

Town of Marbletown
Stone Ridge, New York 12484
Physical Address: 1925 Lucas Avenue, Cottekill
Zoning Board of Appeals
Monthly Meeting
October 27, 2016

Minutes

Agenda: **Chairman Husta** called the meeting to order at **7:02pm** and read the Agenda into the record

Public Hearings:

7:00	Enneagram Institute	SUP to be allowed to hold trainings and workshops	3355 US HWY 209	R1	62.3-2-15	200-46	Approved with conditions 11/19/14, during construction CEO had questions re: # of events/workshops, required parking; lighting UPDATE: site visit completed, revised plan submitted
7:15/ Paris Perry	Chris & Brenda Lawrence	SUP for Accessory Apt	71 Cedar Hill Rd	R1	70.3-5-3.110	200-46 D(15)	SEQRA Classification-Type II;
7:45 Brian Taylor & Max Stratton	Colleen and William Bicknese	Appeal requesting a setback variance for a new garage	159 Stone Dock Rd High Falls	R1	69.4-2-10.100	200-74	NEED SEQRA CLASSIFICATION; PH con't for documents only

-

Attendees:

- **Present: Will Husta, Chairman;; Brian Taylor Tom Smiley Dan Proctor Alternate Kathie Grambling; Alternate;**
- **Absent:; Paris Perry, Vice-Chair; Alternate Max Stratton**

Announcements:

Public Hearings:

8:00/ Paris Perry	Chris & Brenda Lawrence	SUP for Accessory Apt	71 Cedar Hill Rd	R1	70.3-5-3.110	200-46 D(15)	SEQRA Classification-Type II
----------------------	-------------------------	-----------------------	------------------	----	--------------	--------------	------------------------------

Apartment is 654 sq. ft., 1 bedroom; need parking for 2-show 5; no outside changes or lighting; floor plans submitted

Public Input: None

Board Input: None

Official Actions

Member Tom Smiley motioned to close the public hearing Member Brian Taylor seconded the motion, which was thereupon called to a vote as follows:

Will Husta-Aye

Kathie Grambling-Aye

Brian Taylor-Absent

Paris Perry-Absent

Dan Proctor-Aye

Max Stratton-Absent

Tom Smiley-Aye

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absent

Current and future owners shall be required to occupy one of the two dwelling units on the property. In no situation shall the owners be permitted to rent out both dwelling units and not be a resident of one of the units.

Determination: At a regular meeting of the Zoning Board of Appeals, it was motioned by member Brian Taylor to approve with conditions the Special Use Permit for a one bedroom 654 sq. ft. Accessory Apartment of the 'first floor' as shown on plan drawn by the applicant in an existing single family residence as delineated on the annexed plot plan; outlined in the annexed Record on 3.0 acres; the motion was seconded by member Kathie Grambling and was thereupon called to the following vote of the members assigned to the application:

Will Husta- Aye

Paris Perry-Absent

Tom Smiley-Aye

Brian Taylor-Aye

Kathie Grambling-Aye

The motion having been made, seconded and voted upon was approved by 4 ayes; 0 nays; 0 abstentions; and 1 absent.

Old Application:

Review time/ ZBA point person	Applicant	Application	Location	Dist	Tax Map Number	Applicable Regs	Need and/or update
7:00	Enneagram Institute	SUP to be allowed to hold trainings and workshops	3355 US HWY 209	R1	62.3-2-15	200-46	Approved with conditions 11/19/14, during construction CEO had questions re: # of events/workshops, required parking; lighting

Official Actions:

At a regular meeting of the Zoning Board of Appeals held on October 27, 2016, it was motioned by member Kathie Grambling and seconded by member Tom Smiley to approve the following modifications, additions and/or amendments to the originally issued Special Use Permit.

I. Clarifications to Conditions: Conditions of Approval are requirements that the CEO is obligated to enforce and therefore it is important that they are documented in such a way that the required enforcement action is clear. The CEO found conditions (2) and (7) confusing regarding the scope of the required conditions previously approved as part of the 11/19/2014 Determination which stated:

- 11/19/14 Condition (2): "Five and six day workshops are limited to one-per-month during spring, summer and fall. No week-long workshops will be held during winter months. Maximum number of attendees at any given workshop is limited to 54 participants plus staff and caterers."
- Clarified Condition (2): Enneagram TRAININGS are defined as one event of 5 to 6 days in duration. Training events are limited to 12 per year with each having a limit of 54 Training students. The Enneagram staff and food caterers are in addition to the 54 students.

Enneagram WORKSHOPS are defined as 1 to 3 day meetings and are not limited as to the number per year.

In addition, the use allows the operation of the facility as a MEETING HALL for community groups to gather, totally at the discretion of the applicant, with no specific limit on the number of these to be held.

Parking is limited to a total of 42 (32 in the new overflow parking area created as part of the application and 10 existing spaces in front of the Barn-which is where the Handicap spaces are located) spaces and the applicant is responsible to manage transportation for any of the above uses such that this number can contain the parking need to the total provided.

In addition, the use of amplified sound for any of the above uses is restricted to the interior of the meeting barn. The applicant is responsible to manage sound levels and hours so as not to create a noise nuisance for neighbors. No pro-active enforcement action specific to this paragraph is required by the CEO in regard to noise.

- 11/19/14 Condition (7)“The limits on the number of workshops and attendees are not intended as absolute limits caused by potential impacts on the neighbors but rather reflect the current Enneagram staff view of practical operating levels. When considering the positive community economic benefits and the attendee scholarship potential plus allowing free use of the facilities to religious and spiritual organizations, additional uses may be considered where conformance to noise limits and other regulations are evaluated.”
- Clarified Condition (7): The above clarification of Condition (2) covers all the uses for the SUP and Condition (7) is therefore deleted.

The Zoning Board has approved the above to replace the previous 2 conditions in regard to the scope of use.

II. Parking Spaces Required: The applicant has noted that attendees to Enneagram sessions are not local and use van services, taxis and pick-up services to get to the meeting site. This reduces the demand on parking spaces. In addition, during the construction of the parking lot the contractor has come up against a mature tree in the way of completing the last 8 spaces. The applicant has requested that the required spaces at the new lot be lowered to 32 spaces with the remaining land for the 8 spaces be held in reserve until a need is experienced.

Having reviewed the as-built conditions regarding parking, it was approved by the Zoning Board that the Applicant is required to provide in the Accessory parking area 32, 9 x 20 spaces with an additional 8 that could be developed if necessary plus the 10 existing spaces by the barn which includes 2, 9 x17 handicap spaces. These spaces are delineated on the attachment number 1 delineating the approved parking plan prepared by Peak Engineering and dated 10/3/2015 and last revised 9/8/2016.

III. Parking Lot and Access Path Lighting: The 11/14/2014 approval failed to include the lighting plan for the parking lot and the access path. The fixture types and locations were omitted. The proposed fixtures to be used are specified as follows:

- Parking lot-4 lights model # ALEDST78; color bronze; 20 ft. high poles
 - Pathway: 5 lights, model # ALEDST52, color-bronze; 15ft. pole height
- Peak Engineering provided a Parking Lot and Access Path Lighting Plan. Both above lights and approved locations are on the attached lighting plan prepared by RAB dated: 4/15/2016 annexed as attachment number 2-a-c. Fixture cut sheets are also annexed as attachment number 3-a-h and as per previously required in condition (10): “Lights for the overflow parking area and walkway shall be downward facing and manually operated only when needed.”

IV. Parking Lot Screening- As noted in Condition (4) in the 11/14/2014 approval, 2 ZBA members will review the screening after construction of the parking lot. Members Paris Perry and Will Husta conducted a site

visit on September 8, 2016: Their findings are documented in a memo to file dated September 13, 2016 and annexed as attachment number 4.

- 1) The drive down Brink Farm Road resulted in the observation that the natural thick undergrowth brush results in the parking lot being totally obscured and invisible. This, despite the fact that an auto in the parking lot was positioned facing Brink Farm Road with the lights on.
- 2) The return trip exiting the road yielded the same result.
- 3) A discussion about the effectiveness of the brush after the foliage had dropped concluded that the remaining wooden branches would provide adequate screening. Given that winter use is limited and cars face west and east, the installed lot lighting is downward directed and no car lights are directed at the road when leaving after dark, we concluded shielding is sufficient.
- 4) Should the natural brush die off or become ineffective for any reason, the applicant will be required to plant a replacement screening or fence.

The motion to approve the above modifications/clarifications to the original Special Use Permit approved on 11/19/2014 having been motioned and seconded was thereupon called to the following vote:

Will Husta Aye

Paris Perry-Absent

Brian Taylor-Recuse

Kathie Grambling-Aye

Tom Smiley-Aye

The motion carried by a vote of 3 ayes; 0 nays; 1 absent; and 0 abstention; 1 recusal

7:45 Brian Taylor & Max Stratton	Colleen and William Bicknese	Appeal requesting a setback variance for a new garage	159 Stone Dock Rd High Falls	R1	69.4-2- 10.100	200-74	Classified as Type II; PH con't for documents only
--	------------------------------------	---	------------------------------------	----	-------------------	--------	--

Brian Taylor motioned to close the public hearing; Tom Smiley seconded the motion, which was thereupon called to a vote as follows:

Will Husta-Aye

Kathie Grambling-Aye

Brian Taylor-Absent

Paris Perry-Aye

Dan Proctor-Absent

Max Stratton-Absent

Tom Smiley-Aye

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absent

Conditions:

1. The south side facing the undeveloped ROW and the west side facing Stone Dock Road shall be designed as delineated on the attached elevation plans: largely blank wall with one window on the south side and two doors with small windows on the west side.
2. The exterior of the unoccupied garage shall be consistent in look with the existing single family residence.
3. The unoccupied garage shall only be used for accessory storage and not as any type of workshop nor

other non-residential uses.

Determination: At a regular meeting of the Zoning Board of Appeals it was motioned by member Brian Taylor that, as empowered by all applicable regulations to do so, the granting of the requested Area Variances from the front setback in the bulk requirements by 31 ft. to the un-developed ROW and 22.5 ft. to Stone Dock Road as required in the Town Zoning Law to allow the construction of a 22 ft. wide by 24 ft. long and 16 ft. high detached garage as delineated on the attached plot plan and in the attached elevations is warranted; the motion was seconded by member Tom Smiley and was thereupon called to the following vote of the members assigned to the application:

Will Husta AYE
Paris Perry-Absent
Kathie Grambling AYE
Brian Taylor Aye
Tom Smiley AYE

The motion having been made, seconded and voted upon was approved by 4 ayes; 0 nays; 0 abstentions; and 2 absent.

Action Items: None

Correspondence: None

Tom Smiley motioned to **adjourn the meeting**; Kathie Grambling seconded the motion which was thereupon called to a vote as follows:

Will Husta-Aye
Kathie Grambling-Aye
Brian Taylor-Aye
Paris Perry-Aye
Dan Proctor-Absent
Max Stratton-Absent
Tom Smiley-Aye

Motion carried by a vote of 5 ayes, 0 nays, 0 abstentions and 2 absent

Meeting adjourned at 10:46pm.
Respectfully Submitted,
Maggie Colan, ZBA Secretary