



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

**Planning Board Minutes
March 14th, 2022**

Meeting Called to Order by Chairman Perry

6:05 P.M.

Pledge of Allegiance

Quorum Call:

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

Board Absent – Scott Boyd (Alternate)

Town Staff Present – Shawn Marks, Tracy Kellogg

Announcements/Communications: Public Hearing Tonight

Business:

1. Miles Large Scale Solar #2022-02 SUP & Gill Large Scale Solar #2022-03 SUP

Paris Perry – Both applications are to be reviewed concurrently as they are both parts of the whole project being proposed

Dave Cobb – Board Application Lead provided an overview of the two applications and the project

- Two separate arrays located on abutting parcels at the northern edge of the Town of Marbletown. The location is on the line with the Town of Hurley. Parcels are between Route 209 and Lucas Avenue.
- Access to the two arrays is proposed to be just south of Twin Lakes on Lucas Avenue, in the Town of Hurley
- The Application is in the initial planning stages and the details are being reviewed
- There will be two distinct and separate pole line ups at Lucas Avenue, looks to be approximately 2,000 feet along the access road

Brendan Boland – Solar Generation Representative

- The Miles Array is proposed to be 6 Mega-Watt AC
- Town of Hurley has been contacted and we're working on providing them with an application for review
- The distribution lines will run underground into the Town of Hurley, and along the Access Road to two separate pole lines ups; there is 3-Phase connection there on Lucas Avenue
- A trench on each side of the access road, leading to two separate pole line ups



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Motion to classify the Miles Large Scale Solar Application as a SEQRA Type 1 Action made by Dave Cobb, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Motion to circulate SEQRA for Lead Agency and a Coordinated Review to all interested and involved agencies with the Town of Hurley requested to be an Involved Agency made by Maxx Stratton, second by Dave Cobb, call of the roll with unanimous Aye. (7-0)

Motion to classify the Gill Large Scale Solar Application as a SEQRA Type 1 Action made by Maxx Stratton, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Motion to circulate SEQRA for Lead Agency and a Coordinated Review to all interested and involved agencies with the Town of Hurley requested to be an Involved Agency made by Maxx Stratton, second by Dan Proctor, call of the roll with unanimous Aye. (7-0)

Reviews of both Applications to be continued by the Board while the SEQRA Circulation is Enacted

2. D&H Canal House Museum Site Plan #2022-02 SP – Change of Use and Additional Parking

Sharon Klein – Board Application Lead provided an overview of the Application and the proposed project

- To change the use of the DePuy D&H Canal House from a Restaurant to a Museum and Visitors Center. Site is in the B2 district and on 0.46 acre
- The building was purchased with a grant by the D&H Canal Historical Society and the interior of the building has undergone a renovation
- Current parking is 6 spaces and there is a proposed addition of 16 parking spaces on an adjacent parcel behind the Canal House which is owned by the D&H
- Space is proposed to be a visitor center, museum, and used to conduct community events
- Parcel is in a historic district and the site is a Historic Landmark

Motion to classify the application as a SEQRA Unlisted Action by Sharon Klein, second by Maxx Stratton, call of the roll with unanimous Aye. (7-0)

Motion to set the Public Hearing for April 11th, 2022, made by Sharon Klein, second by Harry Hansen, call of the roll with unanimous Aye. (7-0)

Application Review to be continued by the Board while the SEQRA Circulation is enacted

3. Norman Special Use Permit for Accessory Apartment #2022-01 SUP

John Kotsides – Board Application Lead provided an overview of the Application and the proposal

- Parcel is located in the SR district, 3772 Main Street, Stone Ridge
- Applicant requesting to create an Accessory Apartment in a detached structure
- Second floor studio above a garage proposed to be turned into apartment space.
- Apartment proposed to be 820 square feet which is in conformance with the code
- The setbacks will require a variance from the ZBA



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- Parking is adequate
- Will require Board of Health approval for the creation of the bedroom

Motion to classify the application as a SEQRA Type II action made by John Kotsides, second by Maxx Stratton, call of the roll with unanimous Aye. (7-0)

Motion to set a Public Hearing for April 11th, 2022, made by Max Stratton, second by Dave Cobb, call of the roll with unanimous Aye. (7-0)

Application to be continued to the April 11th, 2022 Planning Board Meeting

4. Charles River Site Plan Modification #2022-01 SP

Harry Hansen – Board Application Lead provided an overview of the Application and proposal

- Proposing the addition of 800 square feet to an existing building. There will not be any tree cutting. The addition will be on the inside of the building and away from the property line and well clear of setbacks
- The parcel is 27.4 acre, and the zoning requires maximum 10% lot coverage and we are not anywhere near that
- The addition is to house Autoclave Equipment and is in support of their ongoing business activities in the I Zone

Motion to classify the application as SEQRA Type II action made by Harry Hansen, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Paris Perry – The application is a modification to the existing Site Plan, and the addition is proposed to tie into the existing stormwater and discharge plan which is a MS4 approved system. There's no change in the system.

The Board reviewed, discussed, and edited a draft determination for the Application

Shawn Marks – The content in the draft Determination noted in red was affirmed with the Town MS4 Officer this afternoon. Dave Allen noted that a condition for the Applicant should be to contact the DEC and the Health Department prior to beginning work to provide a heads up of the tie into the existing system

Motion to accept the Determination and Approve the Site Plan Modification made by Harry Hansen, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

5. Oakwood Estates Bond Acceptance and Referral

Max Stratton – The Board has received an email from John Russell stating that he agrees and accepts the Bone Estimate provided by Peak Engineering. The estimate appears to be a suitable amount, but we



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don't yet have formal document from the Engineers to tie it all together and confirm the recommendation. We could proceed with the 47,000\$ being an acceptable amount to the board but would need to place a condition upon that in that we receive the formal documentation.

Tracy Kellogg – The Board can adopt a resolution to recommend a bond amount equal to or higher than the amount of 47,000\$ and refer that to the Town Board.

Of Counsel read a Resolution to the Board for consideration

Motion to adopt a Resolution in referring and recommending a Bond amount equal to or exceeding the recommendation of the Town Engineer, Peak Engineering, to the Town Board for consideration in Bonding the Roadway and Stormwater infrastructure at the Oakwood Estates Subdivision made by John Kotsides, second by Dan Proctor, call of the roll with unanimous Aye. (7-0)

6. Brown Lot Line Adjustment #2022-01 LLA

Paris Perry – Board Application Lead provided an overview of the Application and the proposal

- The initial Plat to the Board did not contain a Deed Overlap that exists between one of the parcels involved in the lot line adjustment and an abutting parcel.
- The Deed Overlap is a disputed portion of land that is still active between the two deeds
- The lot line adjustment itself is compliant with code, however, the Deed Overlap is still required to be depicted on the Final Plat for the adjustment
- The determination will need to formalize that any decision by the Board on this lot line adjustment does not in any way resolve the Deed Overlap and the Board makes no decision on this contested piece of the parcel involved with the Lot Line Adjustment

Nicholas Brown - Applicant

- Received an email from the adjacent parcel included in the Deed Overlap that as long as the Deed Overlap is included and the approval doesn't change anything about the current Deed Overlap, there is no objection to the Lot Line Adjustment between the two parcels owned by Brown
- I am in discussions with the neighboring parcel to eventually clear up this Deed Overlap and we'll probably be back before the Planning Board again to address that

Shawn Marks – Secretary/CEO

- The concern was that if the Board approved the plat that does not contain the Deed Overlap, it could be filed as such, and make the Deed Overlap dispute more complicated and questionable. It's included on the revised Plat to prevent any confusion or untoward action.



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Tracy Kellogg – Consideration should be given to dissolving the existing Right-of-Way noted along the two parcels along Atwood Road which leads back onto the two parcels that are being entertained with the Lot Line Adjustment

Nicholas Brown – I have no intention of utilizing that Right of Way. I don't intend to do any further development on either parcel, I don't need the ROW as I plan to use the land for farming

Tracy Kellogg – A map note can be added that points to the Right of Way being relinquished

The Board discussed the Right of Way and agreed that the Right of Way dissolution should be added and noted on the Final Plat. The Applicant agreed to the Right of Way being dissolved and verbalized no intention of utilizing it

The Board read, reviewed, discussed, and amended the draft Determination to reflect the relinquishment of the Right of Way to be noted on the Sketch Plat and contained in future Deed

Motion to accept the Determination and Lot Line Adjustment made by Sharon Klein, second by Dave Cobb, call of the roll with unanimous Aye. (7-0)

7. Hardenburgh Hills Subdivision #2022-01 SBD

Dan Proctor – Board Application Lead provided a overview of the Application and Proposal

- The Hardenburgh Hills Subdivision II was before the Board a few years ago and it was conditionally approved which brought the total of the two Hardenburgh Subdivisions to 18 lots
- Owner has returned to the Board and requested a revision that would reduce the 18 lots down to 8 lots.
- The revised subdivision would change the number of lots, the size of the lots and some of the DOH requirements
- There're no other changes being proposed to the road, curb cuts, wells, or the general infrastructure
- The lands noted as being conserved will remain
- It appears a new SWPPP may be needed and that will require an Unlisted Circulation

The Board and the Applicant discussed need and procedure for the SWPPP in the proposed revision

Dan Koehler – Applicant's Engineer

- The SWPPP is a gray area. The original 12 lots were approved in 1974. The map details and the original subdivision predated SEQRA and a lot of the procedures and reviews we do today
- The SWPPP requirements were discussed at length when we proposed Hardenburgh Hills II and received approval for the 6 extra lots



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- The previous review found that there wasn't a lot of stormwater to be had. The road was existing, and we improved the overall 1974 subdivision infrastructure to be certain
- We're assuming that if we have a discussion with the previous engineer for the previous reviews, and that we are moving to 8 lots total, we can discuss where we are going with that. We're happy to work with the engineer on that and figure out how to move forward
- We noted that the circulation of the last approval was because of the Historic District

Paris Perry – I'm viewing this as needed an Unlisted Short Form as its less of an impact that was previously approved. It was previously a Type 1 and this is a lessened impact

Tracy Kellogg – In the end, they will have to construct as-built plans. The bond that is in place should incorporate sufficient funds. I don't know if you want to go through having them modify the SWPPP at this time. Having them work with the engineer and ultimately having them provide the as built at the end of the project would be much more efficient

Motion to classify the application as an Unlisted SEQRA Action made by Maxx Stratton, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Dan Koehler – We think it could be treated as an Uncoordinated review as we already have a Highway Work Permit that in place, we have 18 separate approvals for septic systems. There will be a bit of a modification to that, so it will be a lesser impact as we only have 3-bedroom homes proposed.

Motion to set a Public Hearing on April 11th, 2022, made by Dan Proctor, second by Maxx Stratton, call of the roll with unanimous Aye. (7-0)

Paris Perry – With this application, we also have before us the Release of the Current Bond and Acceptance of the new owners Bond for the site

Tracy Kellogg, Of Counsel, read aloud the Resolution which will serve to release the current Bond and to place a Bond by the new property owner – copies of the signed resolutions are available by contacting the Town of Marbletown

Motion to approve the Resolution read aloud by Tracy Kellogg for Bond release and replacement made by Maxx Stratton, second by Dan Proctor, call of the roll with unanimous Aye. (7-0)

The Board discussed the requirements of an Uncoordinated Review and its relation to Public Hearing requirements

Paris Perry – In the initial review we looked at just dissolving lot lines it didn't work. The application is proposing a Subdivision Modification and we should stay on that course.

Motion to classify the Application as a SEQRA Unlisted Action and to conduct an Uncoordinated Review made by Dan Proctor, second by Dave Cobb, call of the roll with unanimous Aye. (7-0)

Application to be continued to the April 11th, 2022 Planning Board Meeting



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8. Hasbrouck House Special Use Permit #2021-03 SUP

Paris Perry – Board Application Lead provided an update on the Application and its review

- The Board has received the additional information requested on the Shed, emergency vehicle turning radius, the design of the Shed, and a Letter to be distributed to neighbors regarding the noise reporting policy
- We're waiting on final information on the SWPPP review from Peak Engineering
- We'll require additional escrow for the review and inspection of the Parking Lot and the Site Plan
- We'll need a final review of SWPPP and the MS4 requirements before we can decide on the Special Use Permit application

Motion to set Escrow in the amount of \$4,000 for the Special Use Permit review and inspection made by Maxx Stratton, second by Dan Proctor, call of the roll with unanimous Aye. (7-0)

Per the Chair, as the Special Use Permit and Subdivision are connected in their review and construction:

Motion to request escrow in the amount of \$4,000 for the Subdivision to be used for review and inspections made by Maxx Stratton, second by Sharon Klein, call of the roll with unanimous Aye. (7-0)

Motion to send the Final SWPPP and Site Plan to Peak Engineering for final review made by Dan Proctor, second by Maxx Stratton, call of the roll with unanimous Aye. (7-0)

Application to be continued to the April 11th, 2022 Planning Board Meeting

9. Hasbrouck House Subdivision #2020-06 SBD

Paris Perry – Board Application Lead provided an update on the Application Review

- Awaiting the Final Review for SWPPP and a final review of the Subdivision Plat
- Road is to be Bonded
- NYS DOT has reviewed and approved the curb cut to Route 209.
- Appropriate screening between the Business and Residential is being proposed and SHPO has provided their input for the screening requirements
- Easements are being drawn for all the Subdivision parcels
- We're now seeing some additional plantings along the proposed Roadway
- Roadway and Turn arounds are approved by the Fire Department for safety
- Escrows have been set up for inspections

Call to the Public for Comment

Peter Macdonald – Leggett Road

- No opposition to six single family homes



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- My concern for noise still remains. Even at 90 decibels, that is a high level. I believe there should be explicit requirement for the monitoring equipment be accessible and the records retained. The records of the noise should be made available upon request, and the equipment or records should not be tampered with. Something which is reliable. My hope is that we won't have problems with the noise
- My concern remains that the homes will be used to expand the business at the Hasbrouck House as outlined in my 2 previous letters to the Board.
- I am concerned about the history of the Applicant not abiding by limits and conditions
- I'm hopeful that we'll turn a new leaf, and the rules will be abided by and that the ground rules are clear, but I feel the applicant has dodged the question as to if the Hotel and subdivision will be connected
- My concern remains that in a year from now, the business volume will be expanded, and we'll wake up to find that the Subdivision homes are included in the events at the Hotel
- I remain concerned about the coordination of Short-Term Rentals
- I ask that the Board to provide a stipulation in any approval that says the Hotel is not going to be in the business of trying to market or rent, or act as an agent to provide services, to the Subdivision, or to include the Subdivision as part of their business model
- I'm not asking for restriction on the homes, but a restriction on the Hotel from being the catalyst

Paris Perry detailed the conditions and mitigations that the Board has discussed in the process, and which are being considered for the Determination

Paris Perry – The Board will have the Attorney investigate what authority the Board has on the matter of restrictions for the Hotel

Sharon Klein – There's a slippery slope with telling the Hotel or the Realtor what they can't do, or how the Hotel can or can't operate or how the Realtor can or can't market

Stephanie Bassler – Developer for The Applicant

- The question of restrictions was asked 3 or 4 months ago and that I think would have been ample opportunity to suggest some sort of response. I'm wondering how to get to the end of this. I'm curious to the timeline now given that we are close to conditioned approval?
- There was a discussion with Akiva Reich in this room where he responded to the genesis of the project as being not to expand the Hotel operations. The question was put to him, and he responded that it is not his intention

David Cutler – Lamberti Lane



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- I challenge that Akiva's response to the question actually showed his intent to possibly manage those properties. He all but admitted it in front of the Board. I think this is a valid concern, it's a typical Hotel model. I appreciate that you will look into it
- I appreciate the additional screening. What should I expect based on the drawing?
- Are there details for the lighting along the Roadway?
- What is the Short-Term Rental policy for private homes?

Motion to continue the Hasbrouck House SUP and SBD Public Hearings until April 11th, 2022, made by Sharon Klein, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Application to be continued to the April 11th, 2022 Planning Board Meeting

Discussion between the Board and the Applicant of the Hardenburgh Hills Subdivision Modification regarding Indiana Bats and Tree Felling

10. 4321 Route 209 – Audrey's Farmhouse SP/SUP Hotel Application 2021-04 SP/SUP

Paris Perry – Board Application Lead provided an update on the Application Review

Motion to refer the SWPPP to Peak Engineering for review made by Maxx Stratton, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Motion to set an Escrow of \$4,000.00 made by Maxx Stratton, second by Dave Cobb, call of the roll with unanimous Aye. (7-0)

Paris Perry: We've received 2 letter and an email into record and the Board has reviewed all of those. The Applicant could not attend tonight. The Board has circulated SEQRA and has completed EAF Part II with a few concerns noted as "no-to small impacts". We also circulated to the Ulster County Planning Board and SHPO, which have both given their responses. The responses we've received so far have not identified any major impacts. We still have EAF Part 3 to discuss at a later date.

Call to The Public for Comment

Bill Terpening – Cherry Hill Road: Hard copy of commentary submitted into record

- "Event Spaces" and the "Brownlie Case" heard by the ZBA previously
- Accessory Uses in the Zoning Code within the B2 District – Event venues not in Code
- Definitions of permitted uses within Zone
- Hotel could be viewed as the Accessory use to the Event Space
- Permitted listed Accessory Uses
- ZBA Decision from Town of Olive upheld by Court of Appeals
- Planning Board to ensure Code is followed, ZBA to resolve ambiguity

Kathy Schulz – Old Kings Highway / Rest Plaus District

- Expressed concerns around noise and addressing such in the SEQRA process and review



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- Assurances of conditions of any approval to address the potential noise issues
- Submitted a letter into record for the Board prior to the meeting

Paris Perry discussed mitigation strategies for noise at other locations within the Town, and the impact of noise potential from the proposal being reviewed. Additional discussion to follow in the review process.

Curt Cross – Old Kings Highway

- Wishes to emphasize the commentary of Bill Terpening
- Requests a copy of SWPPP report when available. Expressed concern over a Class A Trout Stream on the site. Concern over pollution and the native trout in the trout stream
- Concern expressed over blacktop which will affect runoff; would like to see a retention pond in the MS4
- Concern over noise from the events when the doors are open and the activities that will take place out of doors; event preparation

Barbara Dibeler – Route 209

- Main concern is noise and quality of life
- Concern about water quality
- Concern expressed over air quality with outdoor recreational burning associated with the site
- Commentary submitted to the Board to be placed into record prior to the meeting

The Board discussed the concerns of residents relating to additional activities on the site that are not explicitly mentioned on the Application or approved through the Special Use Permit issuance. Activities noted were fireworks, paintball, outdoor cooking, outdoor portions of events taking place in the building.

The Board provided answers to resident's questions about Application details and proposed uses. Additional discussion surrounding the impact of noise from within the proposed structure when doors or windows are open during warm weather. The Board outlined the potential uses for the property as its within the B2 Zoning District.

Michelle Joerg – Old Kings Highway

- Will the applicant be permitted to have cocktail hour outdoors in the meadow before the ceremony?
- I understand that the proposal is not for an open-air event space, could they potentially have 150 people outdoors on a Saturday doing their vows?
- What recourse or what is triggered if they violate the SUP?

The Board noted that there is a process and a mechanism for a violation of a Special Use Permit. Additional discussion will be important moving forward through the remainder of the review process.



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Motion to continue the Public Hearing till April 11th, 2022, made by Harry Hansen, second by Dave Cobb, call of the roll with unanimous Aye. (7-0)

Shawn Marks – Reminder to the Public, the SEQRA responses are available to you. Reach out to the Planning Board office.

Other Business:

1. Meeting Minutes from February 2022

Motion to accept the minutes from the February 2022 Planning Board Meeting made by Dave Cobb, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

2. Sign Code Revision

The Board engaged in ongoing discussion regarding possible revisions to the Town Code for Signage

Motion to adjourn the meeting made by Dan Proctor, second by John Kotsides, call of the roll with unanimous Aye. (7-0)

Meeting Adjourned at 8:30 p.m.

Draft Submitted 3/21/22

Approved 4/13/2022

Shawn Marks