

Main Identity

From: "EILEEN FAY" <emefay@msn.com>
To: "PSSGMARIE" <PSSGMARIE@aol.com>; "ranthony" <ranthony@hvc.rr.com>; "Tony Padalino" <tpadalino@hvc.rr.com>; "einsteinpete carberry" <einsteinpete@hvc.rr.com>; "linda tiano" <lindatiano@earthlink.net>; "judy peters" <jpeters@woodstockny.org>
Sent: Thursday, July 03, 2008 10:44 AM
Subject: Fw: ZBA June 26 - final

----- Original Message -----

From: EILEEN FAY
To: Howard harris
Sent: Thursday, July 03, 2008 10:41 AM
Subject: ZBA June 26 - final

ZBA MEETING MINUTES, JUNE 26, 2008

Having determined that a quorum was present, Chairman Howard Harris called to order the June 26th 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: Joanne Anthony, Peter Carberry, Linda Tiano, Howard Harris, Tony Padalino, Secretary/Alternate Marie Lourenso.

1. ADMINISTRATIVE MATTERS

- **Changes/Additions to the Meeting Agenda.** There were two changes to the agenda. Tomorrow is Mary Padalino's birthday. Also, today was the 45th anniversary of Chairman Harris's magnificent swearing-in as a police officer.

- **Approve Draft Meeting Minutes of June 12th.** Chairman Harris moved to accept the draft ZBA Meeting Minutes of June 12nd as submitted. Seconded by Linda Tiano. Motion passed 5-0-0-0.

- **Approve Draft Public Hearing Minutes of June 12th.**

#08-20. Kevin MacKenzie. The minutes were amended to say that the Application was sent to Ulster County Planning Board. Chairman Harris moved to accept the draft public hearing minutes of this case as corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0.

#08-21. Photosensualis Group, LLC. The minutes were amended to say that the Application was sent to Ulster County Planning Board. Chairman Harris moved to accept the draft public hearing minutes of this case as corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0.

#08-22. 138 Tinker Street, LLC. There were a number of amendments to the minutes of this case. Chairman Harris moved to reserve decision on these minutes until such time as they could be checked comprehensively. Seconded by Linda Tiano. Motion passed 5-0-0-0. Later in the meeting, after the tape had been listened to, Chairman Harris confirmed these corrections: 1) The application for this case was sent to the UCPB. 2) Ms. Tiano had stated that she is "not a contiguous neighbor or owner of property next to 138 Tinker Street." 3) Mr. Padalino had asked if applicant is putting pavement on "the strip," not on "Woodstock land." 4) There was a communication from a Charlotte Hamley. Chairman Harris moved to accept the public hearing minutes of this case as now corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0.

#08-23: Chris Maxwell. The minutes were amended to say that the Application was sent to Ulster County Planning Board. Chairman Harris moved to accept the draft public hearing minutes of this case as corrected. Seconded by Linda Tiano. Motion passed 5-0-0-0.

3. DECISIONS & ORDERS OUTSTANDING.

#08-20. Kevin McKenzie.

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, an Area Variance the Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Modification of Required Yards, Section 4K-2a, for a 12' infringement into a minimum required 50' side yard, and Section 4K-2a, as modified by Section 4K-1, for a 25' infringement into a minimum required

50' front yard in order to construct an 11' x 20' arbor design structure with the condition that it will be used only for storage of equipment, are 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.

#08-21. Photosensualis, LLC.

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, an Area Variance Zoning Law of the Town of Woodstock, Supplementary Regulations, Design Standards for Off-Street Parking Spaces, Section 5B-2b, in order to allow two existing parking spaces in a required front yard, is hereby granted, with the condition of written approval from Kevin Hunter, Water and Sewer Department, as requested from the applicant by the ZBA. 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.

08-23. Chris Maxwell.

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, an Area Variance Zoning Law of the Town of Woodstock, Area and Bulk Regulations, Modification of Required Yard, Section 4K-2d, as modified by Section 4K-1, for a 75' infringement into a minimum required 100' front yard setback, in order to construct a 20' x 20', two-story addition to the residence, 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.

4. REVIEW CASES RECEIVED/SCHEDULED FOR 7/10/08 MEETING

#08-28. Maggio; Mr. Carberry.

Mr. Carberry noted that he will not be present for the July 24th meeting.

5. OTHER - ANY OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

ZBA Case #07-1528. Discussion of the Application of Leonard & Tanya Farber, as represented by Howard Rifkin.

Chairman Harris said that he had gotten the impression from Mr. Rifkin's statements regarding the part of the pool facing south, that the topography would be excavated so the grade would be even with northern side of pool. Chairman Harris had expected the pool to be straight with the northern side, into the hillside, and no berme. He had gone on a second site visit with Ms. Tiano, pertaining to the fence, and there had realized that the pool was not done as projected.

There was a 4 - 5 foot height off the grade, i.e., a berme.

Mr. Rifkin had also stated in the minutes that possibly one pine tree might be trimmed or cut down. However, 7 trees were removed, 5 of which are obvious, on the Farber-Henderson property line. Two other trees were partially hidden by the berme. The rationale for this, Chairman Harris continued, is based upon a letter from LA Tree Removal, which stated that the 5 trees were dying or dead. Regardless of this, there are at least two, or possibly one, tree under the berme, that should not have been cut down.

Chairman asked if other Members had any input. Ms. Anthony said the pool drains into the stream. Chairman Harris said at the first meeting they had been told the pool would be in excess of 100 feet from the stream. Now, it seems that the pool is less than 100 feet.

Given these three points - the level of the pool, the extra trees cut, and the distance discrepancy - Chairman Harris thought the ZBA should re-hear this case.

Mr. Padalino pointed out that even though the lot coverage was the same, there is a big visual difference for the neighbors. The pool was supposed to be dug into the hill with a retaining wall.

The drawing by Todar showed the original grade and the berme. There was about six feet of dirt on top of solid rock as a berme. The neighbor across the street will see a six foot wall. The topography is changed. Visual impact has changed substantially, he concluded.

Chairman Harris moved to hold a re-hearing for this application. Seconded by Ms. Tiano. Motion passed 5-0-0-0.

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

Chairman moved to adjourn at 9:45. Seconded by Ms. Tiano. Motion passed unanimously.