



Town of Marbletown
Zoning Board of Appeals
1925 Lucas Avenue
Cottkill, New York 12419
planning@marbletown.net

ZBA Meeting Minutes October 26th, 2022

Meeting Called to Order

6:02 P.M.

Pledge of Allegiance

Quorum Call:

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

Board Absent: Andy Nilsen

Town Staff Present: Shawn Marks

Announcements: None

Business:

1.) 2021-05 AV – Fox Area Variance Extension of Approval Request

Marcus Fox

12-14 Rybak Lane, Stone Ridge, NY, 12484

SBL: 62.3-4-4, R3 Zone, 2.7 Ac +/-

Request for the extension of an Area Variance approval; 9/30/2022 expiration

Tom Smiley provided details of a request for extension submitted by the property owner for a Variance Approval which was granted in September of 2021; unable to begin construction and establish the Use.

Motion to Accept the Request and Approve a 1-Year Extension on the Approval granted for #2021-05 AV made by Egidio Tinti, second by Kathie Grambling, call of the roll with unanimous Aye. (5-0)

2.) 2022-06 AV – Mollins Area Variance – Public Hearing

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

Reed Mollins, Owner/Applicant, in attendance for the Application.

Egidio Tinto provided a review of the Application request and an update on progress thus far in the Variance process:



- Requesting variance for a 1000 square foot insulated garage to be placed within the required front yard setback; 26 feet from centerline of Cedar Hill Road
- Revised Site Plan provided by the applicant reflects an adjustment for the Garage to be placed 29 feet from the centerline of Cedar Hill Road; able to move the structure 3 additional feet away from the centerline of the road; requirement is 65 feet
- Difficulty in placement due to rock outcroppings and the topography of the property
- The variance request is a 90% request which is very substantial; 40 feet is required for the front yard and an additional 25 feet required for the ROW
- While driving along Cedar Hill Road, there are several existing structures which are noted to probably be within the required setback

The Board reviewed the revised site plan and discussed the details of the proposal and potential mitigations or alternatives to reduce the substantial nature of the Variance request; i.e.: altering the designed dimensions of the structure, relocating the structure farther toward the side property line, or farther back around the rock outcropping.

Reed Mollins – Applicant:

- #63 Cedar Hill, my neighbor, is about 34 feet from the centerline of Cedar Hill.
- #56 Cedar Hill has an existing garage which is “like 12 inches from the edge of the road”
- Revised Site Plan reflects change in elevation between the existing driveway and proposed location of the garage; noted to be a difficult slope to overcome
- Able to move the building back 3 feet and still maintain a workable slope from the existing driveway to the proposed garage location
- A 40 inch backfill will be required to move the structure any farther
- An attempt to change the design of the structure to bend or wrap around the rock outcroppings will entail a substantial increase in cost
- May be able to gain another foot by shifting the structure toward the side property line
- Removed a few new growth trees may provide some additional options but nothing dramatic
- Change in elevation from the road to the bottom of the driveway is over 8 feet

Tom Smiley: The challenge here is that this is not an existing structure, nor the footprint of an existing structure. A 90% variance is very substantial and typically only entertained when dealing with existing structures that are pre-zoning. We recognize there is difficulty with the property, and the rock outcropping is a factor to consider, but the 90% range is a very hard request.

The Board and Applicant reviewed the proposed location of the garage in relation to the location of the existing driveway, the change in elevation to that driveway, and the desire for the applicant to connect the entrance for the garage to the existing driveway, and to have the access door to the garage facing away from the roadway.



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Kathie Grambling: Could you explain why the garage couldn't be located on another portion of the property?

The Applicant provided the Board with details pertaining to the location of the septic system, a Well which is shared by two separate properties, the topography of the property, 60-foot-tall trees, existing landscaping, garden, and elevation changes to the existing driveway. The Board reviewed photos of the property taken by the CEO and the Applicant provided context and explanations of the photo contents.

Tom Smiley: It's understandable why you landed where you landed with the location of the garage, but it's a very substantial Variance request.

Reed Mollins: There is some flexibility with the grading, but I won't be able to get to 50% on the Variance request. What do I have to squeeze to make it possible? I might be able to get another foot or two, but when I had the excavator explore the possibilities, we ran into the rock outcropping preventing any farther movement back. We would need to blast out the rock which is very expensive.

Tom Smiley: I was under the impression based on our site visit that you might be able to get an additional 10 feet by either shifting the location of the garage or locating the entrance to the garage on the road side of the garage. There is another option to create an additional curb cut and relocate the entrance to the garage.

Egidio Tinti: You had indicated that you shot the elevations, do you have those numbers? Would it be possible since you were shooting elevations, could you mark the setback as it would be required at 65 feet, and provide those elevation numbers. And then shoot it again with a 35- or 45-foot setback and see what kind of difference that would make? I'd like to establish what that would look like.

Kathie Grambling: It seems that an additional curb cut is a reasonable consideration. We need to be able to look at all the possible mitigations or alternatives and explore what is feasible.

Reed Mollins: I can shoot the elevations at the required setbacks and provide those details. I believe that with all the setbacks met, the building would probably end up having to dangle off the edge of the rock ledge.

Tom Smiley: Having those details and measurements is important for the Board when considering the possibility of a substantial Variance being granted.

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



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The Applicant submitted under Public Comment a letter of support written by Jason Aversano of #78 Cedar Hill Road

The Chair called to the Public for Comment: None

Motion to continue the Public Hearing to the November 16th, 2022, meeting made by Zach Bowman, second by Egidio Tinti; call of the roll with unanimous Aye. (5-0)

3.) 2022-07 AV – Carter Area Variance – New Application

Adi Carter

287 Bone Hollow Road, Accord, NY, 12404

SBL: 60.4-1-43, A3 Zone, 1.72 Ac +/-

Requesting a Variance on a bathroom addition to be within the required yard setback; additional incidental request for a setback variance on 2 non-compliant sheds

Applicant Adi Carter in attendance

Tom Smiley provided an overview of the Application and the request; original request was for a bathroom addition to the residence but during the CEO site visit two sheds were found to need variances as well.

Adi Carter provided an overview of the Variance request:

- Construction of a 9' x 11' bathroom addition to the residence; to be added directly from the existing bedroom and will be 20 feet from the property line
- A flag lot and the existing house is 29 feet from the front property line
- Parcel was created out of an old subdivision that created some lots of interesting shape and size
- The area is wooded and the addition I don't feel would create an impact to the neighbors; the neighbor I purchased my property from noted that the area of his parcel in front of mine can't be built upon due to its depth and size
- Closest corner of the bathroom addition would be 20 feet from property line. The other edge of the bathroom would be 24 feet
- The location of the bathroom addition is driven by a medical need

Shawn Marks – CEO: Ms. Carter noted the existence of two sheds located on the property and that did not meet the setback requirements. I took measurements during my site visit and noted that both sheds are 144 square feet or less in size and 13 feet off the property lines. One shed is a woodshed and the other is a storage shed.



Adi Carter: Before I knew anything about a Variance or setbacks, I had contacted Brad's Barns and they had me call the Town and inquire if I needed a permit for the storage shed. I was advised that if it was 144 square feet or less, I didn't need one. Now with my bathroom addition, I understand that was for a building permit and not for the location.

The Board reviewed photos provided by the CEO, the overhead aerial on Ulster Parcel Viewer, Site Plan, and details of the request with the Applicant. The following items were discussed:

- Size of the Bathroom Addition and distance from the property line
- Location and size of the accessory sheds and their distances to property lines; sheds placed to facilitate snow removal and use of the driveway
- Location of power line running up the driveway and the location of the storage shed
- Topography of the side yard; dramatic "drop off" in the yard which effect's location
- Location of the Well and the Septic; layout of the parcel infrastructure
- Distances to neighboring structures from bathroom addition and both sheds
- Woodstove used to heat the home; location of the woodshed
- Gear Shed location needed to access equipment
- Size and shape of the lot; neighboring parcel not subdividable due to shape and size
- Residence has an existing non-conforming setback to the front property line; 29 feet
- Discussion on definition of the front yard on a flag lot
- Possible alternate location for the storage shed and the woodshed

Applicant requested to add the location of the Septic, leach field, and demarcate the distance and location of the drop off in the side yard onto the Site Plan.

Motion to Accept the Carter Area Variance Application made by Egidio Tinti, second by Zach Bowman, call of the roll with unanimous Aye. (5-0)

Motion to schedule a public hearing for November 16th, 2022, made by Zach Bowman, second by Egidio Tinti, call of the roll with unanimous Aye. (5-0)

Zach Bowman to act as Application Lead

4.) 2022-08 AV – Godfrey Area Variance – New Application

Dave & Wendy Godfrey

959 Berme Road, High Falls, NY, 12440

SBL: 70.3-3-18, R1, 0.70 +/- Ac

Requesting a Variance to place a storage shed within the required yard setback

Applicants David & Wendy Godfrey in attendance

Tom Smiley provided an overview of the Application and the Variance request for an equipment storage shed on an existing undersized narrow lot.



The Board reviewed the Application request, details, Site Plan, and supporting documentation. The following items were discussed:

- Newly constructed single-family residence on an undersized lot with narrow side yards
- Size and shape of the parcel
- Proposed location of the shed is in the required front yard; to be 57 feet from the centerline of Berme Road and 10 feet from the side property line.
- CEO verified that the required placement would need to be 40 feet from the side property line and 65 feet from the centerline of Berme Road
- Distance to centerline dimension is a request for 8 feet; a 20% variance
- Distance to the side property line dimension is a request for 30 feet; a 75% variance
- Shed is proposed to be 6' x 8' and used to store a snow blower
- Location of utilities and fire code preventing the shed from being moved farther back
- Topography of the parcel; side and rear yards drop off steeply
- Distances to neighboring parcels and structures
- Character of the neighborhood; multiple undersized parcels with small setbacks

David Godfrey – Applicant:

- Back yard drops off dramatically which would make it difficult to access the snowblower
- Front yard has an underground electric utility preventing placement farther back
- Location is proposed for access to the snowblower in relation to the driveway
- Location of the Well, utilities, and backup generator prevents placement in the side yard
- Wishes to keep a tractor lane of access to bring a boat dock down the back yard to creek
- Underground propane tank prevents placement farther into the front yard
- Right hand side yard where the Well and driveway is located is an Easement
- Had to fill in the D&H canal to make use of the property and to build house

The Board requests the Applicant to add the location of the Septic, Leach field, and distance from house to the shed onto the Site Plan.

Motion to Accept the Godfrey Area Variance Application made by Kathie Grambling, second by Zach Bowman, call of the roll with unanimous Aye. (5-0)

Motion to schedule a public hearing for November 16th, 2022, made by Zach Bowman, second by Egidio Tinti, call of the roll with unanimous Aye. (5-0)

Kathy Grambling to act as Application Lead

Other Business:

1.) Approval of Meeting Minutes



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The Board reviewed the Draft minutes of the September 28th, 2022, ZBA Meeting

Motion to approve the minutes of the September 28th, 2002, ZBA meeting made by Kathie Grambling, 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

7:34 P.M.

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

DRAFT SUBMITTED 11/13/2022

MINUTES APPROVED 12/21/2022

Shawn Marks