

**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS  
PUBLIC HEARING on the APPLICATION of RICHARD LEVY & JANE HIRSCHMANN  
as REPRESENTED by LES WALKER  
ZBA #07-1535**

**October 25, 2007**

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

ZBA Members Absent: Alternate Marie Lourenso

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 #07-1535. The Application of RICHARD LEVY & JANE HIRSCHMANN as REPRESENTED by LES WALKER for property located at 711 WEST SAUGERTIES ROAD, WOODSTOCK, NY, a 4.6 acre parcel in an R3 District for a variance from Area and Bulk Regulations, Minimum Yard Requirements, Section 4A-3e, for a 32-foot infringement into a minimum required 75-foot front yard in order to add an 8'x26' open porch and a 24-foot infringement into a 75-foot minimum required front yard in order to add a 6'x20' sunroom.

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's Representative, Les Walker, was present for the meeting and stated this application was originally submitted and granted in 2002 but was never acted upon. The requested variance distances were measured from the center of West Saugerties Road. It is a two-story structure already located within the minimum required setback. There are no plans to add dormers to the second story of the existing structure. The existing screen porch will be removed and a 10'x20', two-story addition will be added. The colors of the porch and new addition will match the existing structure and no trees will be removed for this construction.

The following are the questions from NYS imposed criteria the Board asks to determine the benefits to the Applicant from the request versus the detriment to the health, safety and welfare of the community that would occur if the variance were granted.

1. **Whether an undesirable change would be produced in the character of the**

**neighborhood or a detriment to nearby properties created by granting of the variances.**

Mr. Walker responded no as you can't see the porch nor sunroom from the road as bushes and trees will hide it.

**2. Whether the benefit sought by the applicant could be achieved by some feasible method other than variances.**

Mr. Walker responded no as the structure is already in the minimum front yard required setback.

**3. Whether the requested variances would be substantial.**

The requested variances are not substantial.

**4. Whether the proposed variances would have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.**

The Chairman explained that the question bears on whether the proposed variance would increase noise, dust, smells, sight obstruction, etc. There would be no adverse effects or impacts by the granting of this variance on the environmental condition in the neighborhood.

**5. Whether the alleged difficulty was self-created.**

A difficulty is self-created where the Applicant for an area variance acquired the property subject to the restriction from which relief is sought. This Board finds that in the instant case, the difficulty is self-created in that the Applicant is deemed to have constructive knowledge of the Zoning Law. It is noted, however, that the fact that the difficulty is self-created, although a factor relevant to the decision of this Board, does not necessarily preclude the granting of this requested area variance.

The Secretary read the roll call of contiguous neighbors. There were no telephone or written communications received for this application.

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

The Applicant's Representative was mailed a written statement attesting to the time frame for a decision. To date, the signed statement has not been received.

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 #07-1535 is now recessed to the call of the Chairman.

11/1/07: Draft copy e-mailed to ZBA Members

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

**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS  
PUBLIC HEARING on the APPLICATION of MICHAEL HELLER & MARK GODLER  
as REPRESENTED by BARRY PRICE  
ZBA #07-1536**

**October 25, 2007**

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

ZBA Members Absent: Alternate Marie Lourenso

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

7:30 pm. ZBA #07-1536. The Application of MICHAEL HELLER & MARK GODLER as REPRESENTED by BARRY PRICE, ARCHITECT, for property located at 2373 GLASCO TURNPIKE, WOODSTOCK, NY, a 3.57 acre parcel in an R3 District for variances from Area and Bulk Regulations, Minimum Yard Requirements, Section 4A-3, for a 17 foot, 7 inch infringement into a minimum required 50 foot side yard in order to construct a 50 foot by 12 foot lap pool and Supplementary Regulations, Fences, Walls and Gates, Section 5D-4, to allow a fence to infringe 9 feet, 2 inches into a minimum required 20 foot setback.

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's Representative, Barry Price, was present for the meeting and stated the proposed pool is an in-ground lap pool. The minimum distance from the edge of the proposed deck to the Rechtschaffen property line is 9'2", which is 40'10" into the minimum required 50 foot side yard setback and the minimum distance from the edge of the proposed pool to the Rechtschaffen property is 32'5" into the minimum required 50 foot side yard setback. The location was chosen because of the various grade changes on the property as well as the location of the well (behind the present house), septic system to the left side of the house and a very large maple tree.

The following are the questions from NYS imposed criteria the Board asks to determine the benefits to the Applicant from the request versus the detriment to the health, safety and welfare of the community that would occur if the variance were granted.

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**1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by granting of the variances.**

Mr. Price responded no as there will be no grade change to the property and it will not be highly visible to neighbors.

**2. Whether the benefit sought by the applicant could be achieved by some feasible method other than variances.**

Mr. Price responded no because of the location of the well, septic and a large maple the owners want to retain.

**3. Whether the requested variances would be substantial.**

The requested variances are substantial.

**4. Whether the proposed variances would have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.**

The Chairman explained that the question bears on whether the proposed variance would increase noise, dust, smells, sight obstruction, etc. There would be no adverse effects or impacts by the granting of this variance on the environmental condition in the neighborhood. Only two small saplings will be removed from the site.

**5. Whether the alleged difficulty was self-created.**

A difficulty is self-created where the Applicant for an area variance acquired the property subject to the restriction from which relief is sought. This Board finds that in the instant case, the difficulty is self-created in that the Applicant is deemed to have constructive knowledge of the Zoning Law. It is noted, however, that the fact that the difficulty is self-created, although a factor relevant to the decision of this Board, does not necessarily preclude the granting of this requested area variance.

The Secretary read the roll call of contiguous neighbors. Contiguous neighbors, Drs. C. Moss and D. Karnasiewicz were present but had no objection to the variances. There were no other communications received regarding this application.

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

The Applicant's Representative submitted the signed statement attesting to the time frame for a decision with the application 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 #07-1536 is now recessed to the call of the Chairman.

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**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS  
PUBLIC HEARING on the APPLICATION of LINDA WINNICK  
ZBA #07-1537**

**October 25, 2007**

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

ZBA Members Absent: Alternate Marie Lourenso

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

8:15 pm. ZBA #07-1537. The Application of LINDA WINNICK for property located at 1685 SAWKILL ROAD, KINGSTON, NY, a 2.85 acre parcel in an R3 District for a variance from Supplementary Regulations, Fences, Walls and Gates, Section 5D-1, to allow a fence higher than 4 feet in the front yard.

This Application was sent to the UCPB on October 16, 2007. Although 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, this fence was installed in the front yard of the applicant's property on a high traffic County Road.

**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, Linda Winnick, was present for the meeting and stated she is before the ZBA because she put up a fence in her front yard without a building permit and, according to the Building Inspector, the fence is one foot higher over the allowable height for the front yard.

Ms. Winnick stated her property is located on a high traffic, County Road (Sawkill Road) and she needs the fence to protect her pets as well as to achieve some privacy. The fence is a scallop design made of rough cut pine. The sections range in height from 4 to 5 feet and eight posts are 5 ½ feet from grade. There are no caps on top of the posts. Ms. Winnick submitted a photo of her property showing the fencing.

The house is located 35 feet from the Sawkill Road and the fence is located 14 feet from the edge of the road and is 45'4" linear feet in width. It will remain natural in color but if painted, it will be a dark color. There are plantings growing in front of the fence fronting on the road. Mrs. Tiano visited the property and confirmed the above.

The following are the questions from NYS imposed criteria the Board asks to determine the benefits to the Applicant from the request versus the detriment to the health, safety and welfare of the community that would occur if the variance were granted.

**1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by granting of the variance.**

Ms. Winnick responded no as there is a fence next door at the Tennis Club which completely surrounds that property and there are other fences in the area.

**2. Whether the benefit sought by the applicant could be achieved by some feasible method other than a variance.**

Ms. Winnick responded no as the fence is already there and the proximity to the high traffic road cannot change the need for a fence.

**3. Whether the requested variance would be substantial.**

The requested variance is substantial.

**4. Whether the proposed variance would have an adverse effect or impact on the physical or environmental condition in the neighborhood or district.**

The Chairman explained that the question bears on whether the proposed variance would increase noise, dust, smells, sight obstruction, etc. There would be no adverse effects or impacts by the granting of this variance on the environmental condition in the neighborhood.

**5. Whether the alleged difficulty was self-created.**

A difficulty is self-created where the Applicant for an area variance acquired the property subject to the restriction from which relief is sought. This Board finds that in the instant case, the difficulty is self-created in that the Applicant is deemed to have constructive knowledge of the Zoning Law. It is noted, however, that the fact that the difficulty is self-created, although a factor relevant to the decision of this Board, does not necessarily preclude the granting of this requested area variance.

The Secretary read the roll call of contiguous neighbors. No communications regarding this application were received.

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

The Applicant was mailed a written statement attesting to the time frame for a decision. When it is returned, it will become 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 #07-1537 is now recessed to the call of the Chairman.

11/1/07: Draft copy e-mailed to ZBA Members

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