



Town of Marbletown  
Zoning Board of Appeals  
1925 Lucas Avenue  
Cottkill, New York 12419  
[planning@marbletown.net](mailto:planning@marbletown.net)

Zoning Board of Appeals  
Approved Meeting Minutes  
September 21<sup>st</sup>, 2023

Meeting Called to Order

6:07 P.M.

Pledge of Allegiance

Quorum Call:

Board Present: Tom Smiley, Zach Bowman, Kathie Grambling, Andy Nilsen

Absent: Nancy Birdsall, Egidio Tinti

Town Staff Present: Shawn Marks

Announcements: None

Business:

**1.) 2023-10 AV – Wright Area Variance – New Application**

**(X.X.)**

Janet Wright

80-84 Highland Road, Stone Ridge, NY, 12484

SBL: 54.1-1-7, A3 Zone, 3.30 Ac +/-

Requesting an Area Variance to create a second dwelling unit in an existing accessory structure with a non-conforming front yard setback on a parcel which does not meet required minimum acreage.

Janet Wright is in attendance for the Application

Janet Wright provided an overview of the Variance Request:

- Asking for financial relief by offering two Variance; one for a change of use on an existing structure which is a studio, and the second variance is for an expansion of Use for the parcel.
- Asking for the structure noted as “two story wood frame house on the left” (Board and Applicant viewing the Site Plan on the overhead projector), which is 2,016 square feet, to be a second dwelling unit on the parcel at 80 Highland Road.
- To make a second dwelling unit, I’m required to receive a couple of variances, which will give me more option and flexibility.

The Board and the Applicant discussed the Application and the details of the Variance Request and viewed the Site Plans and supporting documentation on the overhead projector:



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- The building is currently legally permitted as a home office and studio.
- The Applicant notes that the building has supported herself and her family for many years; started as a single-story garage in the 1960's, and then a second story and studio/home office addition were added; used as a residence while the primary residence was re-built in the early 2000's.
- The existing front yard setback and distance to the centerline of the roadway are non-conforming and noted to be pre-zoning; approximately 24 feet; fronting on a Town Road; "a single lane country road," and is 14 feet wide in front of the Applicant's house.
- CEO Determination calls out a need for a Setback Variance for the existing front yard setback, as well as a Density Area Variance for insufficient acreage for the creation of a second dwelling unit on the parcel for the given District.
- If the space between the two existing structures were divided by a line equally, there would be a 10-foot setback between the two structures.
- The request for a second dwelling unit would require 6 acres and the parcel is 3.3 acres; splitting the lots would essentially create a 0.3-acre lot which is a 98% variance request.
- Interest by the Applicant is to monetize the real estate and utilize the resources; needed to help relieve financial hardship; wishes to be flexible in her options which is why she's pursuing a full second dwelling unit. Notes family members will need the second dwelling unit in the immediate future.
- The Board wished to clarify if an Accessory Dwelling Unit is being requested; the Applicant noted that a full second dwelling unit is being requested; Applicant notes that Short Term Rentals are part of the potential planned use of the dwelling unit but wishes to remain flexible. Notes that you must be "very careful" with rentals, and her first instinct is family members, but that the Short-Term Rental platforms are a resource for her.
- Currently, the space is legally permitted to be a studio office space but does not have a Certificate of Occupancy for continuous habitation, dwelling, or sleeping.
- The Applicant noted that it is not habitable or livable now and is not sure why it was previously livable and had a "C of O", but that it can't be now. It was not a problem when it was a studio office and the family lived there for a decade while they built their current residence.
- The previous "C of O" on the Studio Office was granted as a Temporary Certificate of Occupancy by the Code Enforcement Officer which allowed the owner to live on the property while they re-built their primary residence. Following completion of the primary residence, the Temporary "C of O" was no longer valid for the Studio Office and the structure reverted to being an accessory structure for passive use only.

***Motion to Accept and Open the Application made by K. Grambling, second by A. Nilsen; call for a vote with unanimous Aye. (4-0)***



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***Motion to classify the Application as a Type II SEQRA action made by Z. Bowman, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***

Chairman Smiley noted a conflict with the October meeting date. The Board discussed a change of date.

***Motion to set a Public Hearing for the October 17<sup>th</sup>, 2023, made by Z. Bowman, second by A. Nilsen; call for a vote with unanimous Aye. (4-0)***

***Motion to reschedule the October 2023 ZBA Meeting for Tuesday October 17<sup>th</sup>, 2023, made by Z. Bowman, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***

*Kathie Grambling to be Application Point and set up a Site Visit*

**2.) 2023-09 AV – Sans Area Variance – New Public Hearing** (A.N.)

AHB1 LLC; c/o Katy & Gregory Sans

120-121 Mill Road, Stone Ridge, NY, 12484

SBL: 61.1-2-22.200, A3 Zone, 7.07 Ac +/-

Requesting an Area Variance to create an undersized flag lot in a 2-lot minor subdivision.

Agent Morgan Decker from Medenbach & Eggers in attendance for the Application

Andy Nilsen, Application Point, and agent Morgan Decker provided a review of the Application request, and the Board discussed the details of the request:

- Existing parcel of 7 acres which the Applicant wishes to subdivide into 2 parcels.
- Creating a flag lot which is proposed to be undersized; variance required as the acreage utilized in the creation of the “flagpole” cannot be counted toward the acreage requirement.
- Approximately 1 acre short of meeting density code for the flag lot; Town Code requires a flag lot to be 1.5 times the required parcel size for the district to maintain adequate acreage for buildability, setbacks, and access strips.
- Flag lot required to be 4.5 acre; asking for Flag Lot to be 3.4 acre.
- Easements and Right of Way’s have not yet been discussed with the owners as the preference is for the creation of a flag lot to access from the Town Road.
- The neighborhood has a collection of undersized and irregularly shaped parcels.
- The Variance request would be a 24% variance.

***Motion to Open the Public Hearing made by K. Grambling, second by Z. Bowman; call for a vote with unanimous Aye. (4-0)***



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**Call for Public Comment:** None

***Motion to Close the Public Hearing made by T. Smiley, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***

*The Board has 62 days to consider and vote on the Application*

**3.) 2023-06 AV – Mollins Fence Area Variance – Open Public Hearing** (E.T.)

Reed Mollins

71 Cedar Hill Road, High Falls, NY, 12440

SBL: 70.3-5-3.100, R1 Zone, 3.00 Ac +/-

Requesting an Area Variance for a fence to be located in the front yard which exceeds the maximum permitted height and limits the passage of views.

Applicant Reed Mollins not in attendance for the Application

The Public Hearing is open for this Application.

**Call for Public Comment:** None

The Board does not have any new information from the Applicant or new information to report from the Application Point currently.

***Motion to carry and continue the Public Hearing on October 17<sup>th</sup>, 2023, made by K. Grambling, second by Z. Bowman; call for a vote with unanimous Aye. (4-0)***

**4.) 2023-08 AV – Sindt Area Variance – Open Public Hearing** (Z.B.)

Stacy Sindt; 226 Van Wagenen Lane, Kingston, NY, 12401

Location: 351 Ashokan Road, Kingston, NY, 12401

SBL: 54.4-3-63.121, A4 Zone, 6.06 Ac +/-

Requesting an Area Variance to permit a Detached Garage w/ Accessory Apartment to be within the required front yard setback

Chairman Smiley noted that during the course of the evening's business, the Applicant provided documentation via email requesting the withdrawal of the Application from consideration by the Board.

***Motion to close the Public Hearing made by Z. Bowman, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***



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***Motion to accept the request for withdrawal and to close the Application without a Determination made by Z. Bowman, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***

Other Business:

1.) Jay Carnevali of Highland Road – Recognized by the Chair to discuss the Highland Road Variance Application with The Board:

- Understands that there will be a time to go on the record publicly at the October 17<sup>th</sup> ZBA Meeting.
- Notes there are 5 or 6 families that surround the location of the Variance request and wish to know if any documentation should be provided or is needed by the Board; intend to provide letters of concern and commentary and to participate in the Public Hearing.
- Letters of Support and Letters of Concerns have already been received by the Planning & Zoning Office and will be entered into the record formally at the Public Hearing.
- Supporting documentation and letters can be provided to the Board and entered into the record.
- Neighbors may speak on the record at the Public Hearing and are encouraged to do so.

The Board engaged in discussion with Mr. Carnevali on the Variance Application Process and the factors and merits that the Board considers when contemplating a Variance request.

2.) Wright Area Variance Application

- The Board discussed Zoning Code Chapter 200-24: Supplemental Density Requirements, the Accessory Apartment Law, and the Short-Term Rental Law

3.) Approval of Meeting Minutes

***Motion to Approve the August 2023 ZBA Meeting Minutes made by Z. Bowman, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***

4.) Pending Applications for October

- Previously discussed pending Application for a Variance on Main Street has been withdrawn



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***Motion to Adjourn the meeting made by Z. Bowman, second by K. Grambling; call for a vote with unanimous Aye. (4-0)***

Meeting Adjourned

7:30 P.M.

*DRAFT SUBMITTED 10/9/2023*

*MINUTES APPROVED 10/17/2023*

Shawn Marks

Approved on 10.17.2023