

**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS
PUBLIC HEARING on the APPLICATION of CYRUS & NANCY ADLER for an
INTERPRETATION
ZBA #07-1534**

November 8, 2007

ZBA Members Present: Joanne Anthony, Peter Carberry, Howard Harris, Tony Padalino, Linda Tiano

ZBA Members Absent: Marie Lourenso, Alternate

Having determined that a quorum was present and introducing the Members, the Secretary read the published legal notice for this case.

8:00 pm. ZBA #07-1534. The Application of CYRUS & NANCY ADLER for property located at 105-109 MILL HILL ROAD, WOODSTOCK, NY, a 3 acre parcel in a R1.5/Gateway District for an INTERPRETATION of Non-Conforming Uses, Non-Conforming Structures and Bulk, Section 9A, Section 9A-4, and Section 9A-5c in order to locate two stores in the existing building where there is now only one.

Chairman Harris instantly amended the Application to an INTERPRETATION of Non-Conforming Uses, Non-Conforming Structures and Bulk, Section 9A, Section 9A-4, and Section 9A-5c in order to have two stores in the subject barn and the right to have a retail store and an office either or both.

This Application was not sent to the UCPB. The UCPB has determined that matters related to residential area variances involving side and rear yard setback requirements as well as fence heights are of local, rather than county-wide concern.

NYSEQR DETERMINATION

In accordance with the guidelines set forth in 6NYCRR, Part 617, the Zoning Board of Appeals has determined that the instant application is classified as a Type II Action which, by definition, does not have a significant effect on the environment and is exempt from environmental review.

HEARING

The Applicant, Cyrus Adler, was present for the meeting to ask for an Interpretation of Non-Conforming Uses, Non-Conforming Structures and Bulk, Section 9A, Section 9A-4, and Section 9A-5c of the Zoning Law.

Chairman Harris asked if Mr. Adler had an additional information in writing other than what was submitted in writing at the time of the application. Mr. Adler responded an e-mail from the former owner (Mr. Philip Elwyn) who recalls what existed at the site when the Zoning Law went into effect.

Chairman Harris stated the Board has all the information submitted with the application but asked if there was any other information Mr. Adler would like to submit or reiterate

regarding the subject. Mr. Adler responded only that he sees nothing in the Zoning Law, Section 9, preventing/prohibiting the building returning to its original status in 1989 as two stores.

The Secretary read the roll call of contiguous neighbors. Contiguous owner, Stuart Munson, telephoned at 12:50 pm on 11/5/07 stating he has no objection to the request. Chairman Harris reiterated the rules of conduct of meetings as it applies to Interpretations. Contiguous owner, William Harder, stated he had no objection to the application

The Chairman asked if there were any other questions or comments from the Board or Public. There were none.

The Applicants were given a written statement attesting to the time frame for a decision. The signed statement has not been returned to the office as of this date.

Chairman Harris moved to recess the public hearing of this case. Seconded by Linda Tiano. Motion passed 5-0-0-0. There being no objection, this Hearing of Case #07-1534 is now recessed to the call of the Chairman.