

**Town of Marbletown
Stone Ridge, New York 12484
Physical Address: 1925 Lucas Avenue, Cottekill
Zoning Board of Appeals
Monthly Meeting
March 23, 2016**

Minutes

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

Public Hearings:

- 3805 Main St LLC-Special Use Permit to have events
- Steve Ferri/Den of Marbletown-Modification of existing Special Use Permit

New Applications:

- Kathryn May-Special Use Permit for a two-family house
- Richard Casey- Appeal requesting an Area Variance for the location of a proposed accessory apartment above a proposed garage instead of contained within a principal residence

Old Applications: None

Decisions: None due

Attendees:

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

Announcements:

- The Chairman stated that the fifth vote for each application will be as follows: Casey-Tom Smiley(Co-lead); 3805-Tom Smiley(Co-lead); May-Kathie Grambling(Co-lead); General votes will rotate alternates as necessary

Applicant Richard Casey submitted a **request to withdraw** both **current Appeals requesting Variances Applications: a density** variance request **and a setback** variance for a shed.

Official Actions:

Member Paris Perry motioned to **close** the current **public hearing and accept withdrawal**; **Member Kathie Grambling seconded** the motion, which was thereupon called to a vote as follows:

Will Husta-Aye

Kathie Grambling-Aye

Brian Taylor-Aye

Paris Perry-Aye

Dan Proctor-Absent

Tom Smiley-Aye

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

New Application:

Application 1:

- **Richard Casey** are applying for **a Special Use Permit with notice of a request for an Area Variance** to be allowed to create an Accessory Apartment in the upper level of a proposed garage instead of contained within the principal residence. 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 members assigned to Application: Will Husta; Paris Perry; Tom Smiley (Co-Lead); Brian Taylor; Dan Proctor

Application Representative: Rich Casey

Application Presentation: Applicant, Rich Casey, stated she would like to obtain a Special Use Permit with notice of an Area Variance to be allowed to locate a 1 bedroom 647 sq. ft. Accessory Apartment in the upper level of proposed four bay garage, instead of contained within the principal residence as required in the Accessory Apartment regulations.

Official Actions:

1. Member Tom Smiley motioned to classify the application as **Type II #9** under the State Environmental Quality Review Act: (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system; **Member Max Stratton seconded** the motion, which was thereupon called to a vote as follows:

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

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 1 absence
No further action required under SEQRA

2. Member Kathie Grambling motioned to schedule a public hearing on the application at the **April 18, 2016** Zoning Board meeting; Member **Paris Perry seconded** the motion, which was thereupon called to a vote as follows:

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

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

- **Kathryn May- No Show**

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.

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

Applicant Representative: Jim Fish from North River Architect

Application Presentation-Jim Fish updated the Board on details regarding the Events application. He reviewed number of proposed events; location of tent and parking; septic and water issues; proposed noise mitigations

ZBA Questions/Applicant Answers:

- The Board raised concerns about the data presented in regard to noise. The Board unanimously agreed 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