



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

Planning Board Meeting
May 22nd, 2023
Approved Minutes

Meeting Called to Order by Chairman Stratton

6:04 P.M.

Pledge of Allegiance

Quorum Call:

Present - Max Stratton, Harry Hansen, Dave Cobb, Dan Proctor, Brendan Masterson

Absent – Scott Boyd, Jim Economos, Ilan Bachrach, Sharon Klein

Town Staff Present – Shawn Marks, Tracy Kellogg

Announcements/Communications: None

Other Business:

1. Approval of the April 2023 Meeting Minutes

Motion to Accept the minutes of the April 2023 Planning Board Meeting made by D. Cobb, second by D. Proctor; call of the roll with unanimous Aye. (5-0)

Business:

1.) 2022-06 SP: Ulster Savings Bank Site Plan - New Application

Applicant: Ulster Savings Bank, 180 Schwenk Drive, Kingston, NY, 12401

3885 Route 209, Stone Ridge, NY, 12484

SBL: 69.2-5-4, B1, 2.72 Ac +/-

New construction of a 8,600 square foot Banking facility with Drive-up Bays, Offices, and a Conference Room; to include access from Route 209 and associated infrastructure

Nadine Carney present for the Application

Applicant Point Harry Hansen provided a brief review on the progress of the Application and the Board engaged in discussion with Nadine Carney who provided an application update:

- SWPPP has been completed and submitted to the Board along with a revised and updated Site Plan set. Architectural drawings are still pending. The finalized lighting plan



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should be completed and submitted this week. Additional landscaping components have been added to the revised site plan.

- Sidewalk has been added to the site plan and is called out as being a possible enhancement to the site in the future. The applicant is willing to enhance the property for pedestrians, but currently there's no foreseeable connection of a sidewalk from either side of the property.
- Pedestrian and motor vehicle pass through is being contemplated and appear on the Site Plan. Additional work and agreements need to be finalized with the owners of the Stone Ridge Plaza.
- The Architect provided additional details in letter form pertaining to site sustainability and resiliency in response to the Ulster County Planning Boards feedback from their review.
- The fence proposed to separate the parcel from the neighboring residential parcels at the rear of the site is proposed to be 6 foot tall as per the Town Code. There is an increase in elevation at the rear of the lot and the fence will ultimately be approximately 10-11 feet above the grade of the parking lot.
- The curb cut entrance proposed at Route 209 complies with all DOT specifications and had been previously approved with the Stone Ridge Shoppe Site Plan. A culvert is proposed to be placed under the curb cut entrance from Route 209 which will direct runoff to an outlet and proposed vegetative swale which will run along the property line adjacent to Lamberti Lane. Lamberti Lane is a private road and it's unknown if a Road Maintenance Agreement, HOA, or CPS7 exists. The easement is called out on the Site Plan. As part of the SWPPP, a culvert is proposed to be placed under Lamberti Lane and the Applicant is responsible for the work.

Motion to refer the revised Site Plan, SWPPP, and supporting documentation to the Town Engineer for review made by H. Hansen, second by D. Proctor; call of the roll with unanimous Aye. (5-0)

Motion to schedule a Public Hearing for June 26th, 2023, made by D. Cobb, second by D. Proctor; call of the roll with unanimous Aye. (5-0)



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2.) 2023-01 SUP: High Meadow Special Use Modification – New Public Hearing

Applicant: High Meadow School; c/o Ann Ganter

Owner: High Meadow School, Inc.

Address: 3643 Main Street, Stone Ridge, NY, 12484

SBL: 61.20-5-18.111; 9.4 +/- Ac; B-1 Zone

Site Plan modification to include the Alteration/Renovation of a 2nd floor Administrative Office space with bathroom, kitchen, and conference room, as well as the addition of a Library

The Board and Agent Ann Ganter, representing High Meadow School, engaged in discussion of the Application details and progress:

- Additional supporting documentation specific to the District Design Guidelines to be submitted by the Applicant to include spec sheets for siding, roofing materials, lighting, and color palate.
- HVAC is to be completely contained inside the structure eliminating the need for screening of equipment
- The roof slope of the proposed Library addition is called out as 4/12. Design Standards require 5/12 and contemplation of a Waiver by the Board will be required. The Applicant explained that the need for the 4/12 slope is to facilitate egress compliant windows on the second story of the structure.
- Total current square footage of the building footprint is 5,208 feet. The library will add an additional 386 square feet. The building has received Waivers by the Board in the past as its total footprint exceeds the Design Standards for the District. An additional Waiver is required to be considered by the Board.
- Response from the CRIS platform and SHPO is pending.

Motion to Open the Public Hearing made by D. Proctor, second by D Cobb; call of the with unanimous Aye. (5-0)

Call for Public Comment: None

The Board discussed the need for Waivers on the roof slope and the total footprint, in square feet, of the Library Addition and noted the following:



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- No expansion is being proposed beyond the established distance from the existing Building to the setback line.
- No classrooms are being added to the Site.
- Egress windows are of importance to the safety of the building occupants.
- The total amount of increase to the square footage of the building footprint is not considered to be substantial at approximately 7%.
- Building #1 would still have a smaller footprint than building # 2 on the Site which is 6,759 square feet and has also received a Waiver from the Board previously.

Additional Call for Public Comment: None

Motion to keep the Public Hearing open at the Call of the Chair until the June meeting made by H. Hansen, second by B. Masterson; call of the roll with unanimous Aye. (5-0)

3.) 2023-01 SBD: Oakley Road Minor Subdivision – New Application

Applicant: Medenbach & Eggers PC

Owner: Jared Hecht & Carrie Weprin

SBL: 61.3-1-25 & 61.3-1-21.113; 39.0 (total) +/-acre, A-3

Subdivision with Lot Line Adjustment of 2 existing parcels to create 4 separate parcels

Bill Eggers in attendance for the Application as Agent from Medenbach & Eggers

Dave Cobb provided a brief review of the proposed Subdivision

The Board reviewed the Application progress and engaged in discussion with Bill Eggers:

- A revised Sketch Plat has been submitted. Revised Plat contains topography contours and the Average Density Subdivision calculations as per the Town Code.
- The Revised Sketch Plat has been referred out to the Town Engineer for review.
- Referral of Average Density details to the Town Engineer for verification of compliance; No Public Hearing to be set until additional details are received, and review conducted by Town Engineer



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- No commentary has been received as of this date from outside agencies.
- The Board expressed concern over the Buildability of proposed Lot #1. The Lot has considerable slopes on more than 85% of the total lot area. The Board requests that the Applicant prove-out the ability to construct a septic, septic reserve, driveway, and a residence that will meet all density requirements for the zoning district.
- The Applicant also has the option to create protected open space or conserved open space through the Average Density Subdivision pathway. If the Applicant finds the lot has poor buildability or does not wish to prove-out the lot's buildability, this option exists.

The Application Agent will contact the Applicant and discuss the Boards concerns and potential options for proposed Lot # 1; no Public Hearing to be set at this time.

5.) 2022-04 SUP/SP: Cherries Special Use Modification – Closed 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

Chairman Stratton provided an update on the Application:

- A meeting took place between the Board chair, Town Code Official, the Town Engineer, and the Applicants Agents to discuss the details of the septic system, the proposed Occupancy numbers, and the Board of Health review findings. This was to ensure all parties were working from the same documents and considering the same proposal. There were inconsistencies and discrepancies that were discussed at the previous meeting that needed to be cleared up.

The Board engaged in discussion with Agent Diego Celaya and Applicant Lawrence O'Toole:

- The Applicant presented a Site Plan addendum proposing and depicting an expansion of outdoor seating and a letter of review from the Board of Health. The Board noted that these items were not provided prior to the meeting and the Board did not receive advance notice or opportunity for review.
- The Site Plan addendum proposes a total of 49 seats spread out across indoor and outdoor seating, and the addition of "port-a-potties" at the rear of the parcel. The travel



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path to the toilets is noted to be through the parking lot. Additional toilets are to accommodate the expected “peak season” numbers that the business can draw. The Applicant verbalized intent to maintain an indoor occupancy count of 21 seats.

- The Applicant and Agent provided a letter from the Board of Health as supporting documentation that the bathroom and the expansion of outdoor seating, given the Limited Food Service Use, is not contemplated by the Board of Health in their review of the septic capacity and occupancy for the site and outlined the details as to why the Board of Health does factor the outdoor seating or the specified Use into their calculations for the septic capacity or their review of the bathroom.
- The intent of the meeting between the Applicant, the Applicants Agents, and the Town representative was to ensure all parties were working from the same Site Plan and reviewing the same documents so as to clear up the ongoing inconsistencies with the proposal. The Chair noted that providing this new documentation to the Board of Health and not to the Planning Board works against what the Board was trying to achieve. The Board noted that the new documents depict an expansion and a change to the Site Plan which is currently being reviewed.
- The Applicant proposed that the Board should not be considering the number of seats or the occupancy count in relation to the septic or the bathroom because the Board of Health has provided a letter which makes the Board concerns for these items moot. The Board has all of the approvals it needs to grant the Approval of the Application.
- The Board advised the Applicant and Agent that it’s improper to present the Site Plan addendum and revision along with the Board of Health Letter with the expectation that the Board will act on and approve the Special Use without first having the ability review the new submissions. The Site Plan which the Board is currently reviewing notes “possible future seating” in the location of the newly proposed expanded outdoor seating, which is a modification and expansion.
- Chairman Stratton maintained that there would not be a review in real time at the meeting, and that no vote or action upon the application will take place without first having had time to review the new submissions. The Chair noted that if the Applicant had provided the documents which were given to the Board of Health, to the Planning Board with sufficient time for review and consideration, there may have been the possibility of furthering the Application.



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- The Applicant and Agent maintain that the documents presented are not a change or modification to the Site Plan, but merely a clarification to support the proposed seating numbers and the relevance of the septic capacity to the specific Use. The Applicant requested that the Board consider approving the Application because what has been provided by the Board of Health is sufficient documentation to clear up any concerns regarding the ability of the septic to maintain the proposed occupancy and seating count.
- The Board agreed that the addendum and letter from the Board of Health is a welcome submission, and that it should help to clear up the inconsistencies and confusion that had been noted during the Boards review. There remain concerns given that previously the Board of Health had not been given a copy of the Site Plan which was provided to the Planning Board, and that its imperative to ensure both Boards are seeing the same materials and the same plan.
- Chairman Stratton noted that up until recently the Board of Health had the impression that it was reviewing an open sided pavilion/pergola, and that further verification and confirmation of the documents reviewed by the Board of Health is appropriate. "There's too many differences and we need time to review and consider".
- The Applicant maintains that they have been very flexible in working with the Board and that they have come back to the Board now several times with a revision or change to the Site Plan as requested, but not approval has been granted yet. The Applicant reiterated that they are not changing any numbers and there has been no change in the Site Plan, and that they are merely supporting what has been previously proposed and again reiterated that according to the Board of Health, "this conversation about the septic should not even be happening". The Applicant noted that they have met all of the requisite approvals for the Board to approve the Special Use.
- Members of the Board reiterated that no action will be taken on the Application until it has had the ability to review the newly submitted documentation, and that right now, at this meeting, is not where the Board is going to review the documents. New submittals and documents should be received by the Board no later than 2 weeks prior to the meeting.
- Dan Proctor noted that the Applicant cannot "lay a new document on the table and ask us to vote on it". Harry Hansen noted that the meeting is "not the time and place for us



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to evaluate this. We receive documents before the meeting, evaluate, and then we make our decision at the meeting in public. We need to have time to evaluate”.

- Chairman Stratton noted that he is not “comfortable taking any steps forward with the Board of Health issue until we’ve had time to review”. It’s not the Board intention to “make anything difficult”, but that it is the Boards responsibility to ensure that what is approved will not have a negative impact upon the business, the neighbors, or the community, and that careful consideration was proper and requisite with regard to the septic and the parking to ensure that the Board carefully considers what became a complex review. The Board has a responsibility to ensure that there will be no detrimental impacts, and that the failure of the septic would be a detrimental impact.
- Tracy Kellogg, Town Of Counsel, commented that from her vantage as a consultant to the Board, there appears to be a miscommunication with regard to the Applicants expectation of the Board, or differences in the Applicants interpretation of the Zoning code compared to that of the Board; there are changes to the Site Plan with this new submission.
- Board member Harry Hansen commented that vehicles continue to park along Route 209, and it remains a serious problem. The Applicant responded that the parking lot is not a legal parking lot yet, and that when the Board approves the Application, then they can mitigate the parking problem the best they can with the new parking spaces. The Applicant commented that he also “does not have any control over people parking on the highway”. The Applicant acknowledged that the parking situation along Route 209 is not safe, and that the parking lot will increase safety and that is what’s best for the customers and the neighborhood. The Applicant noted “I can only provide solutions and I can’t make anyone do anything”.
- The Applicants Agent asked specifically what the Board would like to receive in the way of documentation. The Applicant’s Agent inquired if signature upon the Site Plan would be satisfactory, and the Chair commented that it would be satisfactory but additionally requested the verification of all documents reviewed in a narrative or letter format as well.
- The Applicant reiterated that they have Board of Health Approval and that should be enough for the Board to approve the Application, and that he cannot secure a construction loan without having the Approval and knowing the total cost of the project.



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The Applicant says waiting another month is a “huge issue”. The Applicant commented that he hears the Board's concerns, but that the Board of Health again has indicated that “this conversation isn't even needed”.

- Tracy Kellogg, Town of Counsel, noted that no further discussion should continue on this application until the Board has had the proper time to review the change to the Site Plan and the documentation provided by the Board of Health, as well as research and take whatever steps it deems appropriate to fully consider the proposal; the change proposed is a “substantial shift” and that the Board will need to consider the possible need to re-open the Public Hearing. The Applicant maintained that nothing has changed on the Site Plan and Of Counsel noted that “this is a modified plan and there's new information”.

The Chair advised the Applicant and Agent that no further conversation will take place on the Application until the Board has had the opportunity to review and research the newly submitted documents.

Written commentary will be provided from the Board to the Applicant and Agent by the Board Secretary

Motion to adjourn the meeting made by H. Hansen, second by B. Masterson; call of the roll with Unanimous Aye. (5-0)

Meeting Adjourned

7:22 P.M.

A digital audio recording of this meeting is on record in the Planning & Zoning Office.

Draft Submitted 06/03/2023

Minutes Approved 06/26/2023

Shawn Marks