

Town of Marbletown
Stone Ridge, New York 12484
Physical Address: 1925 Lucas Avenue, Cottekill
Zoning Board of Appeals
Monthly Meeting
August 22, 2017

Minutes

Agenda: **Chairman Husta** called the meeting to order at 7:06pm and read the Agenda into the record

Old Business

New Business:

Public Hearing:

<u>Review time/ ZBA point person/ Zoning permit date received</u>	<u>Applicant</u>	<u>Application</u>	<u>Location</u>	<u>Dist</u>	<u>Tax Map Number</u>	<u>Applicable Regs</u>	<u>Need and/or update</u>
<u>7:00 Tom Smiley/ Kathie Grambling/ ZP rec'd 6/13/17</u>	<u>Bruce and Amy Alter</u>	<u>SUP for Modification of a portion of an existing multi use building</u>	<u>3669 Main St</u>	<u>B1</u>	<u>61.20-5-24.111</u>	<u>200-46; 200-39</u>	<u>SEORA classification; schedule PH</u>
<u>7:30 Brian Taylor/ Max Stratton/ ZP rec'd 6/2017</u>	<u>New Beginnings Farmstead/ Egidio and Elisa Tinti</u>	<u>A Special Use Permit for the use of an existing barn for a limited service eating establishment/catered public events</u>	<u>2585 Route 209</u>	<u>R-1</u>	<u>55.3-3-8.100</u>	<u>200-46; 200-39</u>	<u>SEORA Classification; set PH</u>

Attendees:

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

Consultants Present:

Announcements:

Public Hearings:

Application 1

7:30	New	A Special Use	2585 Route	R-1	55.3-3-	200-46;	SEORA
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Brian Taylor/Max Stratton/ ZP rec'd 6/2017	Beginnings Farmstead/ Egidio and Elisa Tinti	Permit for the use of an existing barn for a limited service eating establishment/catered public events	209		8.100	200-39	Classification; set PH
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Application overview-The Applicants bought the old Generation Farm and would like to hold weddings in the 3,200 sq. ft. barn. The CEO completed the required Zoning Permit and classified the use as Limited Service Eating Place for Catered Events allowed in the R-1 district with a Special Use Permit. The property is in a certified Agricultural district and they can have by right ag events such as maple festivals, but these would be in addition to those.

Public Input:

Board Input:

A sound test has been scheduled for Tuesday, 9/5 @ 6PM

Official Actions:

Member Tom Smiley motioned to continue the public hearing; member Max Stratton seconded the motion which was thereupon called to a vote as follows:

Will Husta-Aye

Kathie Grambling-Absent

Brian Taylor-Absent

Paris Perry-Absent

Max Stratton-Aye

Tom Smiley-Aye

Motion carried by a vote of 3 ayes, 0 nays, 0 abstentions and 2 absent

Application 2

7:00 Tom Smiley/Kathie Grambling/ ZP rec'd 6/13/17	Bruce and Amy Alter	SUP for Modification of a portion of an existing multi use building	3669 Main St	B1	61.20-5-24.111	200:46; 200-39	SEQRA classification; schedule PH
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Public Input:

Board Input

The Board reviewed the Appendix A Design Guidelines

Official Actions

Max Stratton motioned to close the public hearing on 8/23/17; Tom Smiley seconded the motion which was thereupon called to a vote as follows:

Will Husta-Aye

Kathie Grambling-Absent

Brian Taylor-Absent

Paris Perry-Aye

Max Stratton-Aye

Tom Smiley-Aye

Motion carried by a vote of 4 ayes, 0 nays, 0 abstentions and 1 absent

SEQRA: Pursuant to Section 617.4 of the State Environmental Quality Review Act, Paris Perry made a motion to classify this application as a Type II action as per 617.5(c)(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;" The motion was seconded by Kathie Grambling, with a subsequent vote as follows:

Will Husta- Aye

Brian Taylor-Absent

Paris Perry-Aye

Tom Smiley-Aye

Kathie Grambling-Aye

Max Stratton-Absent

Motion carried by a vote of 4 ayes; 0 nays; 0 abstention; 2 absent

The motion having been made seconded and concluded with an affirmative vote of the members present thereby concludes the SEQRA review.

General Findings

Use:

1. The Applicant submitted an application for a Special Use Permit to modify a portion of an existing multi-use building at 3669 Main St. from retail use to Limited Service Eating and retail sales of art.
2. Section 200-8, page 200:21, in the Town of Marbletown Zoning Law states this proposed use is allowed in the B-1 zoning District in an existing building with the issuance of a Special Use Permit from the Zoning Board of Appeals. All page references refer to the 2006 printing of the Town of Marbletown Zoning Law and subsequent edits through Local Law 6 of 2017.
3. The Applicants submitted a Zoning Permit Application dated 06/08/2017. The CEO referred the Applicant for a Special Use Permit on 6/13/17.
4. The Applicants submitted a Special Use Permit Application dated 06/13/2017.
5. Section 200-39A, page 200:37 states: "A. Required off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures, or added by alteration of building or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows":

Use	Parking Requirement in 200-39	# spaces existing	# spaces proposed	Size and Location (as shown on Plot
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				Plan)
3 Apartment s	1 space for each	3	3	9 X 20 in rear of building
Dentist	1 space for each 200 sq. ft. of gross office floor area	600 sq. ft. requires 3 spaces	3	9 x 20 in rear
Copy shop	1 space for each 200 sq. ft. of gross office floor area	100 sq. ft. requires 1 spaces	1	9 X 20 in rear of building
Insurance agency	1 space for each 200 sq. ft. of gross office floor area	600 sq. ft. requires 3 spaces	3	9 X 20 in rear of building
Limited Service Eating (new use)	1 space for every 50 sq. ft. of customer floor area	400 sq. ft. of existing copy shop unit requires 8 spaces	8	9 X 20 in rear of building
Total		18 required	19 provided, 1 of which will be handicap designated	All will be 9 x 20 except the handicap which will be 17 x 20. The handicap space will be located closest to the building. Staff will park around the rear

6. Section 200-39C, page 200:39, requires: “C. Dimensions for off-street automobile parking space. Such space provided shall be at least nine feet wide and 20 feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows: (5) Perpendicular parking: twenty-six-foot aisle width for one-directional and two-directional flow.”
7. Section 200-39D(2), page 200:39, states: “D. Location of required spaces. (2) In a business district, no parking area shall be located within five feet of a street or right of way line or within 20 feet of a residential district boundary.
8. The proposed plot plan shows the setbacks of the existing building are: front: 17.4 ft.; north side setback-13.1 ft.; south side setback-1.63 ft.; rear setback-208 ft.

SITE DISTURBANCE/WATER AND SEPTIC:

Septic: Applicant has stated no new approval is required as a result of the proposed change of use. There will not be any foods prepared on site. All food will be pre-packaged and drinks will be prepared using bottled water.

Site Disturbance: Applicant has stated there will be minimal new site disturbance. The Applicant is adding some parking, but otherwise there is no new construction.

PARKING REQUIREMENTS:

Number: as per Section 200-39A, the Applicant is required to supply a total of 18 spaces based on the calculation for each use.

Finding: The Applicant has provided 19 spaces on site. The Applicant has created 5 new spaces which will be used for staff to leave the existing 13 spaces for customers.

Design: as per section 200-39C, the design of the spaces shall be at least nine feet wide and 20 feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows; (5) Perpendicular parking: twenty-six-foot aisle width for one-directional and two-directional flow

Finding: the existing parking complies with the design and access requirements

Location: Pursuant to Zoning Regulation Section 200-39D(2), In a business district, no parking area shall be located within five feet of a street or right of way line or within 20 feet of a residential district boundary.

Finding: All existing open parking spaces are not located within five feet of a street or right of way line or within 20 ft. of a residential district boundary.

LIGHTING:

Applicants are not proposing any new lighting. There is an existing light pole owned by Central Hudson. The Applicant will ensure the light is in working order.

ACCESS: The property is accessed via a private road known as Albright Lane. Albright Lane is a shared access for this lot. The Applicant owns 13.1 feet of Albright lane and lands N/F Moylan own 19.5 feet. The deeds that existed for both properties when zoning was enacted show each has a ROW over the portion that they do not own for ingress and egress. There are also 5 residential lots behind this property that have a ROW over Albright Lane.

APPENDIX A DESIGN GUIDELINES: The Board having reviewed the applicable design guidelines finds that all guidelines are either met or have a condition relating to such.

Section 200-46 Special Use Permit General Requirements

(1) That there shall not be any detrimental effect by the establishment of such use on other uses within the district.

Finding: Changes to the existing building are limited to interior re-configuration for the coffee shop. The owners of the property are adding some additional parking to alleviate congestion of the existing spaces. The existing multi-use building has been in existence since zoning was enacted in 1969 and has contained a variety of uses over the years.

(2) That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences, and parking areas will not discourage the appropriate development and use of adjacent lands.

Finding: The proposed change of use is an allowed use within the B-1 district. Converting 400 sq. ft. from retail to allow the sale of pre-packaged goods, drinks and art will not discourage the appropriate development of adjacent lands. The lot consists of 2.40 acres which is sufficient for the building and associated parking and septic. The building has a non-conforming setback on the south side, but the structure on the adjacent lot sits further back and will not be impacted by the change of use. The proposed hours of operation are: 7 days a week- 7AM-5PM.

(3) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.

Finding: The property is serviced by Stone Ridge fire department. Access is available through Albright Lane off Main St in the Hamlet of Stone Ridge. Police are available from the Ulster County Sherriff and the NYS Troopers.

(4) That the use meets the prescribed requirements for the district in which located, including minimum yard requirements for the district in which located or as further specified in this section and including maximum height, required off-street parking and sign regulations and the following prescribed provisions.

Finding: The proposed change of use of 400 sq. ft. in an existing building will not affect the existing setbacks. The required difference in parking is accommodated for. There is an existing multi-use sign which the Applicant/Owner will apply to the building department for.

Conditions:

1. Prior to issuance of a building permit, Applicant will supply a letter from Board of Health that no further modification to their existing approval is required.

2. No new exterior lighting shall be allowed without compliance to the Appendix A Design standard requirements and approval from the ZBA.

3. The proposed sign shall comply with the Appendix A Design Guidelines. Any future proposed lighting shall comply with the Appendix A Design Guidelines and be approved by the ZBA.

Determination: At a regular meeting of the Zoning Board of Appeals, it was motioned by Tom Smiley and seconded by Max Stratton to approve the Special Use Permit for the conversion of 400 sq ft. of an existing multi-use building to be converted from retail to a limited service eating establishment with accessory art sales. The vote was as follows:

Will Husta- Aye

Brian Taylor- Absent

Paris Perry-Absent

Tom Smiley-Aye

Kathie Grambling-Absent

Max Stratton-Aye

Special Use Permit was approved by a vote of 3 ayes 0 nays 0 abstentions 3 absent

Action Items:

Correspondence:

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

Will Husta-Aye

Kathie Grambling-Absent

Brian Taylor-Absent

Paris Perry-Absent

Max Stratton-Aye

Tom Smiley-Aye

Motion carried by a vote of 3 ayes, 0 nays, 0 abstentions and 2 absent

Meeting adjourned at 9:00pm.

Respectfully Submitted,

Maggie Colan, ZBA Secretary