



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

Zoning Board of Appeals  
Approved Meeting Minutes  
June 26<sup>th</sup>, 2023

Meeting Called to Order

6:10 P.M.

Pledge of Allegiance

Quorum Call:

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

Board Absent: Kathie Grambling, Nancy Birdsall

Announcements: None

Business:

**1.) 2023-06 AV – Mollins Fence 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 an Area Variance for a fence to be located in the front yard which exceeds the maximum permitted height and limits the passage of views.

Chairman Smiley provided a brief overview of the Application request; to construct an 8-foot-tall solid fence within 25 feet of the front lot line.

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

- 2 sections of fence along the front property line are legally existing, non-conforming, having been built before the enactment of the Fence Law. Fence is 8 feet tall, of solid fence construction which limits the passage of views, and it approximately 17 feet from the centerline of Cedar Hill Road which is within the 25-foot Town right of way.
- The applicant is requesting a Variance to build an additional section of 8-foot-tall solid style fence along the right-hand side of the front yard to be in front of the Garage which recently received an Area Variance.
- The intent of the fence is to screen the garage and the property.
- The Board expressed concern about allowing the newly proposed section of fence to be within the Town right of way. The Applicant noted that he is willing to move the new section of fence back to meet the 25 feet from centerline requirement.



- Additional concern from the Board pertaining to the existing fence in relation to line of sight and traffic safety; noted that line of sight is extremely limited when pulling from the driveway onto Cedar Hill because of the existing fence location.
- The Applicant noted that it would be very difficult to move the existing fence back farther from the centerline because of an electrical conduit.
- Applicant intends to install a convex mirror to help with the line-of-sight matter, but also agreed to discuss with the Board a mitigation to create a safer degree of sight distance with the existing fence; the Board offered a suggestion to “flare out” the ends of the fence sections to enhance visibility.
- No negative feedback from the Highway Department in the past pertaining to the existing sections of fence at the location.

***Motion to Accept and Open the Application made by A. Nilsen, second by Z. Bowman; call of the roll with unanimous Aye. (4-0)***

***Motion to set a Public Hearing for July 25<sup>th</sup>, 2023, made by Z. Bowman, second by A. Nilsen; call of the roll with unanimous Aye. (4-0)***

***Motion classify the Application as a Type II SEQRA action made by E. Tinti, second by Z. Bowman; call of the roll with unanimous Aye. (4-0)***

*E. Tinti to be Application Point*

## **2.) 2023-07 AV – Mollins Shed 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 an Area Variance to permit a Shed to be within the required front yard setback.

Chairman Smiley provided a brief overview of the Application request; to receive an Area Variance to allow for a Storage Structure, a shipping container, to be within the required front yard setbacks from the front property line and right-side property line.

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

- Applicant initially submitted a Zoning Permit and Area Variance on what was proposed to be a “Temporary Structure” under Town Code; length of time the structure will exist on the property, albeit not proposed to be permanent, will exceed the limit of time placed on Temporary Structures by the Town Code; Application is to reflect a structure which is designated “permanent” in nature due to the period of time the Applicant proposed to have the structure on the property; “a year or two”.



- Shipping container to be utilized in the storage of chattel belonging to a family member who is staying on the parcel until housing can be secured.
- Container initially placed within the Town ROW in not knowing the setback requirements from centerline of the Town Road. The container was subsequently moved back farther onto the property, but the Applicant then encountered the same topographic/geographic issues as were discussed during the Area Variance Application for the Garage; a rock shelf preventing the movement of the container farther back onto the property.
- Able to move the shipping container so that its current placement is 42 feet from the centerline of Cedar Hill Road, and 33 feet from the right-side property line. The setback requirement is 40 feet.
- Storage container has been painted brown by the Applicant and additional screening is proposed to help the storage container “disappear” better into the landscape.

***Motion to Accept and Open the Application made by Z. Bowman, second by A. Nilsen; call of the roll with unanimous Aye. (4-0)***

***Motion to set a Public Hearing for July 25<sup>th</sup>, 2023, made by Z. Bowman, second by A. Nilsen; call of the roll with unanimous Aye. (4-0)***

***Motion classify the Application as a Type II SEQRA action made by E. Tinti, second by Z. Bowman; call of the roll with unanimous Aye. (4-0)***

*E. Tinti to be Application Point*

### **3.) 2023-04 AV – Helm Area Variance – Closed Public Hearing**

Steve Helm

1 Stilba Lane, Stone Ridge, NY, 12484

SBL: 61.20-2-24; R-3 Zone, 0.5 Ac +/-

Requesting an Area Variance to place a new Pool/Storage Shed substantially within the footprint of two existing sheds which are to be demolished.

The Board discussed the Application findings during their review:

- Total of 3 variance; a front and rear setback for the newly proposed structure and a variance on the height of the Fence.
- 2023-04 (A1) to contemplate the setback to the rear property line for the newly proposed shed.
- 2023-04 (A2) to contemplate the setback to the front property line for the newly proposed shed.
- 2023-04 (B) to contemplate the height variance for the Fence.



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The Board read, reviewed, discussed, and edited the Drafted Determination

***Motion to Approve the Determination and grant the Helm Area Variance 2023-04 (B), an Area Variance for a 5-foot-tall Fence to be located 11 feet from the front property line, made by A. Nilsen, second by E. Tinti; call of the roll: A. Nilsen, Aye; Z. Bowman, Aye; E. Tinti, Aye; T. Smiley, Aye. (4-0)***

***Motion to Approve the Determination and grant the Helm Area Variance 2023-04 (A1), a Rear Yard Setback Variance for a Pool House/Shed, made by Z. Bowman, second by A. Nilsen; call of the roll: E. Tinti, Aye; A. Nilsen, Aye; Z. Bowman, Aye; T. Smiley, Aye. (4-0)***

***Motion to Approve the Determination and grant the Helm Area Variance 2023-04 (A2), a Front Yard Setback Variance for a Pool House/Shed, made by Z. Bowman, second by A. Nilsen; call of the roll: E. Tinti, Aye; A. Nilsen, Aye; Z. Bowman, Aye; T. Smiley, Aye. (4-0)***

Other Business:

1.) Approval of Meeting Minutes

***Motion to Approve the May 2023 ZBA Meeting Minutes made by A. Nilsen, second by Z. Bowman; call of the roll with Unanimous Aye. (4-0)***

***Motion to Adjourn the meeting made by Z. Bowman, second by A. Nilsen; call of the roll with unanimous Aye. (4-0)***

Meeting Adjourned

7:18 P.M.

DRAFT SUBMITTED 6/10/2023

MINUTES APPROVED 7/25/2023

Shawn Marks