



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
March 23rd, 2022
Approved Minutes

Meeting Called to Order – Tom Smiley – Board Chair

6:03 P.M.

Pledge of Allegiance

Quorum Call:

Board Present: Kathie Grambling, Zach Bowman, Brendan Masterson, Andy Nilsen, Tom Smiley

Board Absent: Egidio Tinti

Town Staff Present: Shawn Marks

Announcements: None

Applications:

1.) 2022-02 AV – Norman Area Variance Application – New Application

Chairman Smiley provided a summary overview of Application and Variance Request

- Applicant had previously applied for an Area Variance in 2021 but withdrew due to a conflict with the existing Code and the Accessory Apartment Code in relation to the lot size
- The applicant rebuilt the structure by right which has a pre-existing non-conforming setback and constructed it upon the existing setback line
- The structure is a detached accessory structure with a permitted Use; garage and studio space, which is being constructed and nearing completion
- Applicant is requesting a setback variance on the non-confirming setback to apply for an Accessory Apartment change of Use to convert the studio into a dwelling unit

The Board reviewed and discussed the Application, supporting documentation, the Accessory Apartment Law, and queried the Applicant and CEO for additional details

Shawn Marks – CEO: The previous structure was demolished and the setback line, distance from the lot line, of 1 foot 7 inches was demarcated and maintained. The Building Permit was issued based on the Applicant maintaining that existing non-conforming setback. The contractor marked and lined the existing non-conformity to ensure no expansion or increase of the non-conformity

Stacy Sindt – For the Applicant: The front corner of the structure was maintained at the 1 foot 7-inch mark. The rear corner may have moved a few inches into the yard, as we straightened out the building



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from the old wall, but not extended past the pre-existing distance from the property line. Ann rebuilt the garage and studio to match the existing residence as you can see in the photos

Zach Bowman to be Application Lead Contact

Motion to Accept the Application and to set a Public Hearing for April 27th, 2022, made by Zach Bowman, second by Andy Nilsen, call of the roll with unanimous Aye. (5-0)

2.) 2022-03 AV – Peterson & Botta Area Variance Application – New Application

Chairman Smiley provided a summary overview of Application and Variance Request

- Applicant wishes to construct a 7-foot-high fence on a corner lot
- Fence is to be adjacent to Route 213 along the Right of Way line
- New Fence Code stipulates fences may be no higher than 4 feet when on a corner lot or may seek a variance. May be 8 feet otherwise by right along the side or rear lot line if not a Corner Lot
- The Board will need to review the proposed fence and discuss if the Board considers this an obstructed view; further discussion may be involved with new Fence Law as this is the first implementation before the ZBA

The Board reviewed and discussed the Application, supporting documentation, and queried the Applicant and CEO for additional details

Katie Peterson & Juliana Botta – Applicants

- The fence to provide relief from passing traffic headlights and noise. Fence to be placed for privacy so that passing traffic cannot see into windows
- Height of 7 foot chosen specifically to not create a feeling of imposition yet still cover half of the windows from passing vehicles. We don't want to feel like we're in a prison
- Fence to terminate at the front of the house and will not interfere with the corners of Rickey Road and Route 213
- Proposed to be a "Shadowbox Fence" which does have an overlap of the rails
- Plan to include additional plantings and landscaping to facilitate aesthetics

Shawn Marks – CEO: Based on the plans and my site visit I don't have concerns regarding site distance or corner clearance with Rickey Road and Route 213. The proposed location of the fence is beyond the NYS DOT Right of Way. The proposed location is 67 feet from the centerline of Rickey Road which would place the corner of Rickey and 213 at 57 feet, or thereabouts. The edge of the fence would be beyond the 50-foot line drawn from the intersecting corners of the roadways and its intersecting triangular base

The Board discussed the new Fence Code and its implementation. The discussion included consideration to views, viewsheds, code intent, corner lots, and corner lot clearances for sight distance. The



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application of the new Fence Code and its relation to the Applicant's proposal before the Board was discussed.

Applicant to provide an additional photo depicting approximate height of the fence at its proposed location in the yard at the front of the house – to document impact and corner clearance.

Andy Nilsen to be Application Point Contact

Motion to Accept the Application and to set a Public Hearing for April 27th, 2022, made by Brendan Masterson, second by Zach Bowman, call of the roll with unanimous Aye. (5-0)

Other Business:

1.) **Duchess Farms - Informational Discussion**

An Article 78 Motion has been filed in response to the ZBA's decision. The Town Attorney is working on a response to the filing, and the Town is also working on a settlement. If able to reach a settlement, part of the agreement is that the Article 78 would be dropped

2.) **Town Sign Code Revision**

The Board discussed a list of potential Sign Code revisions shared by the Chairman as provided for input by the Planning Board Chair. Specific topics of discussion; "Sandwich Boards", Temporary Signage, Seasonal Signage, the "definition" of Sign, signs on private property, directional signs, definition of "road sign"

The Board expressed general concern over the potential for a significant increase in Variance requests based on some of the proposed language and also regarding required compliance within a defined period of time for pre-existing signage

3.) **February 2022 Meeting Minutes**

The Board reviewed the Draft Minutes of the February 23rd, 2022.

Motion to approve the minutes of the February 23rd, 2022, ZBA Meeting made by Andy Nilsen, second by Kathie Grambling, call of the roll with unanimous Aye. (5-0)

Motion to adjourn made by Zach Bowman, second by Kathie Grambling, call of the roll with unanimous Aye. (5-0)

Meeting Adjourned

7:00 P.M.

DRAFT SUBMITTED 3/29/2022 – No edits or corrections

Minutes Approved 4/27/2022 by Unanimous Aye