



Town of Marbletown
Zoning Board of Appeals
1915-1925 Lucas Avenue
Cottkill, New York 12419

Zoning Board of Appeals
May 25th, 2022

Meeting Called to Order – Tom Smiley – Board Chair

6:06 P.M.

Pledge of Allegiance

Quorum Call:

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

Board Absent: Andy Nilsen, Brendan Masterson

Town Staff Present: Shawn Marks

Announcements: Michelle Solcberg is not available tonight; Shawn Marks will be Tech and Scribe

Business:

1.) 2022-04 AV – Gray Sammons Area Variance – Public Hearing

Applicants: James Gray and Olivia Sammons

Address: 219 Old Kings Highway, Accord, NY, 12404

SBL: 69.4-1-8, R1, 3.00 acre

Requesting an Area Variance on a 40-foot-tall accessory building

Motion to Open the Public hearing made by Kathie Grambling, second by Zach Bowman, Call of the roll with unanimous Aye. (4-0)

Kathie Grambling, Application Lead, provided a summary review of the Application. A Site Visit will need to be completed in the upcoming weeks.

The Applicants, Olivia Sammons and Jamie Gray, are in attendance via Zoom to discuss their application with the Board. The Zoom was displayed on the overhead projector and additional laptops for the Board to utilize for communication with the Applicants.

The Applicants Architect, Amanda Repp, is in attendance at the meeting to discuss the application with the Board.

The Board reviewed the revised site plan submitted by the Applicant's Architect which contained additional details requested by the Board at the previous meeting. The Board conducted discussion and review of the proposal, the parcel, aerial images, the character of the neighborhood, and the build plans submitted by the Applicant.



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The Board engaged in discussion with the Applicants via the Zoom interface as well as with the Applicants Architect. The following is a summary of the items discussed:

- Uses of the proposed structure; garage, exercise room, office space, storage space, studio space
- Potential for alternative designs to alleviate the need for 40-foot-tall structure and variance; expanding the footprint to achieve the same volume; reimagining the build plan
- Layout and topography of the parcel; steep slopes at the rear yard past the proposed structure. Applicant noted a dramatic grade change on the property and limited available space for the footprint of the structure
- Location of septic, leech field, and well in relation to proposed location of the structure; plan to test the existing septic system to ensure its capacity can accommodate the structure
- Ceiling height and general layout of the structure; in relation to the applicants intended uses
- Detailed discussion of the studio uses proposed within the structure and its relationship to the applicants' occupations and design of the structure; lighting designer, furniture maker, advertising, interior design, paintings. Structure to provide the ability for the homeowners to work from home
- Applicant stressed importance of having adequate space to create "real life" environment for the testing and photographing of artwork and creations
- No sleeping rooms or dwelling unit within the structure to be permitted
- Detailed discussion about the character of the neighborhood and surrounding properties and existing structures; Applicant noted a large storage garage on the adjacent parcel which stores machinery and equipment
- Applicant noted intent to design the exterior of the building allowing it to blend in, ie: Barn
- The potential for activities that could negatively impact the neighborhood
- The Applicant noted that it will be beneficial for the Board to visualize the reason for the location of the proposed structure during their site visit. Applicant noted that "really, we only use about 2 acres of our property. The other 4 acres are left wild and untouched because of the topography". The proposed location will enable trees on the property to remain untouched
- Detailed discussion of the "Living Space" depicted on the Site Plan. Applicant described this as a space to be utilized to hang light fixtures, the kitchen to be utilized to document a meal or a gathering. The location will help to create a "lifestyle brand". The space to be used to document with photographs. To be able to test out and document the creative ideas that the applicants are working on and see how they work in a living space
- Discussion of the engineering design and architectural design and its limitations; the ability to keep the building as compact as possible to disturb less land and still achieve the uses desired
- Applicant noted that this is to be a private space to create and workshop ideas. There is no intent to conduct business outside of personal workshopping and projects. Noted that they may have a small group of people over for a dinner, but nothing outside of what they have been already doing to years

The Board discussed the application, its potential impacts, and a potential SEQRA Classification.

Motion to Classify the Application as a Type II Action under SEQRA made by Zach Bowman, second by Tom Smiley, call of the roll with unanimous Aye. (4-0)



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Call for Public Comment by The Chair

- Eunice Shumalski – 238 Old Kings Highway: Letter received by the Board on 5/25/22 and read into record by Chairman Smiley. Concern for increased traffic on an already busy roadway, the access driveway being on a sharp curve, and the size of the structure proposed. Requesting the ZBA to conduct a site visit before a decision is made.
- Cassandra Thaule – 192 Old Kings Highway: Concerned that the build design and application may be misleading. The blueprint says Studio/Barn. Appears to be the makings of a house - an extremely large house. If this were a house, would it be allowed on the parcel? I believe the intent of the design is for it to be living space. This would end up being the largest structure on the road. I may be wrong, but I think it might be. Concerned about the potential impact of additional noise in the neighborhood. I used to have a business running out of my house, but I don't anymore. I have a new location. The structure in the back is where I had my shop. I honestly would not care if it was down in the back and could not see it, but I'm worried about the precedent it could set.

Kathie Grambling noted at this juncture the proposed building appears to be out of character with the neighborhood. A site visit and a better understanding of the parcel, its surroundings, and its impact is needed

Tom Smiley noted that there appears to be opportunities and possibilities to consider an alternate build design to mitigate the need for a 40-foot structure and ultimately a variance. A 35-foot-tall building would be a build by right. Additional details are needed to better appreciate if there is a hardship or specific circumstances that require the need of the variance.

The Chair requested that the Applicant provide a detailed narrative that explains the specific reasons why the structure needs to be 40 feet in height and why it could not be built or positioned differently to accomplish the same goals without a variance.

Motion to Continue the Public Hearing to June 22nd made by Tom Smiley, second by Egidio Tinti, call of the roll with unanimous Aye. (4-0)

Site Visit to be arranged and conducted by the Board; Kathie Grambling to coordinate

2.) April 2022 Meeting Minutes

The Board reviewed the Draft Minutes of the April ZBA Meeting

Motion to approve the minutes of the April 27th, 2022, ZBA Meeting made by Zach Bowman, second by Kathie Grambling, call of the roll with unanimous Aye. (4-0)



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***Motion to adjourn made by Egidio Tinti, second by Zach Bowman, call of the roll with unanimous Aye.
(4-0)***

Meeting Adjourned

7:50 P.M.

A digital copy of the audio recording of this meeting may be obtained by contacting the Planning & Zoning Office

DRAFT SUBMITTED 6/6/2022

APPROVED 6/22/2022

Michelle Solcberg

Approved