



**Town of Marbletown  
Zoning Board of Appeals  
PO Box 217, Stone Ridge, NY 12484  
(845) 687-7500 Ext. 163  
Email: Planning@marbletown.net**

## **Zoning Board of Appeals Meeting Minutes July 28<sup>th</sup>, 2021**

Meeting Called to Order by Chairman Smiley

6:00 P.M.

### Announcements & Communications:

- Shawn Marks has resigned as ZBA Secretary and Michelle Solcberg will be the interim Secretary to the ZBA

### Quorum:

Present – Tom Smiley, Zach Bowman, Kathie Grambling, Brendan Masterson, Egidio Tinti

Absent – Andy Nilsen

Town Staff – Michelle Solcberg

### New Business:

2021-04 AV: Application for Area Variance – Accessory Apartment

Ann Norman (Applicant)

- Existing garage approximately 90 years old and it's not functional for its purpose due to its age and current height restrictions
- Garage wall is on the property line, within a couple of feet.
- Garage needs to be rebuilt so I can park my car in the garage during the winter
- I would like to rebuild the garage so I can use it and create an accessory apartment over the garage
- I would like to stay in my home which I love into old age, and I will need someone to help care for me who lives on the property. Accessory apartment is for a caretaker
- I'd rather have someone live on the property to care for me, but not in the house with me
- I would like to rebuild the garage but make it two stories with apartment above
- My neighbor has no objection unless it's used as an air B&B, which is not my purpose

Tom Smiley (Chair)

- Permitted to rebuild the existing structure by right per Town Zoning Law – Section 256
- Application has come before the Board because of Local Law # 1 of 2019, Accessory Apartment
- Structure will require a variance for the setback despite its existing status and pre-existing setback



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- Had a pre-application meeting with Ann, and the aesthetics and build style will match the style of the neighborhood
- Will need to go before the planning board for an additional special use permit for its design

The Board reviewed the application and discussed the proposal with the Applicant

- Kathie G and Zach B discussed the distance from the property line for the garage and the primary residence
- CEO Determination notes 1 foot 7 inches from property line for the garage
- Site plan was reviewed by the Board
- Add the distance from the garage to the property line on the site plan\*\*
- Distance of house from the lot line is approximately 60-80 feet
- The adjacent property has a garage which is also on the property line
- Will need the distance from the garage to be rebuilt to the neighbors' houses\*\*
- Zach B - Structure is pre-existing non-conforming, so the matter is the apartment
- Kathie G - The second story is not an issue either, that's permitted to be part of the rebuild
- Kathie G - Where would the septic be for the apartment?
- Tom S - 200-56 allows for an increase of additional 50 square feet
- Zach B - I'm curious about the percentage of the total lot area, can that be explained?
- Tom S - She would be way under that mark
- Ann Norman - I will have a design sketch soon, have not been to the builder yet
- Route 209 side of the garage is the side with the sliding door
- Zach B - Do we know how many Accessory Apartment permits we've issued this year?
- Photos taken by CEO Marks was reviewed by the Board
- Zach B - Is the house registered historic? Ann Norman - It is not
- Kathie G - The existing garage is short; you're going to make it higher? Ann Norman - Yes
- Tom S - Clarification, increase from the total area of garage now by no more than 50%
- Currently 726 sq ft, total building can be no more than 1,089 sq ft total between garage/apt
- Must still meet 350 sq ft minimum for apt, maximum of 900 square feet
- The public hearing notices go out to all properties within 500 feet of the parcel in question

***Motion to set a Public Hearing for the August Meeting of the ZBA at 6:00 p.m. made by Zach B, second by Brandon M (spelling); call of the roll with unanimous Aye (5-0)***

Application Point Person will be Zach Bowman

2021-05 AV Application for Area Variance – Accessory Apartment

Marcus Fox (Applicant)

- Purchased house in 2014 as a second home from the city. I have 2 young sons unfamiliar with nature and we bought this house for them to experience the country
- We came up due to COVID, as many others have
- 1850's farmhouse is the primary residence, and it was renovated in 2007



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- An existing barn that was used as a woodshop is on the property. It's in disrepair and we plan to renovate it
- The barn is close to the property line as well, and we would like to rehabilitate it and make it habitable
- We have parents who are in the late 70's and are probably going to inherit them as they age
- The request is to make the barn an accessory apartment
- We would like to add a dormer to the roof, but the overall footprint of the barn will remain the same
- We plan to add plumbing and septic, renovate, and make it livable including some cosmetics
- The Board reviewed the Application, the Site Plan, and the photos submitted by the CEO
- The Barn is close to the rear property line and there is a phantom road which is no longer a lane and it's inundated with overgrowth, a fence, and even a house
- Tom S – Jacobsen's Lane is a paper street but has become a "no man's land" as per CEO Marks after a deep dive into deeds for surrounding properties. The road does show as a ROW on the parcel viewer but is not functioning
- Marcus Fox – The septic system is designed and approved already
- Tom S – There is a house built halfway across the paper street strip. It would be almost impossible to make the ROW function due to the character of the neighborhood. The house that's across the ROW is on an existing undersized parcel as it is
- Tom S – Typically when a paper street dissolves, usually each neighbor gets half. Because of Jacobsen being a ROW, the setback to centerline for a "corner lot" is in play
- Tom S – We'll need to refer to the Ulster County Planning Board because of proximity of SUNY and County Road
- Kathie G – We'll need to add distance to neighboring houses
- Marcus Fox – My plan is to salvage as much of the structure as possible during the renovation

***Motion to refer the Application to the UCPB by Brendon M, second by Kathie G, call of the role with unanimous vote (5-0)***

***Motion to schedule a Public Hearing for the August ZBA Meeting at 6:00 p.m. by Kathie G, second by Zach B, call of the role unanimous (5-0)***

Point Person for the project will be Egidio Tinti

Old Business: NONE

Vote to Approve Minutes:

April 7<sup>th</sup> Meeting Minutes

- Motion to approve the April 7<sup>th</sup> Meeting Minutes by Zach B, second by Kathie G, call of the roll unanimous; (5-0)



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From the Chair:

- Application in process for an addition to a single-family residence that requires a setback variance; a corner lot that will require a variance for setback to centerline. Parcel is at 3 Mary Davis Lane
- Application in process for an appeal to a CEO decision; Duchess Farm issued 4 violations and have appealed the violations. The application will have its initial review at the August 25<sup>th</sup> meeting.

Tom Smiley will be the Point Person for the Duchess Farm Appeal Application

The Board discussed Zoning terminology and Zoning Districts and their definitions

The Board discussed the Accessory Apartment Law; Accessory Apartment are prohibited to be STR

***Motion to adjourn by Kathie G, second by Zach B, call of the role unanimous (5-0)***

Approved Minutes for July 2021

Michelle Solcberg

Approved on 9/22/2021