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**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS  
PUBLIC HEARING on the APPLICATION of TOWN OF WOODSTOCK as  
REPRESENTED by WILLIAM MCKENNA  
ZBA #07-1530**

**September 27, 2007**

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

**ZBA Members Absent:** Tony Padalino

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 #07-1530. The Application of THE TOWN OF WOODSTOCK as REPRESENTED BY WILLIAM MCKENNA, for property located at CALIFORNIA QUARRY ROAD, WOODSTOCK, NY, a 196.2 acre parcel in an R8/SOD District for a variance from Area and Bulk Regulations, Minimum Lot Width, Section 4A-1d to allow a 178.15 foot width front lot line where a minimum 300 feet is required in order to subdivide the property into two lots –one 12+/- acres to be kept by the Town and one 184+/- acres to sold to New York State.

This Application was not sent to the UCPB by the ZBA but is also before the Planning Board (PB#07-1133) as a 2-lot subdivision with the documentation forwarded by that group. 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, the Town of Woodstock as Represented by Councilman William McKenna, was present for the meeting. Mr. McKenna stated he would like to subdivide the property but must get a variance for the undersized lot frontage.

Ms. Anthony visited the site and using the map submitted by the surveyor. She stated the new map does not show the lot boundaries the lot boundary along California Quarry Road. Mr. McKenna replied he thought the property across from Donna Rakower does not extend close to the area under review. Ms. Anthony stated the new map and old map are inconsistent. Using the plot plan submitted by the Applicant with the application, Chairman Harris asked if the dark line marked L1 the end of the property the Town wants to subdivide. Mr. McKenna responded yes. Ms. Anthony asked if that is where the gate is. Mr. McKenna guessed the gate is where L2 junction is shown.

Chairman Harris asked if California Quarry Road is separated by a parcel or piece of land. Mr. McKenna does not know for sure. Ms. Anthony suggested reviewing the deed/title search to legally determine the actual plot size, ownership, etc. of each parcel under question. Chairman Harris and Mr. McKenna discussed the differences.

Mr. McKenna will stated he will contact Mr. Brewer, the Surveyor, tomorrow. Once a determination is made whether a variance is required. The concern is that the line marked L1, if its public property between L1 and the road and part of the roadway, a variance is required. If the subject property is in an easement, a variance may not be needed.

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.**

Mr. McKenna responded the use of the property will not change through this subdivision as the bulk of the property (Lot 1) will be going to Open Space Institute and then to the State. The rest of the subdivision will be used for a tower complex.

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

Mr. McKenna responded no because both lots require access and that would be using California Quarry Road.

**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. There were no written nor telephone 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 given a written statement attesting to the time frame for a decision on 10/2/07. When 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 4-0-1-0. There being no objection, this Hearing of Case #07-1530 is now recessed to the call of the Chairman.

10/2/07: Draft copy e-mailed to ZBA Members

11/1/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

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