event manager who is always available and reachable during the event. The feedback from the public is that despite what you're saying, they have attempted to reach out during these events and numerous have not been able to get through. A little bit of good faith is going to go a long way here.

Mr. Reich:

- We are happy to do whatever is needed to correct the issues
- We have a manager at every single event. We are happy to provide the Hotel line, and for neighbors who we know we have had issues with, we can give them the managers number as well

The Board was polled by the Chair for their consensus on what conditions should be placed on the Sound Levels. Consensus was reached that the level should be 60 decibels at 10 p.m., and the music to be turned off at 11 p.m. This is contingent on an established procedure to monitoring the sound levels and providing verifiable documentation with a time stamp.

**Call to the Public for Comment & Inquiry**

**Peter MacDonald:** Adjacent Property Owner – Leggett Road

- I live about 1,400 feet away and I have 8- and 12-year-old kids who are kept up at night
- It would be impossible for me to go in the night to get to the property line and measure the noise level. I do not see this as reasonable or practical
- I would submit a simple solution of ending the music at 10 pm. However, if the music needs to go on until 11 at a particular level, there are devices which are tamper proof and time stamped which can provide verifiable documentation



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- If I'm hearing it, the one that across the woods, past the field and over the pond, then its reasonable to say it's pretty loud. I want to also be a good neighbor and not insist on restriction that are unreasonable. I would prefer it ended at 10.
- I think we should have a phone number and a fail proof system to prove out the noise levels and a process to manage and monitor the matter with is unambiguous.

**Denny Dillon:** Main Street (Route 209) Resident – Proximal to Hasbrouck House

- This is the 3<sup>rd</sup> meeting about the Hasbrouck House, and I'm so happy that the Owner/Proprietor/Owner is finally here.
- What has become clear is that when a neighbor has tried to call the Hasbrouck House and you just get a voice mail or never any way to reach them.
- There needs to be a very clear process which is provided to contact the manager or someone who is responsible and if they are not reached a clear process on what to do after that. Who to contact from the Town or the Board
- I'm ok with the proposal of beginning it to 60 and then off at 11

**David Cutler:** Resident of Lamberti Lane

- At the last meeting there was a comment made that 10 pm was the standard for other event spaces in the Town. Is that true or not true?
- To put on record, that for future events, if complaints to occur after 10 pm, if there's a penalty what actually happens?

Paris P.:

- There is a consensus for 10 pm at 60 dB and shut down at 11. There is a consensus that there needs to be a manner to verify the sound levels and that documentation needs to be recorded. There needs to be a number to call if someone needs to discuss the noise level. Noise levels need to be double checked when a call is received and follow up done. We should also implement in the determination that the SUP should be reviewed at 6 months, or a determined amount of time and the noise factor discussed to ensure there is positive progress made on the matter.

Stephanie Bassler:

- It's still not clear to me what would constitute a violation, and, I'm curious about the actual implications of having real time data logging on the amplification system. He (Mr. Reich) just described to you the difficulties he's had with some of the events
- I still don't understand what the process will be, a two strike and then a review of the SUP? There could be serious implications and It's still not clear to me what a violation would be?

**Mr. Reich:**





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- We're going to put this device in, but the challenge is with live music
- How are the neighbors, if its just a complaint that you validate, it still could be a problem?
- I suggest that we work without our neighbors closely instead of opening this up again in July. If it works, it works, and if there are more than a couple complaints then we didn't do our job

**Tracy Kellogg:**

- The complaint will need to be verified in some way. The default is that you are not in compliance unless you have documentation that you are in compliance
- This is not an uncommon situation in Towns regarding live music and event spaces

**Max Stratton:**

- Overall, the ownness is on your team and event staff to manage this and prevent additional complications moving forward.

**Maggie Colan:** Resident of Cedar Ridge Road – Approx 1 Mile from Hasbrouck House

- At the last meeting I described how I could hear the music from my house over a mile away at 11:30 at night
- The applicant should put together a letter to the neighbors explaining the plan for managing the events and the noise, the phone numbers and contact information during the event, and any other pertinent information
- Might the board want to consider having the applicant submit his readings to the Building Department after each event

**Paris P:**

- The letter idea is a very good one to consider
- We understand that it a complicated matter, but we have to have enforcement and we also need to have data and proof. Without proof, its assumed, and then it all may have to shut down at 10 pm
- We'll need to have additional information on how you plan to mitigate the noise control issue; information on the device you plan to use and the process

**Max S.:**

- We'll need to see the specification on the instrument you plan on using to capture the documented sound levels and an example of what the data log would look like. Provide a plan to the board and we'll review it and offer our suggestions or requirements

***Motion to continue the Public Hearing at the Call of the Chair for the Hasbrouck House SUP made by Max S., second by Dave C.; call of the role with unanimous Aye. (7-0)***



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9.) 2020-06 SBD - Hasbrouck House Subdivision – Cont'd Public Hearing

Paris Perry – Application Lead:

- Continued discussion on the possible relocation of the roadway; North River is reviewing with their engineers
- Discussion on reconfiguring the Roadway to benefit access and operations for Emergency Vehicles; movement of Roadway between lots 2 and 3, then the creation of a hammer head for access to lots 4, 5, and 6.
- Possible relocation of the Roadway could result in less complicated Road Maintenance Agreements
- If the Roadway can not be moved, there will be the need to have a cul-de-sac instead of a hammer head for better Emergency Access

Stephania Bassler:

- When we did a preliminary look at this, there are significant impediments to building a safe and durable road across 20 feet of grade change between lots 2 and 3.
- There is also wetland to cross and there would be building inside of the wetland buffer. This will require more clarity from the DEC as to the permitting possibilities

Paris P:

- There was consensus between 3 board members who went to look at the site that it was not that great of a level
- You can build within the wetland buffer, and you can build through wetlands if given proper mitigation with the Army Corp of Engineers
- Generally, it could be done, and we need to keep safety and emergency access as paramount, road maintenance second. The convenient thing would be mitigating this.

Stephanie Bassler:

- The Roadway will be collectively owned by the property owners. The road will first be held by the developer, then the developer will establish a document to establish a Homeowners Associations. Each buyer will then become a member of the Association.

Tracy Kellogg:

- You need to start a CPS7; you'll need an attorney to start on this

Paris P:

- We will also need a widening at the entrance of the subdivision access road, for about 10 feet, to provide for a school bud drop off and pick up zone.



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- The DEC is also requesting approval for Historic Districts. They are asking for the elevation plans and some visual so they can understand the impact

Stephanie B.:

- Shawn provided some clarification from SHPO as to what they will require in place of the full design plans. We have not reached that place in our planning yet. We'll be putting together some representative samples to give to SHPO and to the Board. A general idea of what it will look at in addition to discussion of colors and requirements for a Historic District. We'll start with providing some representative images.

Shawn M: Code Enforcement Official – t/o Marbletown

- The use of the existing Design Standards in the Town Code would be an excellent reference and document to use in providing that representative sample for SHPO and the Board to reference

**Call to the Public for Commentary and Inquiry:**

Denny Dillon: I have a home on 209 and the water supply is a problem and difficult in Stone Ridge. I've voiced this before and I would like to voice it again. I had heard you say that Hasbrouck House has its own aquifer? My request is that the Board ask for the Hasbrouck House subdivision to do a recent water study in the actual area. There's 6 homes and they have another apartment. That's 12 units that need water in a place that is low on water. I ask that it be a condition. Also, does the architecture at all meet with the Historic Preservation in Marbletown? Do they put any input? It's new to me that you can build on wetlands.

Maggie Colan: There are existing design guidelines approved by the Planning Board and SHPO that were used in the Baker and Crest View Ridge subdivisions in the Rest Plaus District. The Board or the Applicant may want to dig those out and see what SHPO already approved for design in a Historic District. Also, is it written, the Appendix B Conservation Design Guidelines, have they provided how they came up with that? The open space that ends up being part of that, has the Applicant if the people who live in these homes will have any access to use of the 50% open space based on the intent as I was involved in writing them? And last, there's talk of sidewalks. Somehow sidewalks should be done across this project.

Dave Cutler: I appreciate, I mean it's a significant gesture to move the Road to what you are proposing, and it does sound like some of those challenges are solvable from a architecture prospective. I'll have further questions if it comes back and its not possible. I think a 30-foot buffer is a long jumper; I don't think its much of a buffer between a back yard and a road. What does the buffer look like for the neighbors as well? The trees that are in place are an asset to my property and other properties as well offering privacy and shade. Taking down the trees, how to you reconcile that?



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Max Stratton: Be mindful that we can not mandate or dictate what someone does with their property to that degree. Its within their rights to cut trees. I understand and hear what you're saying, but we can't put demands on them. We can mitigate as much as possible, but to a reasonable degree. We can't say you can't put a road in or develop because your neighbors want their privacy. We can have the discussion and ask to meet the Board halfway with mitigation.

Tracy Kellogg: They are also trying to economize the value of their property, which would hopefully entertain preserving as many mature forest and trees as possible.

Peter MacDonald: My good will and blessing for all the hard work that you are doing and thank you Mr. Reich for coming to join us today, I appreciate it and it's a step in the right direction.

Stephanie Bassler: Water on site, there is an aquifer study which is available to everyone. It's on the Town website and was completed about 15 years ago. The study was done by sampling existing wells to help the geologists who were doing the study to understand the area. We can look at the study, and what we have offered already to the Board is as a condition of subdivision approval, is to test wells and to prove out the production and flow rates. The other mater of sidewalk, that would be great to connect to a sidewalk system, but I'm at a loss as to the effectiveness or utility of a sidewalk on this property that does not connect to anything. We would like to know if there is a long-term sidewalk or connectivity plan from the Town that we can refer to.

Paris P: The goal is if we can have all businesses in Town, the Town and its public parking, to participate in putting in sidewalks eventually we'll have a connecting system.

Mr. Reich: There is a challenge with our stone wall and there is also a drainage challenge on the next property over. If we could continue the sidewalk and cross over 209, we'd love to participate in that. We were talking to the owners next door to see if we could build, to get our guests to cross over to Emmanuel's. One last thing, in terms of the homes, the intention of the homes is very much in line with our ethos as a business. Our intentions with the homes are the same. We're not going to put in container homes, we're going to go with that aesthetic. And more importantly, is follow the laws and what the code allows us to do. If the owners or the long-term renters want our services, if they want us to delivery them food, we'll offer that. If they want us to clean their homes, that is a potential. The point is that the goal is to follow the guidelines of the code and the laws.

Peter MacDonald: I wrote a letter on Sept 9<sup>th</sup> outlining my concerns that are grounded in the Short-Term Rental Law, and requirements that a business not have an interest in Short Term Rentals, and I think what Mr. Reich has just indicated here, is the Camel's nose under the Tent. It starts with food, and then I'll do your laundry and linen, and then we'll organize and find renters for you, and then what we have is a Short-Term Rental operation that is operating in conjunction with the Hotel, and that's obviously an interest; an economic, financial interest, reputational interest. I think we can come back to this issue as



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it's an important issue. The curtain is open now, we know, and there are many things that we need to address on this.

David Cutler: Has the Board given any thought to my concern from the last time around where the Developers who clear land just to make it more attractive, and then it sits there for years because they don't find builders. Is there a plan? I don't know what we can do as a Town, but I don't want to see another situation like that. It goes against the aesthetic.

***Motion to continue the Public Hearing for the Hasbrouck House Subdivision to November 8<sup>th</sup>, 2021, made by Max S., second by Dave C.; call of the roll with unanimous Aye. (7-0)***

***Motion to approve the minutes from the September 2021 Planning Board Meeting made by Dan P., second by Max S.; call of the roll with unanimous Aye. (7-0)***

***Motion to adjourn the meeting made by Dave C., second by Max S.; call of the roll with unanimous Aye. (7-0)***

Approved by Unanimous Vote

11/8/21

SHAWN MARKS