



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

Zoning Board of Appeals
DRAFT Meeting Minutes
July 25th, 2023

Meeting Called to Order

6:04 P.M.

Pledge of Allegiance

Quorum Call:

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

Board Absent: Andy Nilsen, Nancy Birdsall

Town Staff Present: Shawn Marks

Announcements: None

Business:

1.) 2023-06 AV – Mollins Fence Area Variance – New Public Hearing

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.

Applicant Reed Mollins is in attendance.

Motion to Open the Public Hearing made by Z. Bowman, second by K. Grambling; call of the roll with unanimous Aye. (4-0)

Application Point Egidio Tinti provided an overview of the Application and the Board reviewed and discussed the Site Plan and Application details with the Applicant Reed Mollins:

- Request to extend a pre-existing non-conforming fence which is within the required front yard and within 25 feet of the centerline of Cedar Hill Road.
- The fence is to be extended along the right-hand side of the front yard in front of a detached garage for which the applicant previously received a variance.
- Fence to be 8 feet in height, of solid construction which will limit views, and is proposed to be approximately 8 feet from the shoulder of Cedar Hill Road; within the Town right-of-way; A height variance is being sought as is a variance for the distance from centerline to the fence.



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- Fences greater than 4 feet in height within 25 feet of the front property line, or which restrict views, require a variance.
- The request is for a 100% variance on the fence height and a 130% variance for the distance from the centerline of Cedar Hill Road; fence proposed to be located within the Town right of way.
- The existing non-conforming fence is on average 6-7 feet from the shoulder of Cedar Hill Road; 16.5 feet and 18.5 feet from the centerline. The Applicant wishes to construct the new fence along the same horizontal plane as the existing fence.
- Applicant notes proposed fence is for privacy and screening as well as uniformity and aesthetics with the existing fence; The Applicant notes that the deeded front property line is 16.5 feet from the centerline of Cedar Hill Road.
- The Board has concerns about line of sight when pulling out of the driveway with regard to the existing sections of fence; Tom Smiley noted that during a previous site visit he had concerns about line of sight while pulling out of the driveway onto Cedar Hill Road.
- A similar non-conforming pre-existing fence is across the street within 100 feet. There are numerous split rail fences within the Town right of way along Cedar Hill.
- The Town Fence Code has a stipulation that when a fence is in disrepair or needs to be replaced, the fence must be brought to conform with the fence law or receive a variance.
- Fences within the Town right of way could be removed by the Town at its discretion.
- The Board has concerns about the proposed location which is within the Town right of way.
- Egidio Tinti reported that during his site visit he had a discussion with the neighbor across the street from where the fence is proposed and that the neighbor did not express any concerns.
- The Board agrees that the intent of the Fence Law is to prevent excessively tall solid fences from being within proximity to the roadway.
- The Applicant proposed a modification to the Site Plan so as to place the fence at 25 feet from centerline and angle the new section of fence to slightly fade away from the 25-foot mark as it runs along the yard parallel to Cedar Hill Road.
- The Board noted that it could include a modification or condition in the approval to address the height of the fence, its proximity to the roadway, and its impact upon line of site and traffic safety; traffic safety is a concern for the Board; The Board discussed the possible inclusion of a condition which addresses the existing and proposed fence with regard to its replacement if it is destroyed or damaged.
- The Applicant has ordered 2 safety mirrors to be placed on the fence.
- The Applicant noted that the existing middle section of fence can not be moved due to its proximity to existing vegetation and the electrical utilities.
- The Applicant has considered removing 4 feet of fencing closest the edge of the driveway which would enhance safety and line of sight while pulling out of the driveway.



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- The Board inquired if the Applicant would be willing to swap out the upper sections of the fence for lattice or other partially transparent material to address the intent of the code pertaining to solid wall style fencing and to address concerns over safety.
- The Applicant will ruminate on the possibility of replacing part of the solid face with something more open on the upper aspect of the fence or another alternative to address the Board's concerns about line of sight and traffic safety with the existing fence as well as to closer meet the intent of the Fence Law.

Call for Public Comment: None

Motion to continue the Public Hearing at the August 22nd, 2023, ZBA Meeting made by K. Grambling, second by Z. Bowman; call of the roll with unanimous Aye. (4-0)

2.) 2023-07 AV – Mollins Shed Area Variance – New Public Hearing

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.

Applicant Reed Mollins in attendance for the Application

Application Point Egidio Tinti provided an overview of the Application and the Board reviewed and discussed the Site Plan and Application details with the Applicant Reed Mollins:

- Variance request is for a storage structure to be located 42 feet from the centerline of Cedar Hill Road and 33 feet from the side property line; structure is proposed to be within the front yard which has a setback requirement of 40 feet from the property lines.
- Storage structure to be utilized in the storage of chattel; Applicant is no longer contemplating running electric to the structure.
- Initial application and zoning permit was for a "Temporary Structure", but the Applicant has revised the request to be a permanent structure.
- Initial placement of the container was within the Town right of way; the Applicant moved the container as far back as possible until he met with bedrock preventing the structure from being moved back any farther; original color was orange, and the Applicant painted the structure "go away brown" to help it blend into the scenscape.
- Parcel to the right of the structure is a vacant parcel belonging to the Mohonk Preserve; The Board notes that this parcel is vacant, and the placement of the storage structure will not directly impact a neighboring residence.
- Applicant has obtained curb cut approval from the shoulder of Cedar Hill to access the storage structure; will be installing a culvert at the approved curb cut and continue to clean up and clean out the area surrounding the structure to enhance the aesthetic.



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- Request is for a 57% variance to the front property line and an 18% variance to the side property line.
- The Applicant is proposing vegetative screening as a mitigation.

Motion to Open the Public Hearing made by Z. Bowman, second by E. Tinti; call of the roll with unanimous Aye. (4-0)

Call for Public Comment: None

Motion to Close the Public Hearing made by K. Grambling, second by E. Tinti; call of the roll with unanimous Aye. (4-0)

The Board noted that it has 62 days to vote on the Application.

3.) 2023-08 AV – Sindt Area Variance – New Application

Stacy Sindt; 226 Van Wagenen Lane, Kingston, NY, 12401

Location: 351 Ashokan Road, Kingston, NY, 12401

SBL: 54.4-3-63.121, A4 Zone, 6.06 Ac +/-

Requesting an Area Variance to permit a Detached Garage w/ Accessory Apartment to be within the required front yard setback

Applicant Stacy Sindt in attendance for the Application

The Board reviewed the Application, Site Plan, supporting documentation, and engaged in discussion with Stacy Sindt on the details of the variance request:

- Area variance to allow for a detached garage with accessory apartment to be located 10 feet from the side property line within the front yard; within the required 40-foot setback.
- Irregular sized long narrow parcel with topographical difficulties noted by the Applicant; steep slopes, difficult grades for the placement of structures, waterways, and limited space for the placement of structures given the shape of the parcel, location of the driveway, and the location of the residence currently being constructed.
- Parcels adjacent on both sides of the parcel are of similar shape, size, and topography; long and narrow.
- Detached garage proposed to contain a workshop, garage area, and an accessory apartment for aging parents/in laws.
- Driveway and underground utilities run close to the side property lines. Parcel is a flag lot and just over 6 acres in size.
- After the parcel was cleared and prepared for construction of the garage, the owner found that the originally proposed location presented difficulties with turning vehicles



into and out of the garage and presented difficulties with parking and turning vehicles within the driveway due to the narrow nature of the parcel.

- Asking for the edge of attached carport to be 10 feet from property line and the bulk of the structure to be 20 feet from the property line.
- Engineers and Architects thought there would be enough area to place the garage and the driveway, but after the area was prepped and trees cleared and removed it was found that there was less space than originally thought.
- Adjacent lots are narrow but there could be structures built on either parcel which is going to factor into the variance discussion.
- The Board reviewed overhead images on Ulster County Parcel Viewer and discussed the wider aspects of the neighboring parcels where placement of residences would be more likely than the location directly adjacent to the proposed location of the garage.
- One neighboring residence in close proximity to the proposed location of the garage. Can see the neighbor's residence and garage from the proposed location of the garage as well as the residence being built; neighbor's house and garage are atop a sloping grade from the shared property boundary.
- The Applicant is proposing vegetative screening to be placed to mitigate the distance to the side property line.

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

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

Motion to set a Public Hearing for August 22nd, 2023, made by Z. Bowman, second by K. Grambling; call of the roll with unanimous Aye. (4-0)

Z. Bowman to be Application Point

The Board requested a revised Site Plan to reflect the required 40-foot setback, the location of the Well, location of the driveway, and the distances to the neighboring residences from the proposed location of the garage.

Other Business:

1.) Approval of Meeting Minutes

Motion to Approve the June 2023 ZBA Meeting Minutes made by E. Tinti, second by Z. Bowman; call of the roll with Unanimous Aye. (4-0)



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2.) Sans Area Variance – New Application for August – Brief overview of Site Plan and request.

- 2 Lot Minor Subdivision Application denied by the CEO; flag lot being created that does not meet the density requirements for a Flag Lot.
- Requesting Area Variance to create an undersized Flag Lot

4.) 2023-07 AV – Mollins Shed Area Variance – Closed Public Hearing

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.

The Board read, reviewed, discussed, and edited the drafted determination for the Mollins Area Variance 2023-07 AV.

Motion to Approve the Determination and grant the Mollins Variance 2023-07 AV made by Z. Bowman, second by K. Grambling; call of the roll: E. Tinti, Aye; K. Grambling, Aye; Z. Bowman, Aye; T. Smiley, Aye. (4-0)

The Board discussed Application 2023-06 AV: Mollins Fence Variance:

- Would prefer the height of the fence to be reduced to 6 feet.
- Fence should be moved out of the Town right of way.
- Consideration given to a condition which addresses the fence if it's destroyed or damaged.
- Preference for a tall fence which is solid low on the fence and allows for the passage of views on the upper portion of the fence.
- Applicant addressed safety concerns by taking off 4 feet of the fence at its nearest point to the driveway.

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

Meeting Adjourned

8:17 P.M.

DRAFT SUBMITTED 8/2/2023

MINUTES APPROVED 8/22/2023

Shawn Marks