

**ZBA MEETING MINUTES
MAY 10, 2007**

Please be advised that due to a malfunction of the recording device the following meeting minutes are incomplete. Any additions/corrections are appreciated.

Having determined that a quorum is present, Chairman Howard Harris called to order the May 10, 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 (arrived later), Howard Harris, Alternate Marie Lourenso, Tony Padalino and Linda Tiano. Ms. Lourenso will act as Secretary since Ann Brandt is on vacation.

1. ADMINISTRATIVE MATTERS

- Changes/Additions to the Meeting Agenda.
- Approve draft meeting minutes of April 26, 2007
- Approve draft public hearing minutes of April 26, 2007
 - #07-1513. Taconic DDS26 Center as Represented by J. Costa
 - #07-1514. Jerome and Natalie Margolis as Represented by William Dailey, Tivcorp, Inc.
 - #07-1515. Henry Gallo as Represented by Elizabeth Corrado, Esq.

2. PUBLIC HEARINGS SCHEDULED FOR MAY 10, 2007

- #07-1517. Anthony Nicolich as Represented by Ate Aterna Architecture.
- #07-1518. Robert & Joy Hausman

3. DECISIONS AND ORDERS OUTSTANDING

#07-1513. Taconic DDSO as Represented by Joseph Costa. Chairman Harris moved to reopen the recessed 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, Minimum Yard Requirements, Section 4A-5g for a 14 foot infringement into a minimum required 25 foot rear yard, in order to install a prefabricated 8 foot x 20 foot shed for storage purposes WITH THE CONDITION that conifers (trees) are planted and maintained along the east side of the property is hereby granted , subject to binding requirements of New York State Real Property Law and/ or other applicable Laws.

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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 essential for a full understanding of the language and its development. The paper then goes on to discuss the various factors that have influenced the development of the English language, including the influence of other languages, the influence of social and cultural changes, and the influence of technological advances.

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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.

#07-1514. Jerome and Natalie Margolis as Represented by William Dailey, Tivcorp, Inc. Chairman Harris moved to reopen the recessed 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, Appendix A, Personal Wireless Service Facilities and Towers and Repeaters, General Requirements, Section 6B-17e(1), in order to install a low power, FCC approved, license exempt antenna for broadband wireless repeater on the roof of the residence, where a 50 foot distance from the residence is required and 21 feet from the ground, where 25 feet is required, is hereby granted, with the condition that the applicant's representative, Webjogger, comply with all of the Planning Board's requirements, 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.

#07-1515. Henry Gallo as Represented by Elizabeth Corrado, Esq. Chairman Harris moved to reopen the recessed 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, Supplementary Regulations, Fences, Walls and Gates, Section 5D-1, to legalize a 6 foot fence in the front yard where only a 4 foot fence is allowed. is hereby denied, 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.

2. PUBLIC HEARINGS SCHEDULED FOR MAY 24, 2007:

#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.

4. REVIEW CASES RECEIVED/SCHEDULED for JUNE 14, 2007. This meeting has been cancelled. ZBA Board Members will be attending the Ulster County Planning Seminar Series on that date.

5. OTHER

- Consensus of public hearings
- Sibner extension approved.
- Any other matters that may properly come before the Board.

5/22/07: Abbreviated Draft e-mailed to Members

5/29/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

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**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS
PUBLIC HEARING of ANTHONY NICOLICH as REPRESENTED by ATE ATEMA
ZBA #07-1517
May 10, 2007**

ZBA Members Present: Joanne Anthony, Howard Harris, Marie Lourenso,
Alternate, Tony Padalino, Linda Tiano

ZBA Members Absent: Peter Carberry

Because of a recording machine malfunction, the following are from Ms. Anthony's notes.

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

7:15 pm. ZBA #07-1517. The Application of ANTHONY NICOLICH as REPRESENTED by ATE ATEMA, ARCHITECT, for property located at 182 VAN DALE ROAD, WOODSTOCK, NY, a 26.85 acre parcel in an R5 District, for a variance from 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 attached garage with a livingroom.

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

Ate Ateama, the architect represented the owner. He presented the plans showing the existing garage and the new replacement room and breezeway. This will be a large living room. The height of the new living room will be 5' higher than the original house but still within the height requirement. The old chimneys will be replaced with one chimney which will consist of a pair of 10" pipes to be used for all the heating in the house. The dormer to be installed in the existing house will be at the front of the house and only 8' square feet of the dormer will infringe 4' into the required side yard setback. Mr Ateama stated that they wanted to put vines on the breezeway to mimic a greenhouse and the Board spoke about "deer food" and questioned the use of invasive vines on a house.

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.

This Board cannot foresee any undesirable change in the character of the neighborhood or detriment to nearby properties if this request were granted because the house is in disrepair and this will upgrade the structure to make it more suitable with other structures in the area.

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

This Board finds that there is no other feasible method by which the benefit sought could be achieved without obtaining a variance because the existing garage already is in the required side yard.

3. Whether the requested area variances are substantial.

This Board has determined that the requested area variances are not substantial as the new structure is a slightly smaller footprint than the existing garage and only 8 square feet of the dormer is infringing into the side yard.

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

This Board finds that the proposed variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and that the proposed use is an ordinary and reasonable use of the property in the neighborhood and would result in no increase in noise, dust, smells or sight obstruction. The Zoning Board of Appeals cannot project any potential adverse effect on available municipal, county and state facilities and services if these area variances are granted.

5. Whether the alleged difficulty was self-created.

A hardship is self-created where the Applicant for a variance knows, or should have known, of the restrictions from which relief is sought at the time of the application. 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 these requested area variances.

Ms. Lourenzo read the roll call of contiguous neighbors.

The Chairman asked if there were any other questions or comments from the Board or Public.

The Applicant's Representative was sent a written statement attesting to the time frame

for a decision. The Applicant's Representative has not returned said statement and will be sent a new one.

Chairman Harris moved to recess the public hearing of this case. Seconded by Ms. Tiano. Motion passed 4-0-1-0. There being no objection, this Hearing of Case #07-1517 is now recessed to the call of the Chairman.

5/22/07: Draft copy to ZBA Members

530/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono

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**MINUTES OF THE TOWN OF WOODSTOCK ZONING BOARD OF APPEALS
PUBLIC HEARING on the APPLICATION of ROBERT & JOY HAUSMAN
ZBA #07-1518
May 10, 2007**

ZBA Members Present: Joanne Anthony, Howard Harris, Marie Lourenso,
Alternate, Tony Padalino, Linda Tiano

ZBA Members Absent: Peter Carberry

Because of a recording machine malfunction, the following will be submitted by Ms. Tiano from her notes.

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

7:30 pm. ZBA #07-1518. The Application of ROBERT & JOY HAUSMAN, for property located at 295 MEADS MT. ROAD, WOODSTOCK, NY, a 1.99 acre parcel in an R5 District, for a variance from Area and Bulk Regulations, Modification of Required Yards, Section 4K-2b for a 35 foot infringement into a minimum required 50 foot rear yard setback and Section 4K-2b for a 10 foot infringement into a minimum required 25 foot side yard setback in order to install a 35 foot, 6 inch by 22 foot, 5 inch in-ground pool.

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 Applicants, Robert & Joy Hausman, were present for the meeting and stated there is only a limited area in the rear yard to place the pool due to topographical restrictions, there is limited visibility of the pool by adjacent neighbors and there will be no ancillary pool structures supporting the pool.

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.

No, due to the limited visibility from and by adjacent neighbors and pools are common in the area.

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

No, due to the topography of the site and limited yard size.

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.

Ms. Lourenso read the roll call of contiguous neighbors. Two letters from contiguous neighbors were received: one from the Weidenbacher Family and one from David Gubits, both in favor of granting the variance.

The Chairman asked if there were any other questions or comments from the Board or Public.

The Applicants were given a written statement attesting to the time frame for a decision. The Applicants will be sent another copy of the statement for their signature to be made part of the record.

Chairman Harris moved to recess the public hearing of this case. Seconded by Ms. Tiano. Motion passed 4-0-1-0. There being no objection, this Hearing of Case #07-1518 is now recessed to the call of the Chairman.

5/22/07: Abbreviated Draft e-mailed to ZBA Members

5/30/07: Final to ZBA, Building Inspector, Planning Board, Minutes Book, Chrono