

**ZBA MEETING MINUTES****May 24, 2007**

Having determined that a quorum is present, Chairman Howard Harris called to order the May 24, 2007 Meeting of the Zoning Board of Appeals. There being no objection, the action is adopted. Chairman Harris introduced the members present: Joanne Anthony, Peter Carberry, Howard Harris, Alternate Marie Lourenso, Tony Padalino, Linda Tiano and the Secretary, Ann Brandt.

1. ADMINISTRATIVE MATTERS

-Approve draft meeting minutes of May 10th and April 26th. Chairman Harris moved to accept the draft meeting minutes of May 10th as corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0. Chairman Harris moved to accept the draft meeting minutes of April 26th as corrected. Seconded by Ms. Tiano. Motion passed 5-0-0-0.

-Approve draft public hearing minutes of May 10th.

-ZBA Case #07-1517. Anthony Nicolich as Represented by Ate Ateema, Architecture. Chairman Harris moved to accept the draft public hearing minutes of this case as corrected. Seconded by Ms. Tiano. Motion passed 4-0-1-0.

-ZBA Case #07-1518. Robert & Joy Hausman. Chairman Harris moved to accept the draft public hearing minutes of this case as corrected. Seconded by Ms. Tiano. Motion passed 4-0-1-0.

2. PUBLIC HEARING SCHEDULED for MAY 24, 2007 was now heard.

#07-1516. Woodstock Guild as Represented by Les Walker. The Application of the WOODSTOCK BYRDCLIFFE GUILD as REPRESENTED by LES WALKER, ARCHITECT, for property located at 34 TINKER STREET, WOODSTOCK, NY, a 0.32 acre parcel in the Hamlet Commercial District, for an INTERPRETATION of Supplementary Regulations, Sign Regulations, Administrative Standards, Section V5C-2c as to whether a building facade band is a sign.

3. DECISIONS AND ORDERS OUTSTANDING

#07-1517. Anthony Nicolich as Represented by Ate Ateema Architecture. Chairman Harris moved to reopen the public hearing of this case for the purpose of voting. Seconded by Ms. Tiano. Motion passed 5-0-0-0. Chairman Harris moved to close the public hearing of this case. Seconded by Ms. Tiano. Motion passed 5-0-0-0.

RESOLUTION: Based upon the Standards for Consideration of Area Variances, Area Variances from the Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Minimum Yard Requirements, Section 4A-2f, for a 34 foot infringement into a minimum required 75 foot side yard setback in order to replace an existing garage with a living

room, deck and mudroom and for a 4 foot infringement into a 75 foot minimum required side yard in order to construct a dormer on the main house where 8 square feet of said dormer infringes are hereby granted, and 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.

#07-1518. Robert & Joy Hausman. Chairman Harris moved to reopen the public hearing of this case for the purpose of voting. Seconded by Ms. Tiano. Motion passed 5-0-0-0. Chairman Harris moved to close the public hearing of this case. Seconded by Ms. 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, Section 4K-2b for a 15 foot infringement into a minimum required 50 foot rear yard, in order to install a 35 foot, 6 inch by a 22 foot, 5 inch in-ground pool, is hereby granted with the condition that natural screening is planted and maintained along the western border of the property 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 June 14, 2007

There will be no ZBA meeting on June 14th. Board Members will be attending the Ulster County Planning Seminar Series.

5. OTHER

-Discussion of public hearings heard this date—ZBA Case #07-1516. Reviewed definitions under the Zoning Law's Sign Regulations, page 87 and 88 as they might pertain to this case.

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

5/31/07: Draft e-mailed to ZBA Members

7/3/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

1. The first part of the paper discusses the importance of the study of the history of the English language. It is argued that the study of the history of the English language is not only a matter of academic interest but also of practical importance. The paper then goes on to discuss the various factors which have influenced the development of the English language over the centuries. These factors include the influence of other languages, the influence of social and cultural changes, and the influence of technological advances. The paper concludes by stating that the study of the history of the English language is a fascinating and important field of study.

2. The second part of the paper discusses the importance of the study of the history of the English language. It is argued that the study of the history of the English language is not only a matter of academic interest but also of practical importance. The paper then goes on to discuss the various factors which have influenced the development of the English language over the centuries. These factors include the influence of other languages, the influence of social and cultural changes, and the influence of technological advances. The paper concludes by stating that the study of the history of the English language is a fascinating and important field of study.

3. The third part of the paper discusses the importance of the study of the history of the English language. It is argued that the study of the history of the English language is not only a matter of academic interest but also of practical importance. The paper then goes on to discuss the various factors which have influenced the development of the English language over the centuries. These factors include the influence of other languages, the influence of social and cultural changes, and the influence of technological advances. The paper concludes by stating that the study of the history of the English language is a fascinating and important field of study.

**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS
PUBLIC HEARING on the APPLICATION OF THE WOODSTOCK BYRDCLIFFE
GUILD as REPRESENTED by LES WALKER, ARCHITECT
ZBA #07-1516**

May 24, 2007

ZBA Members Present: Joanne Anthony, Peter Carberry, Howard Harris, Marie Lourenso, Alternate, 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 #07-1516. The Application of the WOODSTOCK BYRDCLIFFE GUILD as REPRESENTED by LES WALKER, ARCHITECT, for property located at 34 TINKER STREET, WOODSTOCK, NY, a 0.32 acre parcel in the Hamlet Commercial District, for an INTERPRETATION of Supplementary Regulations, Sign Regulations, Administrative Standards, Section V5C-2c as to whether a building facade band is a sign.

The Application was instantly amended to remove the V5C-2c and substitute 5C-2c and the Application is amended for an Interpretation of Section 15A, Definitions, pertaining to signs.

This Application was sent to the UCPB on April 2, 2007. No response has been received to date.

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 Representatives, Les Walker, Architect, Frances Halsband, Board of Directors Member, Carla Smith, President and Technical Director/Board Member of the Woodstock Guild were present for the meeting and stated the Planning Board and Commission for Civic Design want an Interpretation of the band to tie the three buildings together to understand it better. Mr. Walker stated: "since the last review of this overall project by the ZBA, the sign has been reduced by half in height, painted blue instead of white which separates it from the building a bit and we have shown we're going to put temporary signs, when we put a temporary sign up, instead of the mismatch we now have, we're going to have temporary signs the same height as the band and have a 'turn button' system so that the sign will look like part of the band."

Mr. Carberry visited the property and his questions follow. What kind of material will the band be made of? Mr. Walker responded "at the moment, it is planned to use a

waterproof, plastic material (Sintra or Komatex) that will withstand decaying in the weather. It will be installed by an awning manufacturer with a galvanized pipe structure. The vertical panels will be attached to that structure in a curving path. On top of that, we are going to put a nice, clean, easily bendable plastic covering material."

Mr. Carberry asked what about the materials for the letters? Mr. Walker responded "they'll be computer cut from the same material as the letters on the Woodstock Playhouse, about 1-inch thick plastic, attached to the band by screws approximately 1 ½ inches from the band. We are hoping to get an awning manufacturer to create a steel, tubular structure that will be attached to the structure."

Mr. Carberry asked about measurements: what is the measurement of the band at its furthest away from the building and its closest. Mr. Walker responded "the band will be 5 feet at its farthest and 0 feet (touching the building 7 times)-the average would be about 2 ½ feet. The length and width of the band follows. The width is 21 inches and the length is 65 feet. Regarding the lettering length and width - 16 feet by 8 inches but the Guild which equals 10 feet but they can have up to 25 feet in a wall sign. Only the lettering is a sign." **Chairman Harris then stated: the Interpretation they want is whether the whole thing is a sign or just that small area where the lettering is located.**

Ms. Halsband submitted two photos which are now part of the record showing examples of similar band/facade across the structure: the old Woodstock Town Hall and Jean Turmo's operation.

Mr. Carberry asked how wide each letter will be and Mr. Walker responded 8 inches by 8 inches. Mr. Carberry asked the space between each letter and Mr. Walker responded 1/4 to 3/8 of an inch. Mr. Carberry asked the space between the words and Mr. Walker responded </- 8 inches. Mr. Carberry asked about the temporary sign and Mr. Walker responded the temporary sign will be attached with grommets and the sign will be approximately 8 feet long and 21 inches high. There will be no lighting for the sign.

Mr. Padalino confirmed the following: length of the band as 65 feet, to allow more of a view of the structure itself, and the band will have letters only 21 inches high. Only one temporary sign at a time? Maybe twice a year, extra (maybe two) temporary signs will be put up using the grommets to hold them to the band. The signage has to be up at least two weeks prior to the performance. The band is to tie the buildings of the facility together. Mr. Padalino confirmed that the Guild is a non-profit organization. Mr. Carberry asked if the bottom of the side band is now higher off the ground. Mr. Walker's response was </-8 feet.

Ms. Anthony asked the location of the name sign (Woodstock Byrdcliffe Guild) and it is proposed to be located over the reconfigured entrance. The signage presently on the front of the portico will be replaced with the sign on the band and the chalk-like board

will be replaced with a window. Chairman Harris asked the length of the curled material at each end of the band. Mr. Walker responded about 8 feet in length.

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 no responses.

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

Chairman Harris moved to recess the public hearing of this case. Seconded by Ms. Tiano. Motion passed 5-0-0-0. There being no objection, this Hearing of Case #07-1516 is now recessed to the call of the Chairman.

At this point, Chairman Harris moved to reopen the recessed public hearing of this case. Seconded by Ms. Tiano. Motion passed 5-0-0-0. Chairman Harris immediately amended the application to include if the band is a sign, a variance is needed from Supplementary Regulations, Section VB-5c for a sign that is larger than required by the Zoning Law.

At this point, Ms. Schwartzberg spoke in favor of the application

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. Walker responded no.

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

Mr. Walker responded no.

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.

Discussion of the fact that the Guild also has to appear before the Planning Board before the next ZBA Meeting. FYI: note as follow submitted with the application "will be unable to attend meeting on 5/10. Please assign to next meeting (sic ZBA)"

Chairman Harris moved to recess the reopened public hearing of this case. Seconded by Ms. Tiano. Motion passed 5-0-0-0. There being no objection, this Hearing of Case #07-1516 is now recessed to the call of the Chairman.

6/20/07: Draft to ZBA via e-mail

7/5/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

NOTE: This Application was withdrawn on May 25, 2007. Letter in case file.