

**Town of Marbletown
Stone Ridge, New York 12484
Zoning Board of Appeals
Monthly Meeting
November 15, 2017**

Minutes

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

Public Hearings: None

Attendees:

- **Present:** Will Husta, Chair, Paris Perry, Vice Chair, Tom Smiley, Alternate Kathie Grambling, Alternate Max Stratton (after 7:15)
- **Absent:** Brian Taylor

Announcements:

- **Alternate Kathie Grambling is acting for Brian Taylor and Alternate Max Stratton is the rotating fifth vote for all applications tonight**

New Applications:

- **James and Karin Reynolds-Area Variance**
- **Celia Seupel-SUP Other Traveler Accommodation**

Old Applications: None

Public Hearings: New Beginnings –Special Use permit to hold Events at 2585 Route 209, tax map number 55.3-3-8.100. **Draft Determination circulated.**

New Application:

Application 1:

James and Karin Reynolds have filed an Appeal requesting a 3 foot 6 inch front setback Area Variance for a barn built without proper building permits. The property is located at 94 Brink Farm Road in the R-1 zoning district at tax map number 62.3-2-13.200 and contains 23.90 acres.

ZBA Assigned to Application: Will Husta, Max Stratton-Co Point Persons; Paris Perry; Tom Smiley; Kathie Grambling **Applicant Representative:** James and Karin Reynolds

Zoning Permit received: 5/22/2013

History: In 2006, the Applicants were issued three violations by the CEO for constructing 3 barns without building permits. The CEO determined as part of the violation, that all 3 structures were either in the ROW and/or in violation of the front setback. The Applicants disagreed with the CEO's determination and filed an Appeal with the ZBA. The ZBA upheld the CEO's determination that the structures were required to meet the front setback requirements. The Applicants approached the Supervisor requesting the Town consider adopting different setback requirements for private roads versus larger developments. They also stated they had very few choices about the road when they did the sub-division. The Town Board adopted, at the recommendation of the Town's Planning/Zoning Committee modified setback requirements for certain situations. The Applicants are applying for an Area Variance to the largest structure so they can finish the process with the building department.

Application Presentation Karin Reynolds described the request for the front setback variance request of 3' 6" for the 24'x 34' barn. Their property has significant wetlands on it and when they built the sheds/barn, they attempted to follow the traditional farming plan of placing buildings closer to the road. Since they are agriculture buildings, they believed were exempt from permits. Brink Farm Road is a private road and there is only one other property that is past their house. The new setback requirements have reduced their setback request by 10 feet. They feel the current request of 3' 6" is reasonable.

ZBA Questions/Applicant Answers:

- What are the sizes of the structures? 24 x 34; 20 x 30; less than 150 sq. ft.

Referral Input: None

Public Input:

Neighbor Concerns:

- Why no building permits
- What is the difference in the property line versus the edge of the ROW
- Are the two smaller sheds staying where they are
- Can the rest of the neighbors still get access

Official Actions:

Kathie Grambling motioned to classify the action as Type II #12: (12) granting of individual setback and lot line variances under 617.5; Max Stratton seconded the motion which was thereupon called the following vote:

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

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

Max Stratton motioned to **schedule the Public Hearing for December 20, 2017;** **Tom Smiley** seconded the motion which was thereupon called to the following vote:

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

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

Application 2:

Celia Seupel is applying for a **Special Use Permit** to be allowed to have up to 4 travel trailer campers on her property and rent them out. Property is located at 60 Cedar Hill Rd in High Falls in the R-1 zoning District at tax map number 70.3-4-22.400 and consists of 35 acres

ZBA Assigned to Application: Brian Taylor, Kathie Grambling-Co point person; Will Husta; Paris Perry; Tom Smiley; Matt Stratton

Zoning Permit received 11/6/17 classified as ‘Other Traveler Accommodation’

Application Presentation: **Celia Seupel** described the plan for developing 4 sites on her property that would contain self-contained travel trailers that she would own and rent out from May-Oct. on weekends. There would be no trailers brought to the property. BOH stated it is acceptable to just have them pumped out. I currently have a 3 room B & B approved in my house

Board Questions/Applicant Answers:

How will water be supplied? Answer: one well connected to all 4.

Do you own both lots around the main house? Answer-yes

What is the proposed setback to tax map number 70.3-4-22.200? Answer- I can make it whatever is needed

Will you be present in the house? Answer- yes

Who owns the ROW? Answer-I do.

Public Comments: None

Board Discussion:

Supplementary Regulations for Other Traveler Accommodation, 200-46D(3) does not necessarily fit proposed use. Use fits definition of Bungalow Colony, but Bungalow Colony is not listed in Use table.

Need:

Revised site plan

Previous Planning Board condition required any future use of the private ROW would require it to be named as a road for 911 purposes. Applicant will need to do this

Proof of BOH ok for Septic pumping and one well for all

Official Actions:

Paris Perry motioned to classify the action as Type II # (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities under 617.5; Kathie Grambling seconded the motion that was thereupon called to the following vote:

Will Husta-Aye

Paris Perry-Aye

Brian Taylor-Absent

Tom Smiley-Aye

Kathie Grambling-Aye

Max Stratton-Aye

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

Paris Perry motioned to schedule the Public Hearing for December 20, 2017; Max Stratton seconded the motion which was thereupon called to the following vote:

Will Husta-Aye

Paris Perry-Aye

Brian Taylor-Absent

Tom Smiley-Aye

Kathie Grambling-Aye

Max Stratton-Aye

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

111517 ZBA minutes

Action Items: _____

1. Referral of Local Law 8 of 2017-Commercial Event Facilities-

Minutes: None

Official Actions – Close:

Tom Smiley motioned to adjourn the meeting. Max Stratton seconded the motion that was thereupon called to the following vote:

Will Husta-Aye

Paris Perry-Aye

Brian Taylor-Absent

Tom Smiley-Aye

Kathie Grambling-Aye

Max Stratton-Aye

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

Meeting adjourned at 9:42pm.

Respectfully Submitted,

Maggie Colan, Secretary