



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

Planning Board Meeting
September 12th, 2022
Approved Minutes

Meeting Called to Order by Chairman Perry

6:00 P.M.

Pledge of Allegiance

Quorum Call:

Present – Paris Perry, Harry Hansen, Max Stratton, Scott Boyd, Dave Cobb, Sharon Klein

Alternate – Ilan Bachrach

Absent – Dan Proctor

Town Staff Present – Shawn Marks, Tracy Kellogg

Announcements/Communications:

- Scott Boyd has been appointed as voting Board member to fill vacancy
- Ilan Bachrach has been appointed as alternate Board member to fill vacancy

Business:

1.) 2022-03 LLA – RPS 2019 INC & Cooper Lot Line Adjustment – New App

Applicant #1: RPS 2019 Inc, 226 Van Wagenen Lane, Kingston, NY, 12401

Applicant #2: Kathryn Cooper, 63 Lapla Road, Kingston, NY, 12401

Parcel A: 62.1-1-4.100; A-4 Zone, 3.00 +/- acre

Parcel B: 55.3-1-23; A-4 Zone, 16.9 +/- acre

Parcel C: 55.3-1-16; A-4 Zone, 4.1 +/- acre

Conveyance of 1.38 acre from Parcel B to Parcel A; Conveyance of 6.47 acre from Parcel B to Parcel C.

Applicants Stacy Sindt and Kathryn Cooper in attendance.

Surveyor Bill Eggers of Medenbach & Eggers in attendance

Motion to Accept and Open the Application made by Harry H., second by Max S., call of the roll with unanimous Aye. (6-0)

Harry Hansen provided an overview of the Application:



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- Three lots involved in the conveyance of lands
- From Parcel B, 1.38 acre being conveyed to Parcel A
- From Parcel B, 6.47 acre being conveyed to Parcel C
- Parcel A will be a conforming lot for the district following the conveyance

Motion to classify the Application as a Type II SEQRA Action made by Max S., second by Dave C., call of the roll with unanimous Aye. (6-0)

The Board reviewed the Application details and Sketch Plat with the Applicants and Surveyor:

- Applicants wish to conserve the conveyance to Parcel C
- Language for “No Further Subdivision” to be included in the deed
- Determination to include a condition that deed language be reviewed and approved
- An existing 25 foot ROW is to be dissolved in the conveyance
- Add map note to reflect termination of existing right-of-way
- Add map note to reflect Applicants desire to stipulate “No Further Subdivision”

The Board reviewed, discussed, and edited the draft determination

Motion to Accept the determination and resolution for the RPS 2019 & Cooper Lot Line Adjustment made by Harry H., second by Sharon K., call of the roll with unanimous Aye. (6-0)

2.) 2022-04 LLA: Everett Lot Line Adjustment – New Application

Applicant: Robert Everett Jr., 36 Montrepose Ave, Kingston, NY, 12401
#80 & #90 County Route 2, Stone Ridge, NY, 12484 (Kripplebush Road)
Parcel A: 69.2-2-1; A-2 Zone, 1.05 +/- acre
Parcel B: 69.2-2-2.100; A-2 Zone, 1.52 +/- acre
Conveyance of 0.34 +/- acre from Parcel B to Parcel A

Applicants Agent and Surveyor Bill Eggers of Medenbach & Eggers in attendance

Paris Perry provided an overview of the Application. The Board reviewed the Application details and Sketch Plat with the Applicants Agent and Surveyor:

- Conveyance of 0.34 acre between two abutting parcels
- Both lots are existing undersized lots. Conveyance will not create new nonconformities

Motion to Accept and Open the Application made by Max S., second by Dave C., call of the roll with unanimous Aye. (6-0)



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Motion to classify the Application as a Type II SEQRA Action made by Harry H., second by Max S., call of the roll with unanimous Aye. (6-0)

The Board read and reviewed the drafted determination

Motion to Accept the determination and resolution for the Everett Lot Line Adjustment made by Sharon K., second by Sharon K., call of the roll with unanimous Aye. (6-0)

3.) 2022-04 SUP/SP: Cherries Special Use Modification – Public Hearing

Applicant: Lawrence O'Toole

4162-4166 US Route 209, Stone Ridge, NY, 12484

SBL: 69.2-3-36; 0.89-acre, R-1

Expansion and Modification of Site Plan for a Special Use Permit – Food Service

Max Stratton is Application Point

Motion to open the Public Hearing made by Dave C., second by Sharon K., call of the roll with unanimous aye. (6-0)

Diego Celaya and Lawrence O'Toole, Agent and Applicant, provided an overview of the request:

- Seeking Site Plan approval to expand the existing Limited Food Service Use
- Create dining and bathroom in an existing structure currently used for storage
- Create additional parking on the parcel in the side and rear yard
- No work to take place on the existing residential use

The Board discussed the Site Plan and provided commentary to the Applicant and Agent:

- Harry Hansen expressed major concern over parking; parking along Rt 209 persists despite the beginnings of the proposed parking area; appears existing signage is inadequate
- Max Stratton also expressed concern over parking. Noted that the increased parking will help the problem, but that there needs to be focus on ensuring there is not parking along the shoulders of Rt 209; Applicant should approach the DOT to request "No Parking" signage along the shoulder of Route 209
- Max Stratton noted that 2 months prior, the Board advised the Applicant that the picnic area within the front yard setback and ROW was not permitted. The seating remains and has been improved with lighting. This is technically a violation and needs to be remedied before any determination can be considered



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- Sharon Klein expressed concern over ingress and egress, traffic, and parking; concern over line of sight while existing the parking area due to bend in the roadway
- Paris Perry inquired if the DOT has given approval to use the residential curb cut; the parking area within the ROW and setback needs to be addressed for us to move forward
- Max Stratton reiterated that the picnic tables need to be moved out of the Right of Way before any determination or approvals can be garnered from the Board

Responses provided by the Applicant and Agent to Board Comments and Concerns:

- Plan to increase the ingress and egress of the new parking area to also include lighting and other improvements as reflected on the Site Plan
- Contact made with John Reilly of the NYS DOT and planning has been taking place. A traffic analysis has been completed at his request and the results were received and are being reviewed
- DOT has provided standards to include the creation of a One way in-One way out traffic pattern with a curb island and traffic signage to direct traffic
- Traffic Analysis noted that vegetation will need to be cleared to manage line of sight
- DOT was also concerned with parking on shoulders and signage will be required
- The seating in the front will be remedied with the creation of the new seating
- Applicant and Agent noted that they will remove the picnic tables "immediately"
- Existing garage to be replaced and slightly enlarged to include windows and doors that will facilitate a open air dining feel; additional seating for inclement weather

Call to the Public for Comment:

James Still, 4136 Route 209, with the following commentary and concerns:

- The new parking area isn't supposed to be in development; parking lot is part of the permit approval, they are not acting in good faith and have almost completed the parking lot before the permit is approved
- The parking area will probably address some of the parking on 209, but takes issue with the way it's being performed
- What will the final Use be, a Restaurant? Waiting room for what?
- Are there plans to improve the existing fence; will the cooking be relocated?

Inger Dorney, 4174 Route 209, with the following commentary and concerns:

- Does appreciate the parking area, there is clearly a problem with parking
- With the increased use, how will the septic be managed?



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Tim Shea, 4163 Route 209, with the following commentary and concerns:

- Parking and Traffic have always been a major problem
- Concerned about the increased use of water; history of water problems; all surrounding properties on the same aquifer; public bathroom will increase water usage
- Glare from traffic into and out of parking area; headlights shine into residence
- Septic concerns for a small lot of 0.84 acre with a public bathroom

Paris Perry recommended that the Applicant begin to monitor water usage moving forward and obtain records of previous water usage. The Board has implemented water monitoring conditions with other Special Use Permits in the Town.

Erin Bush, 4137 Route 209, with the following commentary and concerns:

- Owner of two parcels in proximity; against the expansion
- Appearance of trash along the side of Route 209; has never been a problem before; napkins, refuse, blowing across the roadway
- Increase in traffic attempting to enter and exit is causing a backup and a dangerous condition; concerned about parking on the side of Rt 209; pedestrians in traffic lane
- Water usage concerns; recommend taking photo of water meter to confirm
- Concern for changing character of the neighborhood and property values
- This business was a simple walk up, a small establishment is what it was designed for; residential neighborhood
- Additional refuse bins to mitigate the problem of trash in and along the roadway

Paul Shea, 4163 Route 209, with the following commentary and concerns:

- Noted agreement with all previous concerns and commentary
- Lack of speed enforcement, illegal passing on Route 209, has contacted the State
- Glare from traffic entering and exiting the parking lot; glare from the business lighting up front yard and beyond – The Ice Cream Cone
- Concerned about parking along Rt 209 and installation of parking area without approval is not being a good neighbor
- Concerned about increased noise; early morning and late-night construction work
- Concerned about an Event Space being created
- Customers “hanging out” in the parking lot tailgating with ice cream will increase noise

Curt Cross, 128 Old Kings Highway, with the following commentary and concerns:



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- Believes they were told to stop doing work until they got approval by the Planning Board and the Building Inspector
- The curb cut being used is residential, not commercial and it is not big enough; traffic trying to navigate the curb cut is causing a dangerous condition
- Concerned about increase in noise with open doors and windows; is there a consideration in putting up a fence to address car lights and noise
- Concerned about Events; an event is already planned and on the Facebook page
- Concern for expansion of the business without the proper permit approval
- Does not feel the piece of land is adequate for what they are proposing to do

Max Stratton noted that the Applicant and Agent need to provide additional details on their proposed use of the enclosed dining and waiting area as depicted on the Site Plan, the details of any planned merchandising or sales in that space, commentary from the DOT on the curb cut, and the remedy of the seating area in the Right of Way.

Paris Perry noted that there are additional details the Applicant needs to provide for the continuance of the Public Hearing in October. The DOT commentary and approvals are required.

Motion to continue the Public Hearing to October 17th made by Max S., second by Sharon K.; Discussion:

- *Application to be placed at the "call of the chair"*
- *If no additional information is provided, Application will not be on the October Agenda*

Amended Motion to keep the Public Hearing open at the call of the chair made by Max S., second by Harry H., call of the roll with unanimous aye. (6-0)

4.) 2022-04 SBD: MC Atwood Minor Subdivision – SEQRA Circulated

Applicant: MC Atwood LLC; c/o Jarod Randolph

4606 Atwood Road, Stone Ridge, NY, 12484

SBL: 54.1-2-8, A3, 11.7 acre

Subdivision of existing 11.7-acre parcel into 3 separate parcels to be accessed over a shared driveway

Bill Eggers of Medenbach & Eggers in attendance to bring information back to Engineer

The Board discussed the progress of the Application:

- Reviewed SEQRA responses received to date. SEQRA has now timed out as of 9/9/22



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- Ulster County Planning Board has enacted referral exclusion agreement, no review required
- No new information provided to the Board by the Applicant or Agent.
- Board requires information on Area of Disturbance and Soil and Sediment Control
- Applicant received request for Escrow and has responded.
- Public Hearing has not been opened due to outstanding information

Applicant or Agent to submit additional information on Area of Disturbance and Construction Soil and Sediment Erosion Control Plan to be included on next agenda. No public hearing to be set at this time.

5.) 2021-04 SP & SUP - 4321 Route 209 LLC – Conditional Approval

Applicant: 4321 Route 209 LLC; 360 Springtown Road, New Paltz, NY, 12561

4321 Route 209, Stone Ridge, NY, 12484

SBL: 69.2-2-40.100; B2, 14.1 +/- acre

Conditional Approval on Site Plan & Special Use Permit for a 10 Room Hotel, a Dance Hall, and associated infrastructure; return for Final Approval

Paris Perry provided and overview of the Application and its progress:

- Applicant wishes to return to the Board for Final Approval
- Applicant requested a full review with commentary at October meeting and indicated he would be ready for a November Public Hearing
- Peak Engineering has reviewed the SWPPP and Site Plan; review comments provided
- Applicants Engineer to provide response to review commentary for October Meeting

The Board discussed amount currently in Escrow and the inclusion of a Construction Bond or a Maintenance Bond for the project site and SWPPP infrastructure maintenance:

- Applicant to make a proposal to the Board which will be reviewed by Peak Engineering
- Proximity to Kripplebush Creek is of concern with SWPPP infrastructure maintenance
- Further discussion on the topic in October once answer to Peak commentary is provided

No actions taken by the Board. Applicant to present additional required details in October

Other Business:

1. Meeting Minutes August 2022

Motion to approve the minutes of the August 2022 Planning Board Meeting made by Max S., second by Harry H., call of the roll with unanimous Aye. (6-0)



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2. Additional Board Discussion – Cherries SUP & Site Plan

- Proposed Site Plan occupancy numbers on the Site Plan are based on Building Code; Board of Health will be the ultimate determination of occupancy numbers
- Parking: 8 for new building, 4 for existing, 6 for “check in” area, and 1 ADA compliant. Applicant is proposing 23 total leaving 4 for employees
- Number of spaces doesn’t necessarily correlate with potential number of people on site
- Consider review of parking one year out to mitigate any concerns or issues that arise
- Potential for traffic congestion due to parking being exceeded; turning of vehicles
- Alternatives to currently proposed parking plan
- Additional details and items required to be discussed with the applicant; DOT Approval, lighting with candle foot at property lines, trash along roadside, picnic tables in right-of-way, hours of operations, stormwater discharge from paved parking area
- Consideration for referring parking plan to Town Engineer; Proposal may be saturating the capacity of the Parcel
- Capacity of Outdoor Seating; Occupancy of BOH vs. Code parking requirements
- Concerns over Check In proposal and future Use on the Site
- Enforcement of No Parking on Route 209; getting cars off 209 is an improvement
- Events – Not a permitted Use in the district

Motion to adjourn the meeting made by Max S., second by Harry H., call of the roll with unanimous Aye. (6-0)

Meeting Adjourned

7:34 P.M.

Draft Submitted 09/26/2022

Minutes Approved 10/17/2022

Shawn Marks