



Town of Marbletown  
Zoning Board of Appeals  
1925 Lucas Avenue  
Cottkill, New York 12419  
[planning@marbletown.net](mailto:planning@marbletown.net)

## ZBA Meeting Minutes September 28<sup>th</sup>, 2022

Meeting Called to Order

6:08 P.M.

Quorum Call:

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

Board Absent: Brendan Masterson

Town Staff Present: Shawn Marks

Announcements: None

Business:

### **1.) 2022-05 AV – Hoben Area Variance – Public Hearing**

Cindy & George Hoben

26 Kripplebush Creek Road, Stone Ridge, NY, 12484

SBL: 69.4-3-14, R1 Zone, 1.48 Ac.

Requesting a Variance to place a Carport within the required front yard setback on a flag lot

Applicants Cindy & George Hoben in attendance

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

Andy Nilsen, Application Point, provided an overview and update of the Application and a report on his Site Visit:

- Carport proposed to be placed within the required front yard; 10 feet from lot line
- Due to orientation of the driveway and house the front yard is visually the side yard
- The Board recognizes the proposed location as being the “accepted side yard”
- Minimal to no visual impact due to garage, pool, and house on abutting parcel
- Applicant is requesting a 75% variance request; setback is required to be 40 feet
- Based on Site Visit and specifics of the parcel, the proposed location is generally the logical and best location for it to be placed for access to the house and driveway

The Board discussed the setback requirements for the zone and noted that only one side of the carport will be within the 40-foot setback; all other setback requirements are met

*Call to the Public for Comment #1: No Comments*



Andy Nilsen – During my site visit it became even more apparent that where the carport is proposed to be located is almost entirely screened by the adjacent house, garage, and pool, and that moving the carport to another location would cause it to be more visible from the street

Tom Smiley – Drove past the site; concurs with Andy Nilsen’s assessment of minimal visual impact at the proposed location of the Carport

ZBA Secretary confirmed no submissions of public comment had been received

The Board reviewed the overhead aerial image of the site

The Board discussed the following details:

- Distances to neighboring homes and accessory structures
- Potential visual and aesthetic impacts
- Size of existing accessory structure
- Characteristic of the neighborhood; noted other parcels in the neighborhood with accessory structures that are close to property lines
- Enclosure of Carport on at least two sides as a condition of approval
- Proposed location is visually an “Accepted Side Yard”, flag lot
- Characteristics of the Lot; abutting parcel garage, pool, and house providing screening

The Board reviewed additional photos obtained by the CEO at a second site visit

*Call to the Public for Comment #2: No Comments*

***Motion to Close the Public Hearing made by Kathie Grambling, second by Egidio Tinti, call of the roll with unanimous Aye. (5-0)***

The Board discussed a SEQRA classification for the Application

***Motion to classify the Application as a Type II Action under SEQRA made by Andy Nilsen, second by Kathie Grambling, call of the roll with unanimous Aye. (5-0)***

## **2.) 2022-06 AV – Mollins Area Variance – New Application**

Reed Mollins

71 Cedar Hill Road, High Falls, NY, 12440

SBL: 70.3-5-3.100, R1 Zone, 3.00 Ac +/-

Requesting a Variance to place a Garage within the required front yard setback



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Reed Mollins, Applicant, provided an overview of the Application request:

- Requesting variance to place a garage within the required front yard; 26 feet from centerline of Cedar Hill Road; 24'x36' garage, single floor, shed roof
- Unable to place the garage elsewhere on the parcel due to location of well, septic, leach field, propane tank, garden, landscaping, the location of the existing driveway, as well as the topography; stone shelf underfoot and rock outcroppings with slope
- Garage to be used for storage and be accessed from the existing horseshoe driveway; garage overhead doors to be located opposite Cedar Hill Road
- Began to clear some trees and investigate possibilities; discovered rock shelf leading to a rock outcropping and slope making it difficult to move the garage further back onto parcel; moving closer to the roadway was found to have earth which is suitable to build upon; had an excavator "scratch around" and the rock underfoot was considerable

The Board reviewed photos of the property taken by the CEO and aerial images on Ulster County Parcel Viewer; CEO Marks provided the Board with brief explanations of photo contents

The Board discussed the Variance request and the following details with the Applicant:

- Edge of garage proposed to be 1 foot beyond the Town Right-Of-Way; 26 feet from centerline – at 39 feet of a required 40 front yard; 16 feet from edge of pavement
- Character of neighborhood; parcel in proximity with an old garage along right of way
- Orientation of the overhead garage doors; access from the house side of garage
- Grade and slope of terrain, elevation change - location of rock outcroppings and slope on the yard
- Distances to neighboring residences and accessory structures
- Potential alternate location for the garage to be placed
- Movement of the proposed Garage location deeper within the required yard
- Variance request is very substantial; 97.5% request
- Location of well, septic, leach field, propane tank, driveway orientation
- No plans for habitable space – storage is primary use; may condition, insulate, and build a bathroom, pool table
- General architectural design plans for the structure

The Board conveyed a consensus that considerable consideration should be given to mitigating the substantial nature of the variance.

Request for applicant to add additional items to the site plan: propane tank, septic field, septic tank, well/water line.

*Egidio Tinti to serve as Application Point; will schedule a Site Visit along with Chairman Smiley*



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***Motion to set a Public Hearing on the 71 Cedar Hill Road Application for October 26<sup>th</sup>, 2022, made by Zach Bowman, second by Egidio Tinti; call of the roll with unanimous Aye. (5-0)***

**3.) 2022-05 AV – Hoben Area Variance – Public Hearing Closed**

Chairman Smiley re-called the Hoben Variance Application for Board discussion and Vote

The Board read, reviewed, and edited a drafted Determination; discussed Approval conditions

***Motion to Grant the Area Variance on the Hoben Carport Application made by Zach Bowman, second by Kathie Grambling, call of the roll with the following vote: K. Grambling – Aye, A. Nilsen - Aye, E. Tinti – Aye, Z. Bowman – Aye, T. Smiley – Aye. (5-0)***

Other Business:

**1.) Approval of Meeting Minutes**

A grammatical edit was made by T. Smiley to the August 2022 draft minutes

***Motion to approve the minutes of the August 24<sup>th</sup>, 2022, ZBA Meeting made by Andy Nilsen, second by Zach Bowman, 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

8:21 P.M.

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

DRAFT SUBMITTED 10/11/2022

MINUTES APPROVED 10/26/2022

Shawn Marks