



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

ZBA Meeting Minutes November 16th, 2022

Meeting Called to Order

6:10 P.M.

Pledge of Allegiance

Quorum Call:

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

Board Absent: Andy Nilsen (*late arrival at 6:27 p.m.*)

Town Staff Present: Shawn Marks

Announcements: None

Business:

Order of Business amended by the Chair; Applicants not yet in attendance

1.) 2022-08 AV – Godfrey Area Variance – New Public Hearing

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 Godfrey in attendance

From the Chair: Alternate Brendan Masterson is a Voting member in place of A. Nilsen

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

Motion to Classify the Application as a Type 2 SEQRA Action made by E. Tinti, second by Z. Bowman; call of the roll with unanimous Aye. (5-0)

Application Point Kathie Grambling provided an overview of the Application, her site visit, findings, and additional documents submitted by the Applicant:

- Shed is proposed to be 6' x 8' and used to store a snow blower
- Proposed location is one of the limited places where it could be placed; Size and shape of the parcel a factor in this Application; topography of the parcel; side and rear yards drop off steeply



- 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
- 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
- Location of utilities and fire code preventing the shed from being moved farther back
- Character of the neighborhood; multiple undersized parcels with small setbacks

The Board reviewed the Site Plan and discussed the details of the Application and the request for Variance:

- Discussion on definition of yards and exceptions in 200-22
- No need for mitigations of screening; shed to be same colors and have the same siding as residence
- Most logical place for the shed given its size and proposed Use

David Godfrey – Applicant:

- Small window on the back side of the shed, proposed to be facing the roadway
- Finished style of the shed will match the house; common colors
- Wishes to thank the Board for their time and efforts
- Spoke with neighbor across the street, Bill Merchant, and mentioned the shed. Neighbor verbalized not having an issue with the shed

Call to the Public for Comment: None

As the Order of Business was changed, the Board kept the Public Hearing open to allow time for neighbors to arrive and comment.

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

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

Applicant Reed Mollins not in attendance

Application Point Egidio Tinti provided a brief review of the Application and its progress:

- Public Hearing is open; no new information submitted or provided by the Applicant
- At the last meeting, the Applicant was going to take some measurements to see if the Garage can be moved back farther for something closer to a 50% Variance request
- Looking for all details and potential mitigations possible



The Board discussed the Application and the details of the request:

- Applicant wishes to avoid having to create an additional curb cut
- Vegetation and landscaping preventing placement on the left side of the property
- Applicant noted a significant rise in elevation in order to meet the rock outcropping
- 90% Variance is very sizeable and all efforts to minimize should be made

Call to the Public for Comment: None

Motion to Continue the Public Hearing at the December 21st, 2022, ZBA Meeting made by K. Grambling, second by Z. Bowman; call of the roll with unanimous Aye. (5-0)

Board member Andy Nilsen arrival at 6:28 p.m.; B. Masterson remains Voting member

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

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 unable to attend in person; awaiting remote-in via Zoom to be available for Board inquiries if required

Application Point Zach Bowman provided an overview of the Application, his site visit, findings, and additional documentation submitted by the Applicant:

- 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
- CEO noted 2 non-compliant sheds on the property during site visit for Variance
- A flag lot and the existing house is 29 feet from the front property line; created out of an old subdivision that created some lots of interesting shape and size
- If parcel was not a Flag Lot, very likely the Variance would not be required
- The abutting parcel is mainly wooded, and the residence is over 500 feet away; the abutting lot cannot be subdivided or built upon because of topography, size, and density requirements of the zone.
- Steep drop off at the rear (*Side Yard per Zoning Definition*) of the house prevention placement elsewhere
- Sheds will require a more substantial Variance given their distance to property lines
- Movement of the Storage Shed prevented by utility lines, poles, and topography
- Current placement of sheds is most logical and functional given size/shape of driveway



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- The lot and factors are unique; not an unreasonable request despite substantial nature
- Drafted determination and resolutions are broken down into 3 separate sections pertaining to each structure separately

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

The Applicant made remote contact via Zoom at 6:40 p.m.

The Board noted a Letter of Support received into record on November 11th from the neighbor at 265 Bone Hollow Road

The Board discussed the Application with the Applicant:

- Applicant noted that an additional letter of support could be obtained from the neighbor to the north if needed
- Neighbor at 265 Bone Hollow noted the shed shields headlights from the driveway
- Distances from sheds and proposed addition to neighbors does not appear to be impactful after reviewing the 3 distance documents provided by Applicant
- Most significant Variance appears to be the Gear Storage Shed due to the nature of the lot size, shape, and the way that yards are defined
- Request is heavily mitigated by the density and zoning restrictions of the neighboring lot being unable to subdivide or build a residence
- CEO notes that the imaginary line which extends from the interior lot line places the edge of the Shed approximately 1 foot from that line
- Structures can not readily be seen from Bone Hollow Road; 140 feet from roadway
- Applicant reports a "strange" history with the way the parcels were divided amongst family members of the previous owners

Call to the Public for Comment: None

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

Motion to Close the Godfrey Public Hearing made by K. Grambling, second by E. Tinti; call of the roll with unanimous Aye. (5-0)

The Board announced that each new Public Hearing was now closed, and that Applicants are welcome to stay while a review, discussion, and subsequent determination on the Godfrey and Carter Applications is conducted



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4.) 2022-08 AV – Godfrey Area Variance – Public Hearing Closed

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

The Board reviewed, discussed, and edited a drafted Determination and Resolution

The Board reviewed and discussed definitions and sections within the Zoning Code which are applicable to this Application

Motion to Approve the Determination and Resolution for the Godfrey Area Variance made by Z. Bowman, second by K. Grambling; call of the roll: B. Masterson – Aye, E. Tinti – Aye, K. Grambling – Aye, Z. Bowman – Aye, T. Smiley – Aye. (5-0)

Announcement from the Chair: B. Masterson will return to Alternate; Board member Andy Nilsen will now be a Voting member

5.) 2022-07 AV – Carter Area Variance – Public Hearing Closed

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

Motion to Classify the Application as a Type 2 SEQRA Action made by K. Grambling, second by Z. Bowman; call of the roll with unanimous Aye. (5-0)

The Board read, reviewed, edited, formatted, and discussed the drafted Determination and Resolution:

- Determination to contain three separate Variances each having its own Resolution
- To be recorded as AV #2022-07-A, AV #2022-07-B, and AV #2022-07-C.
- Discussion on definition of flag lot, front yard, required front yard, side yard, required side yard, and Right of Way

Motion to Grant an Area Variance and Approve the Determination and Resolution for 2022-07-A, a Bathroom Addition, made by Z. Bowman, second by K. Grambling; Call of the roll: A. Nilsen – Aye, E. Tinti – Aye, K. Grambling – Aye, Z. Bowman – Aye, T. Smiley – Aye. (5-0)



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Motion to Grant an Area Variance and Approve the Determination and Resolution for 2022-07-B, for a constructed 8' x 18' Storage Shed located within the required front yard setback along the interior front lot line, made by Z. Bowman, second by K. Grambling; Call of the roll: A. Nilsen – Aye, E. Tinti – Aye, K. Grambling – Aye, Z. Bowman – Aye, T. Smiley – Aye. (5-0)

Motion to Grant an Area Variance and Approve the Determination and Resolution for 2022-07-C, a Woodshed, made by Z. Bowman, second by E. Tinti; Call of the roll: A. Nilsen – Aye, E. Tinti – Aye, K. Grambling – Aye, Z. Bowman – Aye, T. Smiley – Aye. (5-0)

Other Business:

1.) Approval of Meeting Minutes

The Board will review and vote upon the October 2022 meeting minutes at the December meeting

2.) New Beginnings Solar SUP

Previously Approved Special Use Permit with Conditions for screening; Developer has met requirements to screen the solar arrays with evergreens; site was inspected for compliance and the trees which were placed should meet the requirements of the condition

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

Meeting Adjourned

9:57 P.M.

DRAFT SUBMITTED 11/28/2022

MINUTES APPROVED 12/21/2022

Shawn Marks