

**ZBA MEETING MINUTES  
SEPTEMBER 13, 2007**

Having determined that a quorum is present, Chairman Howard Harris called to order the September 13<sup>th</sup> Meeting of the Zoning Board of Appeals. There being no objection, the action was adopted. Chairman Harris introduced the members present: Joanne Anthony, Peter Carberry, Howard Harris, Marie Lourenso, Alternate, Tony Padalino, Linda Tiano and the Secretary, Ann Brandt.

**1. ADMINISTRATIVE MATTERS**

**-Changes/Additions to the Meeting Agenda.** There were no changes to the meeting agenda.

**-Approve Draft Meeting Minutes of August 23<sup>rd</sup>.** Chairman Harris moved to accept the draft meeting minutes of August 23<sup>rd</sup> as corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0

**-Approve Draft Public Hearing Minutes of August 23<sup>rd</sup>**

**ZBA Case #07-1526.** The Application of Matthew & Anne Canzonetti as Represented by Kevin Conklin, North Engineers. Chairman Harris moved to approve the public hearing minutes of this case as corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0.

**2. PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 13, 2007 were now heard.**

**ZBA #07-1527.** The Application of Ramon & Toby Sanchez as Represented by Brooks & Brooks, P.C.

**ZBA #07-1528.** The Application of Leonard & Tanya Farber as Represented by Howard Rifkin.

**3. DECISIONS & ORDERS OUTSTANDING.**

**#07-1526. Matthew & Anne Canzonetti as Represented by Kevin Conklin, North Engineers.** Chairman Harris moved to reopen the recessed public hearing of this case. Seconded by Linda Tiano. Motion passed 5-0-0-0. Chairman Harris moved to close the recessed public hearing of this case. Seconded by Linda Tiano. Motion passed 5-0-0-0.

**RESOLUTION:** Based upon the Standards for Consideration of Area Variances, an Area Variance from the Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Minimum Yard Requirements, Section 4A-5f, for a five foot infringement into a minimum required 10 foot side yard setback in order to build a detached two story wooden 548 square foot accessory apartment structure is hereby granted with the condition that the accessory apartment structure be constructed exactly as described in



the plans submitted to this Board, subject to binding requirements of New York State Real Property Law and/or other applicable Laws.

The vote was announced as follows: Joanne Anthony, Aye, Peter Carberry, Aye Howard Harris, Aye, Tony Padalino, Aye, Linda Tiano, Aye.

**THE RESOLUTION WAS ADOPTED** by a vote of five in favor, none opposed, none absent, and none abstaining.

**4. REVIEW CASES RECEIVED/SCHEDULED for Meeting of September 27<sup>th</sup>**  
#07-1529. David Ekroth & Pat Horner. Peter Carberry will visit the site.

**5. OTHER**

Discussion of Case #07-1528 heard this evening: lot coverages, about vs in-ground pool, view shed, streams/stream erosion, setbacks, conditions of approvals, setting precedents, etc. Chairman Harris will discuss certain questions with the Building Inspector.

Chairman Harris moved to adjourn the meeting. Seconded by Ms. Tiano. Motion passed 5-0-0-0.

9/19/07: Draft e-mailed to members

10/1/07: 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 RAMON & TOBY SANCHEZ as  
REPRESENTED by MARK MCENERY, BROOKS & BROOKS, P.C.  
ZBA #07-1527 September 13, 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 #07-1527. The Application of RAMON & TOBY SANCHEZ as REPRESENTED by BROOKS & BROOKS, P.C., for property located at 40 GROVE ROAD, WILLOW, NY, a 82.35 acre parcel in both an R3 & R5 Districts for a variance from Area and Bulk Regulations, Minimum Yard Requirements, Section 4A-3F for a 11.3 foot infringement into a minimum required 50 foot side yard in order to construct a 1700 s.f, 2-story addition.

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.

**Due to a machine malfunction, the following minutes are gleaned from the Secretary's notes and recollections.**

**HEARING**

The Applicant, Ramon Sanchez and Mr. Mark McEnery, Brooks & Brooks, P.C., were present for the meeting. Mr. Sanchez is in the process of subdividing his 82.35 acre parcel into three lots: Lot #1, 6.28 acres, has an existing single family dwelling; Lot #2, 8.72 acres, has a proposed dwelling site, driveway and right of way and Lot #3, 67.35 acres has been offered to the NYC Department of Environmental Protection as part of their Land Acquisition and Stewardship Program for Watershed Protection.

Mr. Carberry visited the property and stated Mr. Sanchez applied for and was issued Building Permit, #05-12829 on 8/18/05 to legalize and complete construction of a 1700 square foot 2-story addition to the existing structure on Lot #1 51 feet from the minimum required 50 foot side yard. This permit has expired.

Mr. Sanchez did construct the 2-story addition as indicated on the original permit application but no Certificate of Occupancy was issued thereby creating an open violation.

In addition, the City of New York Department of Environmental Protection has re-surveyed Mr. Sanchez' original 82.35 acre parcel in regard to Lot #3 of 67.35 acres being offered to the city as a conservation easement. This re-survey caused minimum side yard requirements on Lot #1 to change and now an 11 foot, 3 inch side yard infringement into a minimum required 50 foot side yard is required.

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. Sanchez replied no.

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

Mr. Sanchez replied no as the structure and addition have already been built.

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

The requested variance is not 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. Contiguous neighbor, Robert Derwae called with no objection. Contiguous neighbor Antonio Lorio stated he is "against any variance being issued."

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

The Applicant's Representative signed and submitted the written statement attesting to the time frame for a decision 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 #07-1527 is now recessed to the call of the Chairman.

9/24/07: Draft e-mailed to ZBA Members

10/1/07: Final to ZBA, Planning Board, Building Inspector, Minutes Book, Chrono