

**Town of Marbletown
Stone Ridge, New York 12484
Physical Address: 1925 Lucas Avenue, Cottekill
Zoning Board of Appeals
Monthly Meeting
January 27, 2016**

Minutes

Agenda: Chairman Husta called the meeting to order at 7:02pm and read the Agenda into the record

Public Hearings:

- **Richard Casey** – Appeal requesting an Area Variance for setback of a shed/garage that is proposed not to meet setbacks
- **Richard Casey**- Appeal requesting an Area Variance for density of a proposed apartment above a proposed garage that does not meet the required acreage
- **Barbara Goodwin**-Appeal requesting a setback variance for a proposed new front porch

Attendees:

- **Present:** Will Husta, Chair, Brian Taylor, Alternate Kathie Grambling
- **Absent:** Dan Proctor, Paris Perry,

Announcements:

- **The Chairman stated that Local Law number 3 of 2015 was filed with the Secretary of State on January 6, 2016 thereby formalizing the Zoning Board membership as 5 regular members. It has been decided to fill the un-expired term of Mark Knudsen, who resigned in August 2015, with Alternate members on a rotating basis.**

New Applications: None

Old Applications: None

Decisions: Robert Sickler, III- Special Use Permit for Chickens for Personal Use- PH closed on 12/16, 2015

Public Hearings:

Application 1:

Richard Casey is applying for an **Appeal requesting a density Variance** for a proposed 4 bay garage that will have a 1 bedroom 913 sq. ft. apartment for his mother in the upper level. The property is located at 44 Pine Cove Road in the A3 Zoning District at tax map number 54.2-1-27. Property contains 4.3 acres.

ZBA Assigned to Application: Paris Perry - Lead; Tom Smiley (Alternate)-Co-Lead; Brian Taylor, Dan Proctor, Will Husta

Applicant Representative: Richard Casey

Application Presentation: Richard Casey updated the Board on his request stating the 2 Lead ZBA members did a site visit to his property on Friday, 1/22. He also noted he no longer has his caretaker. He reviewed the narrative he submitted to the Board electronically, which he believes was transmitted to all the Board as well as the attachments. He also noted that he feels it is relevant to note that there are at least 2 other parcels on Pine Cove Road that have more than one residence on their property(Elkind on 3.90 acres and Schofield on 6.16 acres).

ZBA Questions/Applicant Answers:

- We understand you are looking into purchasing the private access road that contains 1.7 acres? That is correct.
- We understand according to the title search, the road is owned by 1 person. (John Gale)-correct? YES
- It is your belief the two pieces (the access road and your existing parcel) combined together would give you the required 6 acres(existing 4.3 plus access, 1.7 acres)? Yes, I believe it would.

- The ZBA members acknowledged receiving the Applicant's input

Referral Input: No referrals

Public Input:

Neighbor Concerns:

- Increased use of private road associated with Casey alleged business uses
- Is a second dwelling allowed by Area Variance instead of Use Variance?
- Property is being used for a commercial business
- Email from DEP stating they have no issue with the request, so long as full access to Lower Pulp Mill Rd is maintained. Lower Pulp Mill Rd is the name of the access that traverses across the lands currently owned by Belcamino which is the lot immediately adjacent to the Applicant/

Positive Comments:

None noted

Official Actions:

Tom Smiley motioned to **continue the public hearing at the February 2016 ZBA meeting for document input only;**

Will Husta seconded the motion which was thereupon called to the following vote:

Will Husta-Aye

Tom Smiley-Aye

Brian Taylor-Aye

Paris Perry-Aye

Dan Proctor-Aye

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

Application 2:

Richard Casey is applying for an **Appeal requesting a setback Variance** for a proposed shed/ garage that will not meet the required setback of 30 feet to the side property line. The property is located at 44 Pine Cove Road in the A3 Zoning District at tax map number 54.2-1-27. Property contains 4.3 acres.

ZBA Assigned to Application: Paris Perry - Lead; Tom Smiley (Alternate)-Co-Lead; Brian Taylor, Dan Proctor, Will Husta

Applicant Representative: Richard Casey

Application Presentation: **Richard Casey updated the Board** on his request stating the 2 Lead ZBA members did a site visit to his property on Friday, 1/22. He also noted he no longer has his caretaker. He reviewed the narrative he submitted to the Board electronically, which he believes was transmitted to all the Board as well as the attachments. As a result of the discussions with the 2 ZBA members who did the site visit, Applicant submitted a proposed revised location for the shed. The new proposed location is still in the area of the pad, but is setback from the side property line by a proposed distance of 20 ft. instead of 2 ft.

ZBA Questions/Applicant Answers:

- Do you understand what was discussed at the site visit: it absolutely appears the proposed 2 car garage/storage shed will fit off the proposed new driveway leading to 4 bay garage and the edge of the new proposed septic reserve area? Yes, but I would like to keep the application open. If the Board approves the density variance for garage and apartment and I start construction and it definitely can fit, then I can withdraw it, but if I need it still, the application can be re-opened instead of starting over.
- What is your preferred location? My preferred location is by the pad.
- The ZBA members acknowledged receiving the Applicant's input.

Referral Input: No referrals

Public Input:
Neighbor Concerns:

- Property is being used for a commercial business
- DEP email stating they have no issue with the request, so long as full access to Lower Pulp Mill Rd is maintained.

Positive Comments:
None noted

Official Actions:

Will Husta motioned to **adjourn the public hearing for the area variance setback for the new proposed 2 car garage/storage shed; Brian Taylor** seconded the motion which was thereupon called to the following vote:

Will Husta-Aye

Tom Smiley-Aye

Brian Taylor-Aye

Paris Perry-Aye

Dan Proctor-Aye

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

Application 3:

Barbara Goodwin is applying for an **Appeal requesting a front yard setback Variance** for a proposed replacement of her existing non-conforming front porch with a proposed 10 by 12 front porch that will be more non-conforming by an additional five feet, four inches in the required front setback of 65 feet from the center of the road. The property is located at 250 Hidden Valley Road in the A4 zoning district, at tax map number 54.4-3-66. Property contains 7.368 acres.

ZBA Assigned to Application: Dan Proctor- Lead; Kathie Grambling (Alternate)-Co-Lead; Brian Taylor, Paris Perry, Will Husta

Applicant Representative: Barbara Goodwin's appearance was waived. The Secretary had e-mailed a draft proposed record to the Applicant, which the Applicant indicated, via email, was complete.

Application Presentation: No new information was received, so the Applicant's appearance was waived

ZBA Questions/Applicant Answers: None

Referral Input: No referrals

Public Input: None received for this meeting

Official Actions:

Dan Proctor motioned to **accept the official record as presented and modified at the meeting; Kathie Grambling** seconded the motion which was thereupon called to the following vote:

Will Husta-Aye

Kathie Grambling-Aye

Brian Taylor-Aye

Paris Perry-Aye

Dan Proctor-Aye

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

Paris Perry motioned to **close the public hearing; Dan Proctor** seconded the motion which was thereupon called to the following vote:

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

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

Determination: The board reviewed the Findings of Fact and the proposed determination.

Kathie Grambling motioned to **approve the requested five foot, four inch front setback area variance for the construction of a new front porch on the existing single family residence; Dan Proctor** seconded the motion which was thereupon called to the following vote:

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

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

Application 4:

Robert Sickler, III is applying for a **Special Use Permit** for the personal keeping of up to 12 chickens and associated coop and fencing on his property located at 36 Kripplebush Creek Rd in the R-1 zoning district at tax map number 69.4-3-15 and contains 1.17 acres

ZBA Assigned to Application: Brian Taylor- Lead; Max Stratton(Alternate)-Co-Lead; Dan Proctor, Paris Perry, Will Husta

Applicant Representative: Robert Sickler's appearance was waived. The Secretary had e-mailed a draft proposed record to the Applicant, which the Applicant indicated, via email, was complete

Application Presentation: No new information was received, so the Applicant's appearance was waived

ZBA Questions/Applicant Answers: None

Referral Input: No referrals

Public Input: None received for this meeting

Official Actions:

Determination:

Conditions:

1. The keeping of chickens shall be for personal use only.
2. This approval is for up to twelve (12) chickens.
3. There shall be no roosters, guinea hens nor peacocks housed on the property.

The board reviewed the Findings of Fact and the proposed determination.

Paris Perry motioned to **approve the Special Use Permit for the keeping of up to 12 chickens for personal use; Max Stratton** seconded the motion which was thereupon called to the following vote:

Will Husta-Aye
Max Stratton-Aye
Brian Taylor-Aye
Paris Perry-Aye
Dan Proctor-Aye

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

Action Items:

Minutes:

All minutes have been approved and sent for posting to the website except the following: February and March 2015(the Secretary is making corrections); September and October 2015(Secretary needs to send them to Max Stratton for review)
Dan Proctor will review the January 2016 minutes

Sign Oaths: Member Brian Taylor signed a new oath for a 5 year term; **Alternate Members: Kathie Grambling; Tom Smiley; and Max Stratton** signed oaths for a 1 year term

Escrow:

The **Secretary presented** to the Board the following **Escrow Vouchers** for approval to be then forwarded to the Bookkeeper and Town Board for payment:

1. Mohonk-\$2,492.50(Peak-\$1,750.00 & Nelson Pope[Bonnie]-\$607.50 & H2M[Bonnie]-\$135.00...Balance in Escrow-\$3507.50

Official Actions: **Paris Perry** motioned to authorize the Chairman to sign the Vouchers in the total amount of \$2,492.50 acknowledging the work product review had occurred; **Kathie Grambling** seconded the motion with Brian Taylor and Tom Smiley abstaining. The motion was thereupon called to the following vote:

Will Husta-Aye
Brian Taylor-Abstain
Paris Perry-Aye
Dan Proctor-Aye
Kathie Grambling-Aye

Motion carried by a vote of 5 ayes, 0 nays, 1 abstentions and 0 absences

2. 3805 Main St LLC-\$602.50 (Nelson Pope[Bonnie]-\$202.50 & Jacobowitz & Gubits-\$400.00..Balance in escrow-\$3155.00

Official Actions: **Paris Perry** motioned to authorize the Chairman to sign the Vouchers in the total amount of \$602.50 acknowledging the work product review had occurred; **Brian Taylor** seconded the motion. The motion was thereupon called to the following vote:

Will Husta-Aye
Tom Smiley-Aye
Brian Taylor-Abstain

Paris Perry-Aye
Dan Proctor-Aye

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

General Discussion:

3805 Main St LLC indicated to the Secretary they expect to be ready for public hearing on the Events in time for the February 2016 ZBA meeting.

Official Actions:

Paris Perry motioned to **announce and establish a public hearing for the February 2016 ZBA meeting for 3805 Main St LLC** if their information is in by the cut-off date and they indicate they are prepared for a public hearing; **Tom Smiley** seconded the motion which was thereupon called to the following vote:

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

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

Dan Proctor motioned to adjourn the meeting; **Kathie Grambling** seconded the motion which was thereupon called to the following vote:

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

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

Meeting adjourned at 9:39pm.

Respectfully Submitted,
Maggie Colan, ZBA Secretary