



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

Planning Board
Approved Minutes
April 11th, 2022

Meeting Called to Order by Chairman Perry

6:00 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 & 2: Miles Large Scale Solar #2022-02 SUP ~ AND ~ Gill Large Scale Solar #2022-03 SUP

Paris Perry – Both applications are being reviewed concurrently and Dave Cobb will give an update

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

- The Applications are at a holding point as the Developer works to achieve compliance with the Lot Coverage.

Brendan Boland – Solar Generation Representative

- The standstill for the Gill Application involved a misunderstanding that the 3 lots are all separate parcels. The Deed has them all listed on one, under an antiquated system the County used to utilize for tax purposes. The owners didn't realize that the parcels are all separate.
- We're discussing a Lot Line Adjustment to merge the parcels. Once combined, it would be 32 acre and would meet code for Lot Coverage.
- We'll update the site plan to confirm and double check all lot coverage once a decision is made in moving forward.
- Would like to know if we can move forward with a contingency as Project Gill would end up on a lot with a new SBL that doesn't exist yet; can we move forward in tangent?
- The Miles parcel is odd shaped, and it appears that it's covering more than allowed, but the math will confirm that its compliant. We'll provide the verification on that. If a change needs to be made, we'll adjust it to the plan



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Paris Perry – Chairman

- We have not Circulated for Lead Agency yet. We held up the Circulation until the Code Compliance matter with the 3 separate parcels is achieved to ensure that the Site Plan which gets Circulated is accurate in relation to ground disturbance and location
- We'll need to get one before the other. The Lot Line Adjustment will be required to be approved but we can circulate before that once all the required information is received.
- The verification of Lot Coverage will be required

Tracy Kellogg: You can still join the two parcels as one lot with the Rail Trail easement running between them

The Review of both Applications to be continued by the Board and the SEQRA Circulation on hold until additional information is received and code compliance for lot coverage is achieved.

3. D&H Canal House Museum Site Plan #2022-02 SP – Change of Use and Parking – New Public Hearing

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

- 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
- Proposed parking is 6 spaces and that is Code Compliant
- The Applicant rescinded the addition of 16 parking spaces on an adjacent parcel
- 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

Call for Additional Comments or Questions from the Board - None

Call for Public Comment - None

Motion to Close the Public Hearing made by John K., second by Max S., call of the roll with unanimous Aye. (7-0)

The Board read and reviewed the drafted EAF Part 2 and Part 3 Short Form, and the associated Negative Declaration

Motion to Accept the EAF Part 2 made by Dan P., second by Max S., call of the roll with unanimous Aye. (7-0)

Motion to Accept the EAF Part 3 and Issue a Negative Declaration by Dave C., second by Harry H., call of the roll with unanimous Aye. (7-0)

The Board read, reviewed, and edited the Draft Determination for Site Plan Approval

Motion to accept the Resolution and Approve the Site Plan Application made by Max S., second by Sharon K., call of the roll with unanimous Aye. (7-0)



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4. Norman Special Use Permit for Accessory Apartment #2022-01 SUP – New Public Hearing

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

- Parcel is located in the SR district, 3772 Main Street, Stone Ridge
- Applicant requesting to create an Accessory Apartment in a detached structure
- Certificate of Appropriateness will be up to the Building Department to arrange
- The setbacks will require a variance from the ZBA Special Use Permit is required because it is an undersized lot

Motion to open the Public Hearing made by Max S., second by Dan P., call of the roll with unanimous Aye. (7-0)

Call to the Board for questions or Comments

Call to the Public for comment:

Bill Terpening – Cherry Hill Road

- Mr. Terpening read excerpts from a prepared letter which was submitted into record and circulated to the Board members prior to the Planning Board meeting

To obtain a copy of Mr. Terpening's letter contact the Planning & Zoning Department

Sharon Klein requested clarification from the Chair on the commentary read aloud by Mr. Terpening which was provided by Paris Perry.

John Kotsides and Paris Perry noted that the Boards purpose is to consider the granting of the Special Use Permit, within the auspice of the Town Code for Special Use Permits, and not the Code Enforcement Officers Determination on the building.

Mr. Terpening wished to clarify statements relating to the Accessory Apartment Law Section

Call to the Public for Additional Comments - None

Motion to close the Public Hearing made by Max S., second by Dave C., call of the roll with unanimous Aye. (7-0)

The Board read, reviewed, and edited the Draft Determination and Resolution for the SUP

Motion to set a accept the Resolution and grant the SUP Application made by Max S., second by Dan P., call of the roll with unanimous Aye. (7-0)

5. Hardenburgh Hills Subdivision #2022-01 SBD – New Public Hearing

Dan Proctor – Board Application Lead provided an update and overview of the Application



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- The Hardenburgh Hills Subdivisions have been through the Board and approved. I've been watching the process since about 2019 and the Board has circulated and answered to all the Involved and Interested agencies.
- A new owner has returned to the Board and requested a revision that would reduce the 18 lots down to 8 lots. The Hardenburgh I and II Subdivisions are now to be combined.
- The Application has been classified as Unlisted and is undergoing an uncoordinated review by the Board. We need to next do Part 2 EAF Short and discuss our Escrow needs for the application review by the Town Engineer

Motion to open the Public Hearing made by John K., second by Max S., call of the roll with unanimous Aye. (7-0)

The Board reviewed and affirmed the EAF Part 2 Short Form for this Unlisted Action

Motion to Accept EAF Part 2 Short Form made by Sharon K., second by Dave C., call of the roll with unanimous Aye. (7-0)

Motion to set Escrow at 3,000.00\$ made by Sharon K., second by John K., call of the roll with unanimous Aye. (7-0)

Motion to refer the Subdivision Plat to the Town Engineer, Brinier & Larios, made by John K., second by Max S., call of the roll with unanimous Aye. (7-0)

Call to the Public for Comment:

Erik Krieger – Pond Field Road – Email submitted into record and circulated to the Board

- Pleased that the number of lots is reduced from 18 to 8, a much more reasonable number
- Concerned about Septic Placement on proposed Lot 2 & 3, relating to the topography of the land, as well as the geology, and potential impact upon the water well on the adjacently owned parcel
- Are the proposed Septic and Wastewater plans contemporary, or antiquated?
- Is there any room for adjustment on the location of the Septic's on Lots 2 & 3?

Dan Proctor for the Board: The Septic plans are current and have been approved by the Ulster County Department of Health and the Board notes that your well is greater than 100 feet away from the Septic. We understand your concern and are aware that the UC Health Department Engineers have approved the plans

Paris Perry: It appears with the new design the number of septic's uphill from the property has been reduced from 3 to 1.

Dan Koehler – Applicant's Engineer



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- Using the topography is preferred as the gravity assist the systems. The soil in that location is good. The Health Department had approved a greater number of septic's previously. We're reducing that number and kept the downhill septic location
- We can swap the location of the primary and the reserve location and increase the distance to the well. We're happy to do that, no problem

George Dimler – Cooper Street

- I think it's great that its 8 houses instead of 18
- The shallow absorption system is built to use the air as well as the ground.
- The Health Department testing provided good guidance for the locations and abilities of the soil and kind of fill. This is much better than having 18 septic systems down there.

Matt Haasch & Lisa Klein – Pond Field Road

- Who holds the Conservation Easement?

Paris Perry: The Conservation Area is deeded in ownership and access to the Subdivision property owners as a whole. This area cannot be subdivided or sold.

Additional call for Public Comments – None

Motion to Continue the Public Hearing at the call of the Chair made by Max S., second by Dan P., call of the roll with unanimous Aye. (7-0)

6. 4321 Route 209 LLC – Audrey's Farmhouse SP/SUP Hotel Application 2021-04 SP/SUP

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

- The Board is looking at this as a multi-use proposal and the Site Plan and Structures meet the Code for the B2 District; A Dance Hall, Food Service, and Alcohol Service are permitted in the B2 District with a SUP. The Hotel is permitted with a Site Plan approval. Each of these uses are allowed by Code. This is less like an Accessory Use and more like a multiple use.
- Will need to send the SWPPP and the Site Plan to Peak for review
- Escrow has been set and provided
- We've completed SEQRA EAF Part 2.
- The SUP will require some conditions and restrictions on noise. A noise plan will need to be included to set parameters.

Motion to refer the SWPPP and Site Plan to Peak Engineering for review made by Max S., second by Harry H., call of the roll with unanimous Aye. (7-0)

Sharon Klein: This looks more like the Hotel is a supporting use to the Entertainment Hall. I looked at your website for your other venues and have a good idea for what you do. Is that what you're proposing



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here? There appears to be the potential for activities to spill over outside the structures. Is this going to happen here?

Doug Posey – Applicant:

- Our website is a direct reflection of what we plan to do here. People stay, they book parties, corporate events. They come, stay, we feed them lunch or whatever their needs are, and then they go home
- Being outside is part of being upstate. We don't have PA systems outside; we don't do music outside. We may have a cocktail hour outside, but they are served drinks, then mill about, come inside the building to eat and dance for the remainder of the night. We don't do concerts, no speakers outside. The food is all brought in.
- We've met with DOT on the curb cut. Nothing more there except a widening of the curb cut in existence
- Septic we found a spot for downhill and had the DOH come out to test and verify. We're entering into the permitting application process now with them
- The SWPPP will come after these things. Taconic will reach out to Peak to get timelines down. We would like to do one SWPPP and not have to revise
- We are looking to ensure that the buildings can exist where we have them. Once that is secured, then we can get down the line on the Engineering and the SWPPP.
- We understand that the Boards approval will be contingent on a number of things, but we'd like to get 100% certainty that the buildings can exist where we have them.

Shawn Marks - CEO: If we can get the revised site plan with the required changes for Emergency Vehicle Access and parking, the Board and CEO's can contemplate that for compliance and get the review moving forward with Peak as well

Doug Posey: The Architectural Site plan is now informing the Engineering plan and the SWPPP. We're looking to include all the revisions onto that full complete plan set. This will be a matter of timing and the Engineering Site plan will be the first step. I'd like to work towards this revised Site Plan and bring it back to the board and say Subject To the conditions of the Board, can we fix this as a Site Plan and then move on from there.

Harry Hansen: Prefer a permeable surface for the parking area.

Call to the Board for comments or questions: None

Call to The Public for Comment:

Kathy Schulz – Old Kings Highway / Rest Plaas District

- Would like confirmation from the Board that a sound mitigation plan will be included in any approvals



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- I understand the music will be in doors, will the doors and windows be closed. That can be added to the conditions

Doug Posey - Applicant: All of our doors have automatic closers for Fire Protection and Noise mitigation.

Bill Terpening – Cherry Hill Road: Letter submitted into record and circulated to the Board

- Wishes to clarify his previous use of the term “Mixed Use” in relation to Zoning
- An Event Space and as such is not a permitted Use by Zoning
- Provided definitions of “Limited Food Service” and “Drinking Place”
- Discussed the buildings and their relation to Zoning Code and the number of buildings
- Discussed his experience with Design Standards and Guidelines

For a copy of Mr. Terpening’s letter contact the Planning & Zoning Office

Doug Posey: Some of this appears to be a distinction without a difference, but we’re happy to make whatever cosmetic of visual changes that will provide any clarity needed with the buildings

Shawn Marks – CEO: Both CEO’s have reviewed the plans and concur that based on State of NY Building Code and Fire Code, they are separate Buildings and Occupancies. The partitioned Fire Walls from foundation to above roof line, and the protected penetrations, in the eyes of the Code they are 3 separate. There’s some disconnect in the intent and working of the Zoning and the Building and Fire Code.

Paris Perry: My view, aesthetically, this layout is less impact to the neighborhood, the view, the aesthetics, and the operation. The Board has lead way with this. It’s a Special Use Permit being requested. The Board mitigates different things. Safety wise, and Fire wise, it’s better this way.

Harry Hansen: I agree that the layout as presented is much better

Sharon Klein: The Buildings are constructed as separate buildings by code, it’s just the appearance we’re talking about.

Shawn Marks: I can send off the Site Plan as is now to Peak to begin their review if you would like. It won’t hurt the process any and we’ll also receive good feedback on what we’ve already discussed.

Motion to send the current Application and Plans to Peak for initial review made by Max S., second by Sharon K., call of the roll with unanimous Aye. (7-0)

Motion to continue the Public Hearing until May 2022 made by Dan P., second by John K., call of the roll with unanimous Aye. (7-0)

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

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



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- Peak has completed their overall review and have stated that the SWPPP complies. There are minor details to work out, but overall, it's good.

Call to the Public for comment or questions:

Ted McKnight – At the Orchard – 10 Gagnon Drive:

- Submitted a biodiversity review last week regarding the Hasbrouck House Homes site
- Commentary is for the Subdivision and not the Special Use Permit

Call to the Public for comments or questions on the Special Use Permit: None

Motion to close the Public Hearing made by John K., second by Sharon K., call of the roll with unanimous Aye. (7-0)

The Board read, reviewed, and discussed the drafted Resolution and Determination

*Revision – Escrow previously set at 8,000.00\$ for both the SUP and the SBD. After recent reviews and document submittals, and following a discussion with Peak engineering, Peak advised that 6,000.00\$ was appropriate.

Motion to adjust the requested Escrow amount from 8,000.00\$ down to 6,000.00\$ made by Max S., second by Dave C., call of the roll with unanimous Aye. (7-0)

*Revision previously reflected in the Determination Findings

Motion to accept the determination, approve the Site Plan, and amend the Special Use Permit made by Max S., second by Dan P., call of the roll with unanimous Aye. (7-0)

8. Hasbrouck House Subdivision #2020-06 SBD

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

- Peak has completed their overall review and have stated that the SWPPP complies. There are minor details to work out, but overall, it's good.

Call to the Public for comment or questions on the Subdivision:

Ted McKnight – At the Orchard – 10 Gagnon Drive & Friends of Stone Ridge Orchard:

Mr. McKnight had previously submitted a report from Hudsonia, on behalf of "Friends of Stone Ridge Orchard", which was placed into record and circulated to the Board for review

- Representing the Friends of Stone Ridge Orchard. Upon request we did a preliminary biodiversity survey/assessment of the Hasbrouck House Homes site which was completed by Hudsonia. Document was submitted a week ago
- We've engaged a lawyer, David Gordon, which has made some observations, that there may be a request for a delay, and some additional action that we may request the Board may do



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- Mr. Gordon is delayed and is on his way. We sent his letter with the request
- My take is that the information provided, the marsh surveys may not be accurate, and that it may be larger than previously identified
- There have been arguably some identified, beyond the bats, a great deal of other animals that may be affected
- Request is that there be a further study and survey of the area

Chairman Perry confirmed the letter was received and circulated to the Board

Elizabeth Ryan – Stone Ridge Orchard:

- David Gordan is driving up from the Airport. We hope that he gets here in time so you can hear what he has to say
- I want to apologize, it's a painful process, and it's a late in the game. I hoped that the Town would perhaps hire Hudsonia. We decided to hire them.
- We were startled by the findings; we didn't know what the results would be
- The size and scope of the wetland appears to be significantly larger than previously delineated
- We hired David Gordan because he's more equipped than we are as lay persons
- I think there are significant questions here and at a minimum we ask for additional time and thought, and another look at the SEQRA process
- I think that the wetland is a lot larger and should be delineated. You have a detailed letter from David Gordon

Stephanie Bassler – Applicant and Developer:

- I have read the report that was submitted. I communicated to the Board our reaction to it
- The delineation was mapped and approved by the DEC, and we provided a signed map from 2021 which is current until 2026. The delineation is current.
- I witnessed and participated in the comprehensive SEQRA process, and I believe it was thorough and included all of the necessary expert consultant inputs that are mandated under the State process
- It was concluded that it was a small enough impact that a negative declaration was made
- We do not support re-examining the process based on a report that seeks to expand those areas that are not under the purview of SEQRA as I understand it

Dan Proctor: As a point of clarity, we are required to be advised by State agencies on these issues. This application was reviewed in detail by the DEC and the Army Corp of Engineers and was approved, and we were provided guidance and response letters. I have a hard time going back and re-opening at this juncture

Sharon Klein: I would like some more time to read the Hudsonia report. I wasn't aware it was on the One Drive, but I was of it today.



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Motion to Close the Public Hearing made by Max S., second by Dan P., with the following call of the Roll: Max Stratton – Aye, Dan Proctor – Aye, Harry Hansen – Aye, Dave Cobb – Aye, John Kotsides – Aye, Sharon Klein – Nay, Paris Perry – Aye (6-1)

Paris Perry: We've closed the Public Hearing. We won't be doing a determination tonight. We'll read through all of the information provides. We have 62 days to make a determination. The Board will be considering the Public Hearing submittals placed into record as well as all other facts for the Application.

Other Business:

1. Meeting Minutes from March 2022

Motion to accept the minutes from the March 2022 Planning Board Meeting made by Dan P., second by Dave C., 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

3. Renaming of Zoning Districts

Paris Perry: I sent out a summary of possible renaming of Zoning Districts to help clean up the way the Code reads. When time permits, give that a read and we can discuss further

The Board discussed the Zoning District definitions, acreage requirements, and Code verbiage.

Dave Cobb: I think further discussion should be had regarding the A3/A4 district acreage. Some of the topography and terrain in the Town should be considered. I remember when it went from 2 acre to 4 acre, and it was a pretty emotional transition and there was good science and data behind it. It would be a significant 25% change in acreage requirements, and we should discuss it.

Shawn Marks – CEO: There's some discussion to be had around the application of the Code in relation to the B-E (existing) and B-N (new) District. The age of the building drives the ability to develop those parcels. 1985 I believe is the date in relation to an existing building. A building could be razed and then the Use may be extinguished as time lapses per the Code.

4. Open Meeting Law Clarification

Town Of Counsel provided some clarification on the Open Meetings Law, workshops, quorums, Facebook, email etc.

Motion to adjourn the meeting made by Max S., second by Dan P., call of the roll with unanimous Aye. (7-0)

Meeting Adjourned

7:52 P.M.

Draft Submitted 4/23/22 – Approved 5/9/22

Submitted – Shawn Marks