



## TOWN OF MARBLETOWN PLANNING BOARD MINUTES SPECIAL MEETING

Date: October 26, 2016  
Rondout Municipal Center, 1915-1925 Lucas Avenue  
Meeting Room M-1  
Cottkill, New York 12419

|                                |         |
|--------------------------------|---------|
| Richard Lanzarone (Chairman)   | Present |
| Steve Wood (Vice-Chairman)     | Present |
| Sylvia Ricci                   | Present |
| Todd Natale                    | Present |
| Kristopher Lovelett            | Absent  |
| Kathleen Hawk                  | Absent  |
| Larry Ricci                    | Present |
| Mary Collins for Kathleen Hawk | Present |

Also present was Planning Board Consultant Bonnie Franson of Nelson, Pope & Voorhis, P.L.L.C.

Chairman Richard Lanzarone called the meeting to order with the Pledge of Allegiance at 6:00 p.m.

### **Pending Application**

| Applicant- Board Member Delegate |               | Application | Location         | Zoning District | SBL        | Status                    |
|----------------------------------|---------------|-------------|------------------|-----------------|------------|---------------------------|
| Stone Ridge Clock Tower Shoppe   | Kris Lovelett | Site Plan   | 3885 Main Street | B-1             | 69.2-2-5.4 | Site Plan Review - Buffer |

Applicants George and Stacey Fakiris and Nadine Carney of Peak Engineering were present on the application. Also in attendance was Peter Reynolds of North River Architecture and David Clouser and Glen Gildaly of **Barton & LaGiudice**.

Chairman Lanzarone noted that a new site plan had been prepared in response to comments by the Board made at the prior meeting and the Board wished to give the applicant an opportunity to present the revised plan and their rationale on how it met the Town Code. The needed for a formal engineering review, a brief architectural review and SEQRA issues needed to be identified so that a plan and timeframe could be established, as well as the need to schedule a public.

Ms. Carney asked that individuals present but unknown could introduce themselves at which time, David Clouser of Barton & LaGiudice, Peter Reynolds of North River Architecture and Glen Gildaly of Barton & LaGiudice made the introductions. Barton & LaGiudice had been contacted as engineering consultants due to a conflict of interest by Brinnier & Larios and the other consultant for the Town, Peak Engineering, was obviously not able to serve as a consultant.

Ms. Carney noted that preliminary work had been completed relative to the Storm Water Prevention Plan (SWPP) and that more detail was necessary but that a consensus that the present site plan layout was acceptable was desired prior to the moving forward. The intent for the evening was to obtain a consensus for the site plan layout but that details and further necessary reviews were obviously necessary. Pursuant to comments made at the prior meeting, a project narrative had been prepared and provided which included comparisons that had been made between the proposed site plan and the design guidelines. (A copy of the narrative is attached hereto as "Peak Engineering Narrative" and was read in its entirety by the Board). Ms. Carney indicated a significant change included the removal of the structure with the flat roof (Clock Tower), slight changes in the parking and that the outdoor pavilion was also gone. Ms. Carney added that when the site plan was deemed acceptable by the Board, Peak would be meeting with the architect to create renderings. DOT concerns had been addressed by the creation of a single lane entering/exiting the site. A concern that landscaping could interfere with the utilities was noted and plans were being developed as a result and that landscaping as allowed was going to be provided. Planner Franson raised concerns with tightness of parking relative to the site plan to which Ms. Carney noted that some flexibility existed within the plan to allow changes in parking. Discussion ensued with regard to parking requirements and the basis for the calculations - (gross floor area differs from the requirements necessary for customer floor area). Chairman Lanzarone inquired as to whether the plan sufficiently addressed and adhered to the Design Guidelines, zoning and whether it was in compliance with the Code. Ms. Carney noted that the Board now had a good sense of the direction of what the "look" of the facility would be and if any changes in the height/dimensions were necessary, changes would be explicitly explained in a written document so that it was clear. Ms. Franson asked as to when the architect was going to become involved to determine the aspects of height and if there would be any issue involved that may result in any alteration to the plan. The members of the Board were polled,

with each member providing their comment as to the plan presently before them and each member agreed that they supported the applicant move forward.

Peter Reynolds was called upon to provide his input. Mr. Reynolds indicated that he would like a meeting with the applicants' architect and that getting together would be advantageous in the rendering process. Points of concern as to the need for the sensitivity to the views from Route 209 were provided.

The Board noted that not all of the proposed usages were allowed and that parking would be impacted by the uses. Ms. Carney indicated that the buildings were small and were going to be personal local businesses, not large facilities. Planner Franson cautioned as to the calculations for waste water and water demand, even if the usages were small, it would vary. The goal of the Board was to ensure that the applicant wouldn't have to continually revisit the application due to any change in use and to attempt to avoid that.

Ms. Carney asked for authorization to reach out to the architect to determine what the scope of his review was to which the authorization was granted. Chairman Lanzarone wished to address SEQRA and Planner Franson reviewed comments expressed by the DOT, responses from SHPO relative to the archeological Phase I study, and that a SWPPP would better address drainage issues (a preliminary plan had been submitted to date). Ms. Carney stressed that no stormwater collection was to take place and drain issue with Lamberti Lane was discussed which it was noted that the engineers would be looking at and address. The pocket of wetland in the corner of the site needed to be assessed. The need for communication between the engineers and architects with the applicant was promoted to eliminate potential setbacks and to keep the Board informed. Mr. Reynolds reiterated that it was a concept site plan which would be developed for the betterment of all and the Board, in good faith, was in consensus, adding that the standard language, in his experience, was that the conceptual site plan with all of the necessary engineering to show that it was within range and that the flexibility or not, was shown within which to work and may be enough to move forward. The Board then revisited additional impacts necessary to address relative to SEQRA. The Boards' consensus was that the plan as developed was compliant with the Town's Design Standards.

### **Pending Application**

| <b>Applicant-<br/>Board Member<br/>Delegate</b> |                | <b>Application</b>   | <b>Location</b>           | <b>Zoning<br/>District</b> | <b>SBL</b>            | <b>Status</b>                               |
|-------------------------------------------------|----------------|----------------------|---------------------------|----------------------------|-----------------------|---------------------------------------------|
| Lotus<br>Pond<br>Farm<br>Ltd.                   | Todd<br>Natale | Minor<br>Subdivision | 270<br>VanWagenen<br>Lane | A-4                        | 62.1-<br>1-<br>29.200 | Discussion<br>relative to<br>Highway<br>Use |

Communication with surveyor Terry Ringler had taken place relative to the Town's Highway Use law. Information had been distributed for review by the Board which included 2 opinion letters from the Attorney General relative to actions in the Towns of Rochester and Wawarsing from 1991 and 1995 and review of 4 cases on the point and also reviewed a more recent case on the point - "Brown v. Town of Pitcairn" from 2004 – in which Judge came to conclusion that the Town's easement is not a fee interest, but that it was an easement and must be shown and that Towns can use the easement to without compensation to the landowner. The question was whether it was actual use or 3 rods but the Decision points out that actual use was inadvisable, pointing at that if the Legislature intended that it be actual use and not 3 rods, it would have indicated same. The Board's position was that it was a Town Highway that had been in use for a requisite number of years and that the Town had the right to widen the road to a full 3 rods width or as measured from the center line as it currently exists, to 1 ½ rods from the center line and as such, the Board would request that the easement be shown on the proposed Subdivision plan. Ms. Carney indicated that the surveyor would be reaching out to the Board with regard to same. The response was that the Board wanted to make their position clear. The power point presentation provided by the surveyor didn't adequately address the Board's position. The Planning Secretary was directed to provide the Chairman's telephone number to the surveyor. The Board was polled as to whether they were in agreement with the position as stated. If the 25' line from the centerline was indicated on the plan by a dotted line or a map note, a survey wouldn't be required. There was also a public interest in having roads that were consistent.

The meeting was adjourned at 7:52 p.m.

Respectfully Submitted,

Lisa K. Mance, Secretary

Dated this 7<sup>th</sup> Day of September, 2016

Minutes Approved on: December 21, 2016