

**ZONING BOARD OF APPEALS
TOWN OF MARBLETOWN
ULSTER COUNTY
COTTEKILL, NEW YORK
(845) 687-7500 Ext. 171**

MINUTES OF April 24th, 2019 **Regular Meeting** of the Town of Marbletown **Zoning Board of Appeals**, held at the **Rondout Municipal Center**, Cottekill, NY.

Chairman Perry called the meeting to order at 7:00PM.

Chairman Perry asked everyone to stand for the pledge to the Flag.

PRESENT:

Paris Perry, Chairman
Will Husta
Andrew Nilsen
Kathleen Grambling

ABSENT:

Tom Smiley, Vice Chairman

Also present:

Kevin Fredricks, alternate. Shaye Davis, Secretary.

Alternate Mr. Fredricks joined the Board at 7:02pm in place of Mr. Smiley

2019-01 Area Variance – Public Hearing

Carter Peabody - Owner

Paul B. Jankowvitz – Architect

Proposes constructing a swimming pool and spa in their front yard.

Located at 105 Cherry Hill Road, Accord. Zoning District: A-3. SBL: 61.3-2-70

Mr. Jankowvitz, the architect was present on behalf of the application.

Mr. Jankowvitz explained the project to the Board. He explained that there as a stream in the side yard and that the house was built in the back corner of the lot. He stated that the house was built in the 1950's. He stated that the applicants would like to construct a 20X50ft lap pool with a spa/jacuzzi tub. He added that there would be a deck and patio to the pool/spa area and that the pool was inground.

Chairman Perry asked Mr. Jankowvitz if the spa could be moved to the other side of the lap pool into the side yard area.

Mr. Jankowvitz stated that it could be done.

Mr. Fredricks asked if the applicant could supply a landscape schedule. He also asked if the home was the primary residence of the applicant.

Mr. Jankowvitz stated that he did not know if it was the primary residence or not.

Mr. Peabody stated that the home would be a weekend home.

Chairman Perry stated that the Board would like to see the well and septic on the plot plan.

The Board reviewed the application and site plan. They agreed to have the architect show the topography of the property on the plot plan.

Chairman Perry opened the meeting for public comment.

No one from the public spoke.

Mr. Fredricks motioned to keep the public hearing open. Mrs. Grambling seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

There was no further discussion.

2019-02 Area Variance – Public Hearing

Mazdack Rassi - Owner

Conklin Architecture – Architect

Proposes constructing a swimming pool and pool house in their front yard.

Located at 17 Vly Road, Accord. Zoning District: A-3. SBL: 54.4-1-8.211

Workers from Conklin Architecture were present on behalf of the application.

Mrs. Grambling stated that the proposed pool would be surrounded by fence and shrubs. She stated that the pool was located on a 32-acre parcel and the closest house was 621 feet and that the road was 650 feet from the proposed pool. She asked the size of the pool.

The worker stated that the pool was a 40X20 foot inground pool and that the pool house would be 18X40sqft.

Mrs. Grambling stated that the house would not be visible from the road.

Chairman Perry asked about the septic size and to have the applicant check with the Board of Health.

Mr. Fredricks asked if the kitchenette and bathroom would be just for the pool.

The worker from Conklin Architecture stated that it would just be for pool use.

Mr. Fredricks asked if the house was the primary residence.

The worker from Conklin Architecture stated that it was currently a weekend house.

Chairman Perry opened the meeting for public comment.

No one from the public spoke.

Mrs. Grambling motioned to keep the public hearing open. Mr. Fredricks seconded the motions.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

There was no further discussion.

High Meadow School – Public Hearing

Kurt Sutherland – Architect

Proposes to expand and/replace current Art Building

Located at 7-15 Acorn Way, Stone Ridge. Zoning District – B-1. SBL: 61.20-5-18.111

SEQR: Unlisted Action

Kurt Sutherland was present on behalf of the application.

Mr. Sutherland explained to the Board updated plans showing each option separately. He stated that they would prefer to do option A which was to relocate the building to a new

location and build a new one in its place. He stated that the garage is not the original garage from the Banker's Daughter house.

Mrs. Grambling asked what the cost of moving the building would be.

Mr. Sutherland stated that cost would be around \$20,000.

Mr. Sutherland explained the design guidelines to the Board. He went into detail about the roof, windows, siding and color of the proposed new structure.

Chairman Perry asked if the applicant could do a visual from the neighbors.

Mr. Sutherland stated he could, but he did not think any screening will be necessary. He stated that there were no plantings right now and the building would fit in.

The Board agreed that a picture from the Moylan's property boarding the parcel would be ideal.

Mr. Nilsen asked where the propane would be located.

Mr. Sutherland stated that it would be in the back of the building with plants around it to make it more appealing.

Chairman Perry opened the meeting for public comment.

No one from the public spoke.

Mr. Husta motioned to keep the public hearing open. Mr. Fredricks seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Chairman Perry stated that the garden shed, and sports shed need to be shown on the plot plan, the kiln situation needs to be taken care of before approval and Board of Health approval.

There was no further discussion.

2019-02SUP – CES Marbletown Solar – New Application

Applicant: CES Marbletown Solar, LLC

Property Owner: Aldarosi Enterprises, Inc. C/O Allan Harari

Proposes a 5 MW (AC) community solar generating system on approximately 24 acres of the 301 acres.

Located at 2675 Route 209, Kingston. Zoning District: R-1 SBL: 62.1-4-1.2

Steve Ondishin from Con Edison was present on behalf of the application along with Allan Harari, owner, Mike Moriello, Attorney and others from Con Edison.

Mr. Ondishin showed the Board and the public a power point explaining who they are and the project they were proposing. He stated that the project was for community solar and that members could get 10% savings on their electric bill if they signed up. He continued to state that the project was proposed in 2 phases, 2 megawatts and then 3 megawatts. He stated that the panels would be on 24 acres of the 300 +/- acre parcel and would be surrounded by fence. He explained that ConEd would own, operate and build the solar project. He added that the panels would be naturally buffered and that the project would be over 800 feet from the roadway and 2,100 feet from the rail trail. He noted that the construction should take around 4 months and that they would have at least 1 battery storage but no more than 4.

The Board discussed the things they would need from the applicant.

Chairman Perry listed the following:

1. Soil Type from the proposed areas.
2. Visual Impact – Showing/Proving no issues
3. Historic/SHPO Archeology Study
4. Road visual
5. Accessibility
6. Cutting Plan
7. Site Plan
8. Height and Setbacks
9. 50ft natural buffer
10. Replanting plan for decommissioning
11. Commitment letter from Mr. Harari
12. Department of Environmental Conservation Letter

The Board agreed some of this was already accomplished just wanted to point out everything.

Mr. Moriello brought up the option of having a Gateway Meeting. He said he would set it up if need be.

The Board agreed.

Chairman Perry stated that he would speak to the Planning Board and the Supervisor about obtaining Site Plan Approval for the project.

Mr. Fredricks motioned to request an initial escrow amount of \$3,000. Mrs. Grambling second ed the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Mr. Husta motioned to classify the action as a Type 1 under SEQR. Mr. Fredricks seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Mr. Nilsen motioned to seek Lead Agency under SEQR. Mrs. Grambling seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

There was no further discussion.

2019-03SUP – Hurley Motor Sports Solar – New Application

Applicant: Solar Generation Projects, LLC

Property Owner: Sloan Hoffstatter

Proposes 200.KW community solar generating system.

Located at 2779 Route 209, Kingston. Zoning District: B-2 SBL: 62.1-3-40.220

Sam Wilkinson and Paul McMemey were present on behalf of the application.

Mr. Wilkinson stated that their project was pretty similar to the last project presented but much smaller. He added that they would have wildlife friendly fencing and that there was naturally buffering and that they might only have to cut down 1 tree. He explained the site plan to the Board as well. He noted that they submitted the long Environmental Assessment Form.

Mr. McMemey stated that the project would be completely community solar for 16-20 Marbletown residents.

Chairman Perry stated that they will need to see some proposed shrubbery and screening, not so you can't see it but to make it more appealing. He also stated that they would like to see the types of soil on that section of land.

There was no further discussion.

Mr. Fredricks motioned to set the initial escrow to \$3,000. Mrs. Grambling seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Mr. Husta motioned to classify the action as a Type 1 under SEQR. Mr. Nilsen seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Mrs. Grambling motioned to seek Lead Agency under SEQR. Mr. Fredricks seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

There was no further discussion.

Mr. Fredricks motioned to accept the March minutes. Mr. Nilsen seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Mrs. Grambling motioned to have CPL review the CES Marbletown Solar Project. Mr. Nilsen seconded.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Mr. Nilsen motioned to have Peak Engineering review the Hurley Motorsports Solar Project. Mrs. Grambling seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

TOMZBA April 24th, 2019
REGULAR MEETING

Mr. Nilsen motioned to adjourn the meeting at 9:25PM. Mr. Fredricks seconded the motion.

All in favor. Motioned Carried.

5 ayes, 0 nays, 0 abstain, 1 absent

Respectfully submitted,

Shaye Davis, Secretary

Adopted and accepted, May 22nd, 2019