

**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS
PUBLIC HEARING on the APPLICATION of JAMES & JANET NELSON for an
INTERPRETATION
ZBA #07-1531**

October 11, 2007

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

ZBA Members Absent: None

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

7:15 pm. ZBA #07-1531. The Application of JAMES & JANET NELSON, for property located at 41 OLD FARM ROAD, SHOKAN, NY, a 3.629 acre parcel in an NC1 District for an INTERPRETATION of Use Regulations, Accessory Uses, Section 3A-3, in order to permit an accessory use structure incidental to the permitted use located on the same lot.

Chairman Harris suggested the use of the Section/Block/Lot as the property location as the property is actually located on the Wittenberg Road and does not have a designated Post Office number.. All agreed.

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, James Nelson, was present for the meeting and stated he is requesting an Interpretation based upon his letter of September 11, 2007 from Section 15A, 3a - 3 and wants to add Section 6B-14b.

Chairman Harris stated that the purpose of this meeting is an Interpretation as to whether Mr. Nelson can build an accessory structure that contains an apartment. Therefore, all comments should speak to that point.

Mr. Nelson stated that based upon his reading of the Zoning Law, he is allowed an accessory structure relating to the proposed eight apartments at that location and gave a history of his proposed project. His sketch plan was submitted to the Building Inspector on 6/26/07. Hoping to go directly to the Planning Board, he received a

response from the Building Inspector on 7/9/07 that he should appear before the ZBA for an interpretation regarding density. On 9/11/07, Mr. Nelson wrote to the BI requesting an interpretation of accessory use. On 9/14/07, the BI responded that his original determination stood and Mr. Nelson must appear before the ZBA.

Mr. Nelson stated his intended use is to have a full time, on-site caretaker/maintenance person to address the needs of the tenants. There will be two fully handicapped accessible units and hope to have singles and older couples as tenants. The Board will review the submitted correspondence and sketch plan.

The Chairman polled the members as to whether they had any further questions based on the above submission.

The Secretary read the roll call of contiguous neighbors. Ms. Kane and a Representative from Hound Hill Properties, LLC were present and after a discussion of an address correction, there were no further questions

The Chairman asked if there were any other questions or comments from the Board or Public. Mr. Nelson stated he submitted a letter on October 6, 2007 requiring an additional interpretation to include Section 6B-14b and the Chairman stated it will be incorporated into the original interpretation request. There were no other questions.

The Applicant was given a written statement attesting to the time frame for a decision. The Applicant signed the statement and it is now part of the record.

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 #07-1531 is now recessed to the call of the Chairman.

Addendum discussion: addition to Interpretation #07-1531 of Section 6B-14b dealing with the number of structures connected by a mechanical room. Chairman asked the Secretary to write a letter stating due to a technicality, Mr. Nelson will have to make another application since he is adding to the original interpretation request of Section 3A-3 with Section 6B-14b.

10/17/07: Draft copy e-mailed to ZBA Members

11/13/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono