



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

**Zoning Board of Appeals
Meeting Minutes February 2nd, 2022**

Call to Order by Chairman Smiley

6:00 P.M.

Announcements:

- Apologies for short notice on date change. Building was closed due to electrical failure. Regularly scheduled meeting for January 26th, 2022, moved to tonight.

Pledge of Allegiance

Quorum:

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

Town Staff Present – Michelle Solcberg, Tracy Kellogg

Applications and Business:

1) Rudnay Area Variance – New Application

120 Mohonk Road, High Falls, NY, 12440

Brendan Masterson is a Non-Voting Alternate for this Application

Request for variance on a required side yard setback for a prefabricated single car garage without a foundation

Applicants Margarita Meyendorff and Miklos Ruday provided an overview of their request

- Asking for a variance to place a one car, one story, prefabricated Amish built 24' x 14' garage
- We currently have no garage on the property, and we feel we need one to preserve and maintain the life span of our electric car
- The location of the garage will be less than 30 feet from the property line. We feel there are no undesirable changes or detriment to the neighborhood, nor do we feel there is an environmental or physical impact to the neighborhood
- We would like to buy the smallest structure possible to meet our needs. There will be no foundation. We are in a cluster of properties that have structures near and on the property lines, including both of our neighbors
- We have an existing circular driveway that we would like to connect to and the proposed location is the most logical place to have the garage
- Any other location on the property would be an impact on the property
- We invite anyone from the Board to come and look at the property and assess the situation



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- The property line shown on our site plan is as accurate as we can be, but its not 100% correct, and it gives an idea. It says 5 feet the best we can figure to base your decision
- The house across the street is a very similar situation. It has a circular driveway like mine and the structures are very close to the property lines

Tom Smiley:

- In the pre-application review, Shawn (Code Enforcement Officer) noted that the fence is inside the applicant's property line by approximately 1.5' and provided a measurement of 6.5 feet from property line to the corner of the proposed garage.
- While looking at the Parcel Viewer, we can get a sense of how densely populated this specific area is

Kathie Grambling:

- Inquired about the circular driveway and the flow of vehicles onto and off the property // Applicant provided a description and details while referencing Parcel Viewer and Site Plan; The driveway is shared by both the Applicants property and the adjacent property to the north
- Inquired about the location of the septic system and the location of the well // Property is part of the High Falls Water system; Location of septic pointed out on Site Plan by Applicant; septic is depicted and labeled; location of water line from water main was provided to the Board
- Inquired about the distance from the large evergreen trees on the southern side property line to the house // 20 feet to the base, 12 feet to the branches; this distance to be added to the Site Plan
- Inquired about distances from house to structures on neighboring parcels // Applicant provided distances to property lines; update site plan to reflect distances to the homes on neighboring parcels; Applicant notes that the property to the south, the home is "on the property line"

The Board reviewed and discussed Photos provided by the Code Enforcement Officer and the Applicant

Andy Nilsen:

- Will the fence be blocking the garage from the neighbor's house? How far forward does the fence come? // Photograph showed proposed location of garage in relation to vehicle parked in the photo and the existing fence.

The Board discussed Zoning Code which references the Front Yard, the Required Front Yard setback, and permitted placement of accessory uses within an enclosed structure within the Front Yard. The proposed placement of the garage would be 15 feet outside of the Required Front Yard setback, Additional research to verify Code.

Tom Smiley:



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- A recap, we need to see the location of the septic, distance to neighbors houses off all property lines, the distances from the trees to the house. Show the distance to the stem of the tree and the distance to the canopy of the trees.

Motion to schedule a Public Hearing for the February 23rd meeting made by Zach Bowman, second by Kathie Grambling, call of the roll with unanimous Aye. (5-0)

Kathie Grambling to be point person for this application.

Andrew Nilsen will recuse himself from the next application and Brendan Masterson will become a voting Alternate.

2) Duchess Farms Appeal of CEO

The Board reviewed, read, discussed, edited, and amended a Draft Determination for the Appeal to the Code Enforcement Officer by Duchess Farms Equestrian Community LLC

*****For details of content edits and grammatical corrections, an audio recording of the Meeting may be requested from the Town of Marbletown Planning & Zoning Office*****

The Applicant inquired if the Board will be taking comments on the Determination and if they will receive a copy // No, Public Hearing is closed; Yes, you will receive a copy

Applicant interjected commentary about "Statue of Limitations" and that it would be "Included in the Article 78".

Tom Smiley:

- Our duties on this Application are to review the Code Enforcement Officers determinations, and either affirm the notice of violation as drafted, grant an appeal to modify the determinations and how they were drafted, or grant an appeal to vacate the notice of violation. Anything short of full agreement is a grant of the appeal request

Motion to Grant the Appeal as Amended by Brendan Masterson, second by Zach Bowman, call of the roll with a unanimous Aye. {Kathie Grambling - Aye, Brendan Masterson - Aye, Egidio Tinti - Aye, Zach Bowman - Aye, Tom Smiley – Aye} (5-0)

3) Approval of Minutes from December 2021 ZBA Meeting

Motion to approve the Minutes of the December 2021 ZBA meeting made by Zach Bowman, second by Egidio Tinti, call of the roll with unanimous Aye. (5-0)

The Board engaged in discussion on the Resolution and Appeal Determination

The Applicant of Duchess Farms CEO Appeal inquired if the Board had already voted // Board responded "Yes"



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The Applicant of Duchess Farms CEO Appeal interjected commentary on the Determination and his perception thereof

For details of Applicant Commentary, an audio recording of the Meeting may be requested from the Town of Marbletown Planning & Zoning Office

Motion to adjourn the meeting by Egidio Tinti, second by Zach Bowman, call of the roll with unanimous Aye. (5-0)

Meeting Adjourned

7:12 P.M.