

## Main Identity

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**To:** "judy peters" <jpeters@woodstockny.org>  
**Cc:** "PSSGMARIE" <PSSGMARIE@aol.com>  
**Sent:** Wednesday, April 02, 2008 6:49 PM  
**Subject:** ZBA 3/27 final

### **ZBA MEETING MINUTES March 27, 2008**

Having determined that a quorum was present, Chairman Howard Harris called to order the March 27th Meeting of the Zoning Board of Appeals. Seconded by Linda Tiano. There being no objection, the action was adopted. Chairman Harris introduced the members present: Tony Padalino, Joanne Anthony, Linda Tiano, Peter Carberry, Howard Harris. Absent: Secretary/Alternate Marie Lourenso

#### **1. ADMINISTRATIVE MATTERS**

- **Changes/Additions to the Meeting Agenda.** There were no changes to the meeting agenda.
- **Approve Draft Meeting Minutes of March 13<sup>th</sup>.** Chairman Harris moved to accept the draft ZBA meeting Minutes of March 13<sup>th</sup> as submitted. Seconded by Linda Tiano. Motion passed 5-0-0-0.
- **Approve Public Hearing Minutes of March 13<sup>th</sup>.**

**#08-08. Eric Willmer.** Chairman moved to accept the draft public hearing minutes of this case as submitted. Seconded by Linda Tiano. Motion passed 5-0-0-0.

**#08-07. Abbe Aronson.** Chairman Harris moved to accept the draft public hearing minutes of this case as submitted. Seconded by Linda Tiano. Motion passed 5-0-0-0.

**#08-06. Milton Holsapple.** Chairman Harris moved to accept the draft public hearing minutes of this case as submitted. Seconded by Linda Tiano. Motion passed 5-0-0-0.

#### **3. DECISIONS & ORDERS OUTSTANDING**

**#08-06. Milton Holsapple.** Chairman Harris moved to reopen the recessed public hearing of this case for the purpose of voting. Seconded by Linda Tiano. Motion passed 5-0-0-0. Chairman Harris moved to close the public hearing of this case. Seconded by Linda Tiano. Motion passed 5-0-0-0.

One change was made to the language of the Resolution, to wit: "minimum required 50 ft. side yard to construct a 24' by 38' by 22'+/- high."

**RESOLUTION:** Based upon the standards for consideration of Area Variances, and Area Variances from the Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Minimum Yard Requirements, Section 4A-3F, for a 30 ft. infringement into the minimum required 50 ft. side yard in order to construct a 24' by 38' by 22'+/- high two-and-a-half storey garage, is hereby granted, subject to the binding requirements of NYS 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.

#### **#08-07. ABBE ARONSON.**

Chairman Harris moved to reopen the recessed public hearing of this case for the purpose of voting. Seconded by Linda Tiano. Motion passed 5-0-0-0. Chairman Harris moved to close the public hearing of this case. Seconded by Linda Tiano. Motion passed 5-0-0-0.

**RESOLUTION:** Section One: 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-2G, as amended for a 39 foot infringement into a minimum required 75 foot side yard, and a 52 foot infringement into a minimum required 75 foot side yard, in order to legalize a previously installed pool and concrete patio, are hereby granted, with the condition that plantings, conifers, and a 6 foot high fence, measured from grade to top of fence, of sufficient length to mitigate noise emanating from the pool area, be installed along the north property line, and to sound-proof an existing pool pump housing, subject to binding requirements of NYS Real Property Law and/or other applicable laws.

**RESOLUTION:** Section Two: Based upon the standards for consideration of Area Variances, Area Variances from the Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Fences, Walls, & Gates, Section 5D-4, to allow the existing fence to be within a required 20 foot setback, is hereby denied.

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.

**#08-08. ERIC WILLMER.** Chairman Harris moved to reopen the recessed public hearing of this case for the purpose of voting. Seconded by Linda Tiano. Motion passed 5-0-0-0. Chairman Harris moved to close the 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, Area Variances from the Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Minimum Yard Requirements, Section 4K-2B for a 15 foot infringement into a minimum required 25 foot side yard to construct a 261 sq. ft. deck, is hereby granted subject to binding requirements of NYS 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.

## **CONSENSUS DISCUSSION**

1. Regarding Muckelbauer/Berry case, Members thought it was an acceptable project.
2. Regarding H. Houst & Sons case, new information had been received, so Chairman suggested two choices: ZBA can have consensus and take it in two weeks; or Members can read the lawyers' remarks, maps, etc., and then notify Ms. Anthony of their opinions. It was decided that everyone will call Joanne.

## **4. REVIEW CASES RECEIVED/SCHEDULED FOR APRIL 10, 2008 MEETING**

Case #08-10 Curry and Cinnamon Rinzler; Ms. Anthony

Case #08-11 Tracy and Michael O'Connell; Mr. Carberry

Case #08-13 Kennedy; Ms. Tiano

Chairman Harris moved to adjourn the meeting at 8:50 pm. Seconded by Linda Tiano. Motion passed 5-0-0-0.