

Town of Marbletown
Stone Ridge, New York 12484
Physical Address: 1925 Lucas Avenue, Cottekill
Zoning Board of Appeals
Monthly Meeting
July 13, 2016

Minutes

Agenda: Vice-Chairman Perry called the meeting to order at 7:03pm and read the Agenda into the record

Public Hearings:

- 3805 Main St LLC-Special Use Permit to have events-
- New Applications:None

Old Applications: None

Decisions: None due

Attendees:

- Present: Will Husta, Chairman; Paris Perry, Vice-Chair, Dan Proctor Alternate Kathie Grambling; Alternate Tom Smiley;
- Absent: Brian Taylor , Alternate Max Stratton ,

Announcements:

Public Hearings:

Application 1:

3805 Main St LLC is applying for an Special Use Permit to have events as an Accessory Use to the approved 19 room hotel use on property located at 3805 Main St in the B-1 zoning district at tax map number 69.2-5-1.100. Property contains 35.0 acres.

The Board reviewed a draft set of potential Determination facts.

The Board reviewed the compliance chart for the determination

3805 Events Compliance and Document reference

Existing or previous approval	Applicant assertion	Board options and/or discussion	Remarks
Changing Non-Residential Uses for 3 Existing Buildings: Requires Special Use Permit for Changes to Approved Site Plans – Applicant requested and was granted splitting the SUP application into 2 parts: Part 1 Special Permit for changes to Hotel, Restaurant & Bar Buildings was Approved Nov 24,	None	Exhibit Z!/Attachment 11 ?? What is this?	N/A

2015;			
Part 2 Special Permit to Offer Seasonal Catered Events e.g. Weddings Accessory to Hotel Use	1990 & 1997 Event approval letter from Planning Board/Exhibit A2 /Attachment 2 1989 UCBOH Memo of Oct 11th	SUP needed as part of overall changes of property	N/A
<u>1990 Approval Requirements</u> I. Zoning	<u>Current Applicant Proposal</u>	<u>Same or Different</u>	<u>Board Conclusion</u>
Use allowed in B1 under Restaurant with Site Plan Approval(pg. 1 of 1990 PB decision)	Use allowed in B1 under Limited Service Eating Establishment pg. 200:17	Same use different approval	Needs SUP
Number of events Not regulated in Planning Board approvals. Applicant asserts 17-20 were happening	15	Different & New	If there are 2 in a weekend, counts as 2, correct- yes
Event season: June-September (page 5 of 1990 PB decision)	No concrete proposal from Applicant		
Events held on: Saturdays, Sundays, Holidays (page 5 of 1990 PB decision)	No concrete proposal by Applicant		
Events held in temporary tent (30'x30') Applicant Proposal (as shown on Site Plan attached to 1990 PB Site Plan decision)	Events held in temporary tent (40'x60' on new 50'x70' bluestone patio)	Different	Bluestone patio Approved in Oct. with no tent on it
II. Tent Safety and General Zoning			
9 NYCRR Part 1165.9(a)-tent shall be flame resistant (page 6, item 2A of 1990 PB Site Plan decision)	No Proposal		
9 NYCRR 1164.9(d)- No combustible materials permitted under seats page 6, item 2B of 1990 PB Site Plan decision)	No Proposal		
9 NYCRR 1164.9(e)-no open flame inside or within 20 ft. of tent and area within and adjacent shall be maintained clear of combustible	No Proposal		

material or vegetation (page 6, item 2C of 1990 PB Site Plan decision)			
Tent removed after day's use unless a function is next day (page 6 of 1990 PB Site Plan decision)	All tent structures removed after each event...	Same	Tent removed within 24 hours of last event in weekend
Tent design and color (was a white tent previously, but not per 1990 PB Site Plan decision)	Picture and Color needed	No data to determine	
Amplified Music(Based on Neighbor Concerns)			
There will be both live and taped classical music available at each function. Sound levels will be kept at a considerate volume and not incompatible with adjoining uses nor nearest residential use (Page 4 of 1990 PB Site Plan decision)	<p>1.Orient tent with long axis pointed toward rear woods</p> <p>2. tent floor plan-Band/speakers, dance floor & tables arranged to face sound toward rear woods (fixed floor plan design submitted)</p> <p>3. All amplified music & sound shall utilize "sound limiting device" between source and speakers)</p> <p>4. Music & sound limited to 90db, if after 10pm lowered to 80db</p> <p>5. Event manager to be identified to control noise associated with event. Includes set-up and take down</p> <p>6. Name of event manager, cell phone & email shall be provided in Town notice of event document</p> <p>7. All renters and/or caterers sign contract agreeing to event sound operating requirements</p> <p>8. Evergreen buffer in 2 U shaped rows shall be in place</p>		Shall be of size to effectively buffer or hay bale wall until planting matures
Event use load			
75 to 100 Guests (page 5 of 1990 PB Site Plan decision)	Up to 100 Guests	Same	No new approval required
No concurrent overlapping events Page 5 of 1990 PB Site Plan decision)	Only 1 per day + 50% Bar/Restaurant Open	Same	No new approval needed

1990 start & end time 12PM-8PM (page 6 of 1990 PB Site Plan decision); 1997 end time increased to midnight with 'noise reduction' after 10PM (separate approval)	12pm to – 12am	Same	To be discussed with Board. Board suggested End at 10PM. Testing of additional hours from 10-midnight can be arranged
All interior areas not connected to the 2 bathrooms in the front of the Hasbrouck House roped off because Restaurant & Bar not open (per page 3 of 1990 PB Site Plan decision)	Half of Restaurant (Bar) open during events-proposed open 900 sq ft.(main bar and main dining room or both bar areas) Plus 19 hotel rooms within 3 buildings	different	Enough parking??? CEO requests condition that existing buildings not be allowed to be used during events until a C?O is granted; Alternate plan to manage multi-use with parking lot limited to 61 spaces can be considered)
2016 requirement		New	List of event dates; # of guests and who event manager is for Town and Fire Dept notice
Parking			
The Applicant has adequate area available on-site as shown on Site Plan. Each space is 9x20 with 26' aisle width. Parking does not encroach on any required front yard or open area and is situate to the rear of the existing structures (per page 4 of 1990 PB Site Plan decision and Site Plan attached to 1990 decision showing 45 spaces) See 11/1989 and 1/1990 Risely letters. ***Parking was calculated with event only...no hotel or restaurant (see bottom of page 1 of 1/1990 Risely letter)	-100 seat tent @1 space/6 seats=16.7 -900 sq. ft. of bar/restaurant @1/50 sq. ft.=17 -19 hotel rooms @1/room=19 -temp employees is 6 @1/4 employees=2 -regular employees is 6 @1/4 employees=2 -caretaker apt @1/apt.=1 -truck loading berth is 13,250 @1/10,00 sq. ft.=1 H/C accessible @1/25 spaces=3	Different	Q: Tent: calculate by sq. ft. or by seats Q: employees seem off-temp. 1.Event Manager; 2. Tent Bartender; 3. DJ; 4. Parking Attendant; 5. Caterer 6-One wait staff

	Total is 61 plus 1 truck berth		
Lighting			
Any site lighting shaded and directed to not cause glare on adjoining properties and directed to not cause traffic hazard (page 4 item 1 of 1990 PB Site Plan decision)	No new lighting for events proposed. Pathway lighting from parking lot approved and installed as part of hotel SUP		All site lighting was approved as part of Hotel SUP
III. UC BOH Requirements from 1989			
Two temporary toilets brought in Porta-Potties (per page 2 of 1990 PB Site Plan decision)	50 attendees-minimum 2 portable toilets; 75-100 attendees-minimum 3 portable toilets	Different	Meets need; 1 of which needs to be H/C accessible
Water meter installed on water system (per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	No proposal or knowledge of completion		
Daily water meter readings taken and submitted monthly(per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	No proposal or knowledge of completion		
UCBOH Controlled Water Usage(per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	No proposal or knowledge of completion		Put a maximum # GPD allowed as per BOH approval?
All functions held outside (per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	Same	Same	Complies
Food preparation is to be done on-site (per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	No proposal or knowledge of completion		
Dishwashing is to be limited (per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	No proposal or knowledge of completion		
Inside bathrooms equipped with (20 1.6 gallon flush toilets and faucets that use less than 3 gallons/minute (per page 2 and letter from BOH attached to 1990	No proposal or knowledge of completion Installed as part of hotel upgrade????		

PB Site Plan decision)			
Maximum # seats: 100 (per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	Max seats; 100	Same	Complies
Satisfactory inspection of kitchen, water and sewage systems must be done before permit to operate (per page 2 and letter from BOH attached to 1990 PB Site Plan decision)	All water (potable or otherwise brought to site for each event) as per Applicant 6/29/16 letter to Board	Different	-Event use cannot exceed approved GPD use established by BOH -Amount of water needed for 100 people and staff???Septic System-update Changes since 1989 (added 180 linear feet in 19????)
Cleanliness			
Any excess food and all plates, utensils and waste materials will be promptly cleaned up after each function and disposed of off-site (per page 4, item 3A in 1990 PB Site Plan decision)	No proposal		
Food Safety			
No food or material will be stored on the site but will be brought to the site immediately prior to each function (per page 4, item 3B in 1990 PB Site Plan decision)	No proposal		Submit copy of Caterer's BOH certificate for each event
Access			
Access to the site is by way of an existing commercial curb cut on NYS Route 209 which has been approved by the NYSDOT for use by a restaurant. Sight distance in both directions along state highway is adequate for the proposed use (per page 5 of 1990 PB Site Plan decision)	No change planned		6/29/15 DOT letter for SEQRA states they reviewed Full EAF, Site Plan & Lead Agency request. The Site Plan and project narrative (dated 4/25/15-page 6)was the only document that

			showed the full proposed use of the property: hotel, restaurant and events. Anything further needed to ensure DOT knows full potential impact????
Traffic back up on Rte 209 during previous events (neighbor complaints)	Have a parking attendant in the Site access moving traffic to parking more smoothly	New	Safety issues????

The Board reviewed a draft record

The items listed below are considered the Zoning Board of Appeals to be the complete record for: Owner: 3805 Main St LLC

Application: The applicants, 3805 Main St LLC: Akiva Reich and Eitan Baron, have filed an application for a Special Use Permit to be allowed to hold outside events under a tent on property located at 3805 Main St in Stone Ridge. At tax map number 69.2-5-1.100 . The property is located in the B-1South and R-3 zoning districts and consists of 35.13 acres. 3805 Main St LLC Special Use Permit for Events Record Summary

Applicant Exhibits

Exhibit number	Exhibit name	Attachment number	Number of pages
A1	Letter outlining current requests for events	1	
A2	1997 Event approval letter from T/O Marbletown Planning Board	2	
A3	Site Plans: overall complete; overall event; detailed event; location to residences	3	
A4	Parking maps and calculations several revisions, last revision 7/13/16	4	
A5	Narrative from engineer addressing potential noise issues and proposed mitigation	5	
A6	Full Environmental Assessment form from original Hotel Expansion and event application	6	
A7	Photos of the area	7	5
A8	Water and septic calculations, including 1989 BOH Events letter and May and July 2015 BOH letters	8	
A9	Maps of potential testing areas for sound test	9	
A10	Pictures taken during sound test at each site	10	6
A11	Sound Report	11	???

Zoning Board Exhibits

Exhibit number	Exhibit Name	Attachment number	Number of pages
Z1	Approved Special Use Permit for expansion of Hotel, Restaurant and Bar approved 11/2015	12	
Z2	Map of neighbors to include in sound test	13	
Z3	Letter to neighbors regarding sound test	14	1
Z4	February 24, 2016 Agenda	15	
Z5	February 24 member vote by case	16	
Z6	February 24, 2016 PH legal notice, published Feb 19, 2016	17	
Z7	February 24, 2016 Neighbor notification for PH	18	
Z8	February 24, 2016 minutes	19	
Z9	March 23, 2016 Agenda	20	
Z10	March 23 member vote by case	21	
Z11	March 23, 2016 Legal notice for PH published 3/18/16	22	
Z12	March 23, 2016 Neighbor notification for PH	23	
Z13	March 23, 2016 minutes	24	
Z14	June 1, 2016 Agenda	25	
Z14	June 1 member vote by case	26	
Z14	June 1, 2016 Legal notice for PH, published 5/31/16	27	
Z15	Neighbor Notification for June 1 PH	28	
Z16	June 1, 2016 minutes	29	
Z17	June 22, 2016 Agenda	30	
Z14	June 22, 2016 member vote by case	31	
Z15	June 22, 2016 Legal notice, published 6/17/16	32	
Z16	June 22, 2016 minutes	33	
Z17	July 13, 2016 meeting notice published July 8, 2016	34	
Z18	July 13, 2016 Legal notice published July 8, 2016	35	
Z19	July 13, 2016 Neighbor Notification	36	
Z20	July 13, 2016 Agenda	37	
Z21	July 13, 2016 minutes	38	
Z22	1990 Planning Board Site Plan decision	39	
Z23	Entire Code of Town of Marbletown	40	1(cover)
Z24	Final Record	41	
Z25	Final Determination	42	TBD

Public Exhibits-

Exhibit Number	Exhibit Name	Attachment Number	Number of pages
----------------	--------------	-------------------	-----------------

Official Actions:

Member Paris Perry motioned to accept the Record; member Dan proctor seconded the motion which was thereupon called to a vote as follows:

Will Husta-Aye
Kathie Grambling-Aye
Brian Taylor-Absent
Paris Perry-Aye
Dan Proctor-Aye
Max Stratton-Absent
Tom Smiley-Aye

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absent

Member Kathie Grambling motioned to close the public hearing; member Tom Smiley seconded the motion which was thereupon called to a vote as follows:

**Will Husta-Aye
Kathie Grambling-Aye
Brian Taylor-Absent
Paris Perry-Aye
Dan Proctor-Aye
Max Stratton-Absent
Tom Smiley-Aye**

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absent

Conditions of Approval:

1. All items outlined in summary above shall be implemented
2. Parking lot edge to be located 10 ft off property line
3. Pool not to be used until approved by BOH
4. No buildings are to be used until a C/O has been issued.
5. All previous approvals from 2015 SUP and 1990 Events approvals are still in effect unless modified by this Determination.

Determination: At a special meeting of the Zoning Board of Appeals held on July 13, 2016, it was motioned by Dan Proctor to approve with conditions the Special Use Permit for the Hasbrouck House tent events with a good neighbor review to be held in November 2016 of general and specific parameters as outlined in the findings herein for possible adjustments for future events; Paris Perry seconded the motion which was thereupon called to a vote as follows:

Will Husta- Aye
Brian Taylor-Absent
Paris Perry-Aye
Tom Smiley-Aye
Dan Proctor-Aye
Kathie Grambling-Aye

The Special Use Permit for up to 12 catered events in a season with conditions was Approved with conditions by a vote of 5 ayes 0 nays 0 abstentions one member assigned was absent at time of vote, an Alternate Member was assigned.

Dan Proctor motioned to adjourn the meeting; Tom Smiley seconded the motion which was thereupon called to a vote as follows:

Will Husta-Aye

Kathie Grambling-Aye

Brian Taylor-Absent

Paris Perry-Aye

Dan Proctor-Aye

Max Stratton-Absent

Tom Smiley-Aye

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absent

Meeting adjourned at 9:30pm.

Respectfully Submitted,

Maggie Colan, ZBA Secretary