

**ZBA MEETING MINUTES
AUGUST 9, 2007**

Having determined that a quorum is present, Chairman Howard Harris called to order the August 9th 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, Tony Padalino, Linda Tiano and the Secretary, Ann Brandt. Alternate Marie Lourenso was absent.

1. ADMINISTRATIVE MATTERS

-Changes/Additions to the Meeting Agenda. Chairman Harris verified that Members have copies of the "Conduct of Meetings."

-Approve Draft Meeting Minutes of July 26th. Chairman Harris moved to accept the minutes as submitted. Seconded by Ms. Tiano. Motion passed 5-0-0-0.

-Approve Draft Public Hearing Minutes of July 26th.

#07-1524. Alan Pizer and Anna Krawczyk. This application was postponed to August 9, 2007.

#07-1522. Town of Woodstock Youth Center Skate Park as Represented by Supervisor Wilber. This application was postponed to August 9, 2007.

2. PUBLIC HEARINGS SCHEDULED FOR AUGUST 9, 2007.

#07-1524. Alan Pizer and Anna Krawczyk. This application was withdrawn on August 9, 2007.

#07-1522. Town of Woodstock Youth Center Skate Park as Represented by Supervisor Wilber. This application was withdrawn on August 10, 2007.

#07-1525. Susan Barnett. This application was now heard.

3. DECISIONS AND ORDERS OUTSTANDING

There were none.

4. REVIEWED CASES RECEIVED/SCHEDULED for Meeting of August 23, 2007

#07-1526. Matthew & Ann Canzonetti as Represented by Kevin Conklin, North Engineers. File in members folders. Mr. Padalino will visit the site.

5. OTHER

- Secretary read an e-mail from Gary Cohen, 30 Neher Street, concerning a possible pool installation. To date, no such application has been received

-Discussion of structure/lot coverage which included mobile homes on wheels, accessory structures, etc.

-Discussion of the Public Hearing application as an Artist Studio or a Class B Home Occupation and, if granted, assure soundproofing and plantings on the Plochmann

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Lane side because of the proposed size of the structure. Reiteration of the wording of the application as to whether it is shed or an artist studio and the Zoning Law regarding noise levels.

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

8/15/07: Draft e-mailed to ZBA Members

8/27/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function, and its value is determined by the initial condition $f(0) = 1$.

2. In the second part, we consider the function $g(x)$ defined by the equation $g(x) = \int_0^x g(t) dt$. It is shown that $g(x)$ is a constant function, and its value is determined by the initial condition $g(0) = 1$.

3. Finally, we study the function $h(x)$ defined by the equation $h(x) = \int_0^x h(t) dt$. It is shown that $h(x)$ is a constant function, and its value is determined by the initial condition $h(0) = 1$.

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Ms. Anthony visited the property and asked if the proposed addition will have a bathroom or kitchen. It will not. The property is on Town Water but not Town Sewer.

Mr. Padalino asked where the 3 1/4 foot measurement came from? Ms. Barnett stated the measurement came from the plot plan that was submitted. Chairman Harris and Ms. Anthony stated it is more than 3 feet. Mr. Padalino asked the size of the final structure. Mr. Bartlett stated they are trying to make it into an acoustical, precise studio environment which requires a rectangle. To make the 20 foot addition, it will require the rectangle and an isolation booth within the rectangle for microphone recording. The isolation booth room will measure 10'x14'. Ms. Barnett stated they will jettison the entryway which was planned as 15'x6' area facing Plochmann Lane. It was determined the Building Department only submitted one set of design plans which did not indicate the proposed floor plan.

Chairman Harris stated the application will deal only with the 20'x20' addition. Any other changes will require a return to the ZBA. Mr. Padalino verified the studio will be used for Mr. Bartlett's personal use. There will be no employees assisting him. His company's name is "Auralgraffic". Mr. Padalino asked the type of sound proofing to be used and Mr. Bartlett replied acoustical sound proofing. Mr. Bartlett stated the a/c and heating will be handled by a "ductless" system. The addition will match the rest of the structure. The entry location has not been firmly agreed on.

Ms. Anthony verified that based on the proposed 20'x20' addition, the following variances will be needed: 1 ft. 7 in. into a minimum required 25 foot side yard and 7 foot infringement into a minimum required 50 foot rear yard and the application is instantly amended.

Mr. Carberry asked the distances between the proposed extension to the shed and the neighbors. Mr. Bartlett responded approximately 100+/- feet to the Veillette property in the rear. There is a vacant, wooded lot between them and the Munkacsi property and their present house is between the proposed structure and the Miller property.

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.

The response was no.

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

The response was no.

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 variances 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 owner, Joan Munkacsi, 12 Plochmann Lane, submitted an e-mail requesting the Board insure adequate soundproofing of the proposed space. That e-mail is now part of the record.

Chairman Harris read from the Town of Woodstock Zoning Law, Section 5A-1, Supplementary Regulations, General Performance Standards, concerning decibel levels during various times of day and stated if the variances are granted, the sound level limits must be adhered to.

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

The Applicant, Susan Barnett, 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 Joanne Anthony. Motion passed 5-0-0-0. There being no objection, this Hearing of Case #07-1525 is now recessed to the call of the Chairman.

8/14/07: Draft e-mailed to ZBA Members

8/27/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

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