



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

Planning Board Meeting
October 17th, 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, Dan Proctor, Dave Cobb, Sharon Klein

Absent – Scott Boyd, Ilan Bachrach

Town Staff Present – Shawn Marks, Tracy Kellogg

Announcements/Communications: None

Business:

1.) 2021-09 LLA – Stockin/Weaver LLA Extension Request – New Application

Applicant: John Stockin & Terry Weaver

591 & 579 County Route 2, Accord, NY, 12404

61.3-1-47.200 (Stockin) & 61.3-1-48.100 (Weaver)

Zoned A3; Stockin 5.52 acre, Weaver 2.34 acre

Previously approved LLA; requesting extension resolution for filing of plat

Caleb Carr in attendance from Medenbach & Eggers; for the Applicant

Chairman Perry provided an overview of the Application:

- Request for an Extension of Approval for the LLA granted in September 2021
- Applicant unable to file signed Plat with the Ulster County Clerk before expiration
- Request submitted by Applicant's Agent, Bill Eggers of MECELS
- Extension will be for 1 additional year

Motion to Accept the Request for Approval Extension on the Stockin-Weaver Lot Line Adjustment made by Harry H., second by Dan P.; call of the roll with unanimous Aye. (6-0)

Motion to Approve the Extension for the Stockin-Weaver Lot Line Adjustment made by Max S., second by Harry H.; call of the roll with unanimous Aye. (6-0)



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2.) 2022-05 LLA: Tannen, Leonard, Pill LLA – New Application

Applicants Parcel A: Joshua Leonard & Alison Pill

Applicants Parcel B: Michael & Mary Tannen

Breezy Hill Road, Accord, NY, 12404

Parcel A: 61.1-1-20; A-3 Zone, 32.4 +/- acre

Parcel B: 61.1-1-10.200; A-3 Zone, 7.2 +/- acre

Conveyance of 12.2 +/- acre from Parcel A to Parcel B

Caleb Carr of Medenbach & Eggers in attendance; for the Application

Sharon Klein provided an overview of the Application:

- Conveyance of 12.2 acre from Leonard/Pill to Tannen
- Lots will be compliant with density requirements for the Zone
- A ROW currently owned by Parcel A will be conveyed to Parcel B
- Recommend Type II SEQRA Classification
- All setbacks conforming

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

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

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

- ROW: Conveyance of ROW from Parcel A to B; there is a 3rd parcel which has access across the ROW and the deeded language will need to reflect the continuance of the access; Leonard will also require continued access across the ROW
- 4th Parcel that touches the ROW will not require deeded access as it has frontage on Breezy Hill Road – Total of 3 parcels required to be in the deed language
- Consideration should be given to increasing the 25-foot ROW to be a 50-foot ROW; consideration should be given to future plans for subdivision upon the parcels

The Board read, reviewed, and edited the drafted determination; Determination shall include a Condition for the consideration and review of deeded language for Tannen, Leonard/Pill, and Bernasconi to jointly use the Right of Way

Motion to Accept the determination and resolution for the Tannen, Leonard, and Pill Lot Line Adjustment made by Dan P., second by Max S.; call of the roll with unanimous Aye. (6-0)



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

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

Josh Pulver and Lawrence O’Toole in attendance for the Application

Max Stratton led a discussion with the Board and the Applicants; Applicants provided a narrative letter to the Board with itemized responses to Board and Neighbor concerns:

- DOT has given verbal approval for the curb cut; email and written approval to follow
- DOH approval is still in process; drawings for the system are still pending
- Applicant notes that water usage will be less with the reduction in dwelling units; there is a way to monitor water usage and the numbers will be tracked and provided to the Board; benchmark to be established and monitored so if there is water table or aquifer issued there will be data to utilize in mitigation; The Board wishes for the Applicant to begin tracking the water usage prior to the completion of the Use expansion for comparison at a later date following the completion of the expansion of Use.
- Lighting Level Distribution Site Plan has been provided and reviewed by the Board. The Board noted that the “string lighting” in the outdoor dining area with picnic tables is not approved and not Dark Sky complaint – need to be removed
- Construction hours will be traditional working hours; 8-5
- Two additional refuse bins have been added to the site to mitigate concerns: 8 total
- Applicant understands that the new parking area requires the approval and acceptance of the Board; states they were only attempting help the parking situation along Rt 209
- Clarification of the proposed new dining area; the Board is looking for an overlay or better understanding of what is existing and what is being proposed; the Board is looking for more details on the interior layout and the proposed Uses
- Clarification of the term “Event Space”; Applicant suggests that the dining area is inherently an event space as dining is an event. The Applicant wishes to clarify that the area is to be used for people to gather and dine. The Board encourages the Applicant to clarify the exact Use of the space; Event Space is not a permitted Use; all Use’s must be enclosed – no outside music or events
- Clarification of the requested and intended Use; Limited-Service Restaurant is the request – not Full-Service Restaurant; Catering is not a permitted Use. Event Space is not a permitted Use.
- Board wishes the Applicant to ensure and reiterate that the Picnic Tables/Dining Area removed from the front setback and ROW will not be resurrected



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- Traffic Study noted that the results were under the threshold trigger for a secondary analysis based on DOT standards
- Board notes that the Traffic Study results are close to the limit of the available and proposed parking spaces; proposed is 23 total spaces including the ADA; 2 spaces for tenant which are separate from the customer parking; available employee parking will need to come out of the available spaces and not detract from the tenant parking
- Board discussed the parking layout; parking plan does help with the nuisance parking on Rt 209 but there exists the possibility for difficulty with the flow of traffic; Board requests further consideration to the parking area – ie: hammer head turn around at the rear of the parking lot
- Site Plan shows a cross section which calls out asphalt; Board looking for clarification as to if the new parking area is to be paved; impacts on runoff to be considered

Call to the Public for Comment:

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

- Looking for clarification on the statement that water usage will be less due to the elimination of a residence
- What will happen to the house on the property; will it be rented? If its rented, what will the impact be on the number of parking spaces required? If it was rented to students or multiple individuals, there would have to be a parking space for each of them?
- Will the birthday party offerings be during regular business hours, or extended after hours?
- I the plan was always to put the parking in, why wasn't there 2 permits applied for?
- Concerned about the lack of compliance by the Applicant with the process and town code

Arthur Cole, 4156 Rote 209, with the following commentary and concerns:

- Likes the idea of trying to get parking off Route 209; parking has been a problem
- Concerned about runoff from the parking area; particularly if paved
- Concerned about the use of cameras and wishes to ensure privacy
- The fence which is currently in place is dilapidated and needs repair
- If excessive vegetation is removed for the curb cut, may impact my privacy
- Expressed concern over headlights shining into windows
- Inquired as to parking lot lighting plans
- Expressed concern over time it took to remove the picnic tables
- Concerned that the proposed Use will be exceeded, and Events will be held
- Noise does not seem to be an issue at this time



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- Parking lot is narrow and tight; they are proposing the parking lot but its already built

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

- Frustrated that it took a month to remove the picnic tables after stating that they would be removed immediately; exactly a month later is not immediate
- Concerned that the Applicant has not following the rules or the process; a foreshadow of future behavior
- Cherries social media has announcements for "Holiday Makers Market & Themed Events"; this is not congruent with the current or requested Use
- Concerned that the Applicant is "doing what they want" and apologizing after the fact; will they do what they say or just do what they want?
- I believe the expansion will impact the peaceful enjoyment of my home; increase in lighting, increase in traffic, increase in garbage
- This feels like the site is going from a seasonal walk-up ice cream establishment to a year-round restaurant with event space
- Does not believe the impact will be fair to neighboring property owners
- What will the repercussions be if they exceed the Use?

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

- Since last months meeting, I've had 3 people block my driveway and a tractor trailer block it. Will there be No Parking signs?
- Will the speed limit be addressed? I came home and found track marks in my lawn
- There have been several accidents in the last 2 or 3 years and several deaths between Route 213 and Kripplebush Road

Shawn Marks: Concerning the speed limit and speed concerns, the Town Board has begun the process with the DOT of doing a speed review on this stretch of road. Now is the time to reach out to the Town Supervisor and the State DOT and make your voices and concerns heard. There's discussion of modifying the speed limit from Route 213 to County Route 2 to match the speed zone that was created in North Marbletown. This process does take time, typically years, but the ball is in motion.

Tracy Kellogg: It is correct that someone who is making an application to the Board should not be modifying their site before approval is granted. What was occurring with the parking along Route 209 was a safety hazard, and although it was not appropriate to create the parking area, it has helped a dangerous situation and a hazard. They have created the parking area without approval on one hand, but on the other hand they are reducing what was once a very unsafe situation to a slightly less unsafe situation.



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The Applicant is to provide the additional details and information requested by the Board to secure placement on the November 2022 Planning Board Meeting agenda.

Motion to continue the Public Hearing at the Call of The Chair for November 7th, 2022, made by Dan P., second by Max S.; 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

Caleb Carr of Medenbach & Eggers in attendance on behalf of the Applicant

Dave Cobb provided a review and update on the Application:

- Details of total Area of Disturbance, Erosion & Sediment Control, and driveway have been added to a Revised Plat Set
- 2.6-acre AOD noted; will required construction soil erosion and sediment control plan
- Escrow has been established and Plat Set sent to Town Engineer for review
- SEQRA has timed out and responses have been reviewed
- Board is ready to review and discuss EAF Part 2
- Ready to set Public Hearing
- Septic Approvals have been provided

Motion to set a Public Hearing for November 7th, 2022, made by Max S., second by Sharon K.; call of the roll with unanimous Aye. (6-0)

Motion to affirm Lead Agency made by Dan P., second by Harry H.; call of the roll with unanimous Aye. (6-0)

The Board read, discussed, reviewed, and completed the EAF Part 2

Motion to Accept EAF Part 2 made by Dan P., second by Dave C.; call of the roll with unanimous Aye. (6-0)

The Board is awaiting completion of the Site Plan review by Peak Engineering and will continue the Application with a Public Hearing in November 2022



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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

Doug Posey, Applicant, in attendance

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

- Applicant returns to the Board for Final Approval
- Peak Engineering has reviewed the SWPPP, and Site Plan and the Applicants Engineer provided feedback and response to Peak
- Peak has indicated that overall, the SWPPP and Site Plan are substantially compliant to SWPPP requirements and only minor details remain to be discussed

Doug Posey: Based on the initial exchange between my engineer and the Town Engineer, the engineering sounds like it fits the site plan. I believe the overall discussion is now the SWPPP infrastructure and the idea of a performance Bond. I propose to the Board that my business and myself have a record of this infrastructure work twice over, and that we have not stopped short or caused problems. I would ask the Board that we be allowed to self-insure the performance part of the Bond, and to Bond the Towns cost of overseeing our performance through SWPPP inspection by the Town Engineer. We would be happy to provide for whatever standard and additional SWPPP inspections the Town or Town Engineer may wish to conduct to ensure performance.

The Board and Applicant discussed Performance and Maintenance Surety requirements:

- Board is concerned with the proximity of the Kripplebush Creek
- Applicant noted that additional inspections and oversight is welcomed in relation to work in the proximity of or that would affect the creek; proposing to add 3,000\$ to the escrow account to ensure any additional inspections or review are provided for
- Applicant does not see a need for Bonding for maintenance given the size and scope of the proposed SWPPP infrastructure, essentially moving and grading earth and not a complex system or infrastructure



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Tracy Kellogg: If the concern is over purchasing a Bond, the Town has allowed the establishment of a passbook style account similar to escrow. It would be collected and established for a short term.

Max Stratton: I feel that the proposed amount of 3,000\$ is a bit low. I appreciate where you're coming from, and you're not doing a large-scale project. I think we'll need to look at that number as it may be shooting a bit low.

Applicant to submit proposal to the Board which will be referred to Peak Engineering for review and comment.

Motion to set a Public Hearing for November 7th, 2022, made by Harry H., second by Dan P.; call of the roll with unanimous Aye. (6-0)

Other Business:

1. Meeting Minutes September 2022

Motion to approve the minutes of the September 2022 Planning Board Meeting made by Sharon K., second by Dave C.; call of the roll with unanimous Aye. (6-0)

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

Meeting Adjourned

7:40 P.M.

Draft Submitted 10/31/2022

Minutes Approved 11/07/2022

Shawn Marks