



Town of Marbletown
Zoning Board of Appeals
PO Box 217, Stone Ridge, NY 12484
(845) 687-7500 Ext. 171
Email: planning@marbletown.net

Special Meeting of the ZBA
February 7th, 2022, Minutes

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Meeting Called to Order by Chairman Smiley

4:00 P.M.

Quorum:

Board Members Present: Tom Smiley, Kathie Grambling, Zach Bowman, Brendan Masterson, Egidio Tinti

Board Members Absent: Andrew Nilsen

Town Staff Present: Michelle Solcberg, Tracy Kellogg

Announcement by The Chair – Tom Smiley:

- This is a properly called and noticed Meeting of the ZBA which has been called to clarify the Determination for Application CEO Appeal 2021-01, which was voted upon and approved on February 2nd, 2022.
- Nothing is to be changed from the Determination which was approved on 2/2/2022. This meeting was called to provide clarification.
- Town Attorney raised a procedural question during the meeting about the adopted resolution. The State of New York Department of State Land Use Division was consulted and advised that a clarification is both desirable and appropriate. The clarification will be incorporated and appended into the determination from 2/2/2022.
- Nothing will change in the original document. The clarifications we make tonight will be appended into the original document above the signature line. No other changes will be made to that document.
- An audio recording of the meeting may be requested and obtained from the Town of Marbletown Planning & Zoning Department

The Board reviewed the Determination and Board Members were provided with the opportunity to provide edits or amendments. An audio recording of the meeting may be requested and obtained from the Town of Marbletown Planning & Zoning Office.

Item #1: Acknowledging that the Appeal was Submitted properly, properly noticed, the appellant has standing

No edits or amendments for Item #1.

Motion to accept Item # 1 without edit or amendment made by Brendan Masterson, second by Zach Bowman, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)



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Item #2: Addressing each individual Violation – Total of 8

Chairman Smiley – What we are seeing and reading on the board right now, any member of the Board has the opportunity to amend. This is offered for discussion and amending.

Tracy Kellogg – The relationship between a finding and a resolution; the finding, you’ve made a statement, that you’ve found something. The resolution is to acknowledge the statement that what you’ve found is x,y,or z. You’re laying out the plan for how you arrived at that. You did all of your due diligence, and you looked at all submissions, and you came to a certain set of conclusions. Some being in favor and some being against. At this section, you’re walking through the violation notices based on the gathered information. You’re filling in added information on how you got to what you made in the last statement.

Zach Bowman – Is the whole thing not the resolution and these are just individual findings?

Tom Smiley – We’re doing each one separately.

Tracy Kellogg – You break it down because you all may not vote the same way for each component.

“Drafted” was amended language on this item.

Motion to adopt the resolution by Kathie Grambling, second by Egidio Tinti, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item #3:

Same edit was made; “Draft” in the resolution was removed

Motion to adopt the resolution by Zach Bowman, second by Brendan Masterson, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item #4:

1st Violation on the Second Notice of Violation

Same edit was made; “Draft” in the resolution was removed

Motion to adopt the resolution made by Zach Bowman, second by Kathie Grambling, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Masterson Aye, Smiley Aye. (5-0)

Item # 5:

2nd Violation on the Second Notice of Violations – Referring to the Section of Code which is Improperly Cited – Reference to section of code that doesn’t exist



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Amended to list the correct section of Town Code

Amended to read "The specific violation noted in a notice of violation" – "The specific violation referenced a section of the Code that does not exist. Therefore, the reference" – "the 169-50-D" – "the specific violation referenced a section of code" –

Zach Bowman – He cited the code in the violation, but incorrectly identified it. Where it says referenced, make that identified.

Tom Smiley – We can leave amended in this one. Everyone good with that as it reads?

Motion to adopt the resolution by Egidio Tinti, second by Zach Bowman, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item #6:

1st Specific Violation on the 3rd Notice of Violation – Stormwater

Zach Bowman – I think this should read "the resolution was prepared, read, and discussed"

Motion to approve the resolution by Kathie Grambling, second by Zach Bowman, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item #7:

2nd Specific Violation on the 3rd Notice of Violation

Tom Smiley – The chapter of the code was called out before each of the three violations were listed. Calls out Chapter 167.

Zach Bowman – Wanted to make sure it was on the record. We're saying that it's as read, included in the record.

Motion to approve the resolution by Zach Bowman, second by Brendan Masterson, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item #8:

Third Violation cited in the Third Notice of Violation



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Zach Bowman – I will not vote on this item. I disagree with the specific notice because I feel like I would have liked more details.

Motion to approve the resolution by Egidio Tinti, second by Brendan Masterson, call of the roll – Grambling Aye, Tinti Aye, Zach Nay, Smiley Aye, Masterson Aye. (4-1)

Item # 9:

First but it's the only specific violation cited in the 4th notice of Violation

"Amended" was removed.

Motion to approve the resolution by Zach Bowman, second by Kathie Grambling, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item # 10:

Next section, 4 of them, on details within the notice of Violation which aren't specific cited violations. There are 2 of them that we'll repeat through. First one is one of the SBL's on the parcels identified is not a parcel owned by Duchess Farms. There's a total of 7 parcels cited, 6 of the 7 are Duchess Farm Parcels. There is a 7th Duchess Farm parcel where one number in the SBL is different, and that one isn't listed. The 7th lot that should have been cited is lot number 11

Second item is in reference to the offer of a surety, a security device in place of completing the repairs in the timelines, was challenged by the Appellant.

Kathie Grambling – Capitalize the "Record". (Additional grammatical edits)

Motion to approve the resolution made by Egidio Tinti, second by Kathie Grambling, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Kyle Barnett – My leaving early is not a statement in any way shape or form; I have an appointment. You mentioned earlier you spoke to the Department of State?

Tom Smiley – We spoke to the Department of State Land Use Division.

Kyle Barnett – Will there be any more meetings, or is this one the last one?

Tom Smiley – I believe this is the last one on this Application.

*****Return to Discussion*****



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Item # 11:

For the second item, the item is substantially the same. One area of difference will be under #2, the second quoted paragraph, because some of the corrective measures are different.

Kathie Grambling – Are these dates the same or different?

Tom Smiley – Same dates as they were before. In the findings paragraph as well, there will be differences as well. Differences for things like reference to Homeowners Association - the maintenance.

(Grammatical edits made)

This will be as “Amended” – “this Resolution not Draft”

Motion to adopt the resolution by Zach Bowman, second by Kathie Grambling, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item # 12:

This one outlining corrective measures, reference to performing maintenance on completed stormwater management. In place of what we had as the HOA in the last one.

Removal of “draft”; “This Resolution”.

Motion to adopt the resolution by Egidio Tinti, second by Kathie Grambling, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item # 13:

Second piece that references entering into a maintenance agreement with the Town.

Kathie Grambling – Are we quoting this one, is this quoted?

Tom Smiley – That is quoted. Validate that its quoted correctly.

The item was read out loud by the Chair for review by the Board. “The following corrective measures...”

Tom Smiley – The Code is quoted as it is, they used an “I”. (Re: Insure)

Zach Bowman – We’ll leave it exactly as it is from the Code.

“Draft Resolution” was edited to “This Resolution”.

Tracy Kellogg – Double checking Section 167 of Town Code. 167-6 and 167-7, that’s fine.



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Motion to adopt the resolution Zach Bowman, second by Egidio Tinti, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Item # 14:

The last piece is to incorporate it into the Determination that we passed last week. This will be incorporated into the very bottom of the document after the Determination but right before the signature line. This is an amendment.

“Shall be appended”

Zach Bowman – Is this an amending, it’s new, so is that Amending, or no?

Kathie Grambling – Amended and adopted.

Tom Smiley – We’re accepting it.

Motion to Adopt made by Kathie Grambling, second by Brendan Masterson, call of the roll – Grambling Aye, Tinti Aye, Bowman Aye, Smiley Aye, Masterson Aye. (5-0)

Copies of the Signed Determination of 2/2/2022 and the Signed Appended Determination from 2/7/2022 may be requested and obtained from the Town of Marbletown Planning & Zoning Office.

Call for any additional business by the Chair

Motion to adjourn made by Brendan Masterson, second by Zach Bowman, call of the roll unanimous. (5-0)

Meeting Adjourned

5:02 P.M.

Michelle Solcberg