TOWN OF WOODSTOCK, NY ZONING BOARD OF APPEALS

45 Comeau Drive, Woodstock NY 12498 Tel: (845) 679-2113, Ext. 14 • Fax: (845) 679-8743

Colony of the Arts E-mail: zba@woodstockny.org
Website: woodstockny.org

Woodstock Zoning Board of Appeals

45 Comeau Drive

May 28th, 2026

7:00 PM Town Offices, 45 Comeau Drive

ZOOM only for listening purposes

MEETING MINUTES

Chairperson Judith Sillato called the meeting to order at 7:00 pm, second by Gregg Goodbrod. Members present Greg Goodbrod and Howard Harris. Joseph Belluck and Martin Mills were absent.

1. ADMINISTRATIVE MATTERS

MINUTES APPROVAL- Chairperson Judith Sillato mentioned there were no meeting minutes to vote on at this time. All voted aye.

CHANGES/ADDITIONS TO MEETING AGENDA – no changes were made.

2. PUBLIC HEARINGS SCHEDULED for May 28th, 2026

ZBA Case # 26-08 Application of Patricia Billard, for property located at 167 Broadview Road, Woodstock, NY 12498, a 3.07 acre parcel located within a R5 Zoning District, for variances from the Zoning Law of the Town of Woodstock, Article IV, Area & Bulk Regulations, Modification of required yards, Section 260-26 B (3) (c) for a 30 foot infringement into a required 50 foot side yard setback in order to construct a detached deck and swim spa.

Chairperson Sillato made a motion to open ZBA Case # 26-08 second by Greg Goodbrod, all voted aye. Ms. Billard was present and stated she had signatures from two of her neighbors stating they approve of the project and gave it to Chairperson Sillato for the file. Ms. Billard had a permit approved of 25 feet but then it was taken back because once the person who came to level ground to put the swim spa in said they needed another 5 feet for safety and slope reasons and the fact that there is so much rock, most of her land is not usable or level, so there isn't really another place where she can put it. It also has to be close enough to the house. Where it is now 20 feet is what they are asking for, it's not close to the neighbor's house. They have a private driveway up far away from her house and it would be protected and sheltered from them. It needs to be on stable terrain for safety reasons such as safety risks associated with the slope, stability and drainage concerns. The adjustments are

minimal, not altering any essential character of the neighborhood or negatively affecting neighboring properties. It won't create any visual impact for anyone due to the natural topography and the existing landscaping screening which there already is. She is going to have some decorative willow fence also to add to that. Approving the variance would actually reduce the disturbance of the land because the new placement requires less excavation and site alteration. This is not intended to increase density or expand any use of the property. It is the least intrusive and most environmentally responsible option available. She handed a picture of the plan as it is to the members present. The reason why she wants a swim spa and sauna is she has osteoarthritis and so it would be really helpful for her to have, she couldn't afford a pool. Howard Harris asked what a swim spa was. Ms. Billard answered it is a jacuzzi that has a swim mechanism against a current. There will be a deck around it. Howard Harris asked what the depth was? Ms. Billard answered 4 feet, and it has a safety lock cap that will always be on it when it is in use. Chairperson Sillato stated there is nothing that shows the board where Broadview is and she saw something about another road. Is there another road? Ms. Billard answered yes Red Mountain Road is her neighbor's private road that goes right by her property behind it. She showed the members where her house, the driveway, Broadview Road and the private road were located on a site map. Chairperson Sillato stated that in her application it was going to be in a side yard and the way the building inspector wrote it was in a rear yard. Ms. Billard stated that at this point it didn't matter because they are saying 50 feet all around. You can go in either door, so it depends on how you are looking at it. When you walk up to her house there is a door to the entrance and there is also a door on the side which she uses also. Chairperson Sillato stated it is important to know where the front of the house is, even though it doesn't make a difference in terms of the easement because she is going to get the 20 feet or whatever she is looking for. But when the board writes the decision up they are going to give a variance for either the side or the rear yard and they don't want to give her the wrong one because that's not where she wants to put it. Ms. Billard said she would agree with what the building inspector said and call it a rear yard because that is the door that she walks in through the most. Howard Harris mentioned it isn't the door she walks in and out of it's the relationship to the road, where the house faces. Ms. Billard said then it's the front. Chairperson Sillato stated the building inspector said it was the rear yard. Chairperson Sillato said she thought it was the side yard. Ms. Billard stated she agrees with the building inspector it is the rear yard. The orientation of the house to the road is what is important not the door you go in and out of. Greg Goodbrod asked if there would be any changes to the septic or well for this? Ms. Billard answered no, just to the electric. Chairperson made a comment about the site plan not showing the setbacks, they aren't seeing the property lines. Normally the site plan shows the building/house, and normally there would be a line somewhere that says 50 feet, that is not on the one handed in as part of the application. Ms. Billard said the one she submitted was the original where she got the permit for the 20 feet but then they said no now you need 5 more feet. There is a fence there and then it turned out to be 30 feet. Chairperson explained the process to the applicant. Howard Harris mentioned she had an undersized lot, that's why there are problems with the dimensions, because she is in a 5 acre zone and she only has 3 acres. There were no more questions from the board.

Greg Goodbrod read the names of the contiguous neighbors: William Rothberg; Four Square Holdings; Sharon Rousseau and The trust c/b Mark B. Tereck.

No neighbors were present and no written communications were received.

Chairperson Sillato made a motion to close the public hearing of ZBA Case #26-08, second by Greg Goodbrod. Chairperson Sillato made a motion to recess ZBA Case # 26-08, seconded by Greg Goodbrod. All voted aye.

*****

ZBA Case # 26-09 Application of Nan Schmid and Steve Johnson, as represented by William Wallace of PO BOX 98, Bearsville, NY 12409, for property located at 21 Blues Quarry Road, Woodstock, NY, 12498 a 22.9 acre parcel located within a R3 Zoning District, for a variance from the Zoning Law of the Town of Woodstock, Article V, Supplementary Regulations, Section 260-32 D 3 (a) (f) to install an 8 foot high fence to enclosed the primary residence and partially in the front yard.

Mr. Wallace the representative, was present and mentioned he is also the contractor and explained someone bought land adjacent to Mrs. Schmidt and Mr. Johnson's property, they are building and it is a chaotic scenario. They just want privacy; they want to build a deer fence to give that feeling of security since the neighbor is a little all over the place. Chairperson Sillato stated with twenty-two acres they have a neighbor close to them? Mr. Wallace answered by saying they own the shared driveway, all the way to Baumgarten Road. He showed the members where the fence would be located on a site map. To him it doesn't seem like a big deal. He continued showing the members where a short road was, where the neighbor is building two houses was and where a creek is located. All the neighbors are upset because of this new construction taking place. Chairperson Sillato asked him if he had asked the building department about these two houses being built on one property. He answered that wasn't his job, he was only here to speak on the property owner's behalf. A neighbor wrote a letter and sent it to the Planning board, and it said they didn't feel great about the project either, the construction is on the road. What the property owners want is a deer fence, a driveway gate and a deer fence along the right of way. Chairperson Sillato asked if the neighbors didn't have access to the road? Mr. Wallace answered they did have access to the road, they were not blocking off access. He also showed the board members the second adjacent parcel they owned and the big driveway and the neighbor is ok with them putting the fence along the edge between the road and the right of way. Howard Harris asked where did the road lead too? Mr. Wallace answered all the way up to Baumgarten. He then showed the members on the site plan where the fence would be placed along the property and end it at the creek. They could go past the creek because they have the neighbors allowance to do so but he doesn't want to build through there. The fence is going to go along the front of the neighbor's property. Mr. Wallace answered, yes but they own 50 feet so it is like right along the edge of the neighbor's property. All members were lost at this point so Mr. Wallace explained they wanted to put the fence in because the neighbors and them are friends. Howard Harris asked what way inside of the property did the 50 feet that they owned go? Mr. Wallace asked them to look at another map and if they scale it, it would say 50 feet. It's not a right of way they own the strip. Technically they aren't going to build the fence on their property it would be just in front of it. There is a 5-foot setback. Chairperson Sillato asked where the front of their house was, because what came up was that some of it was in their font yard. Mr. Wallace showed the board members where the front of the house was on the site map and where it was facing. Chairperson Sillato asked where were they putting

the fence over on the side. Mr. Wallace answered, they weren't putting a fence there. They were deciding to put a deer fence to block whatever from a point in their property (shown on the map) and then along their driveway. So they don't even need approval from the neighbor but they are in support of it anyway. Chairperson Sillato mentioned on the application it stated they were enclosing the house but it's not. Howard Harris stated they are going to go 5 feet from the property line and take up part of the right of way. Mr. Wallace answered yes, it is an ownership. Chairperson Sillato mentioned somebody else drives on it, so someone else has a right of way to drive on it. Nobody else is coming in there because it is at the end of the road. There is another driveway past the point of the property for another property. So they aren't blocking the driveway. Howard Harris mentioned it isn't a right of way because there are no other houses. Chairperson Sillato asked if he knew how long the fence was? Mr. Wallace answered 900 feet total fence. Chairperson Sillato asked what the fence would be made of. Mr. Wallace answered 2 by 4 wire with metal posts and 8 foot high. Butch flagged it because he stated it needed to be 4 feet. Chairperson Sillato responded by saying, because Butch stated it is in the front yard. Chairperson Sillato asked what the point of the fence was, since it wasn't going to change the visual. Mr. Wallace answered they want some kind of delineation, they don't feel the other neighbor is respectful. Chairperson Sillato explained they are allowed to have a fence surrounding a garden and it can be 8 feet, but she doesn't honestly know how it would apply to this. Howard Harris asked if 6 feet would do? Mr. Wallace stated he would imagine 6 feet would do. He knows deer can jump 6 feet. Chairperson Sillato mentioned they aren't enclosing the property. In his opinion he doesn't see 6 feet high being an issue, he believes it would be a good compromise. It all depends on what the client/property owners want. Howard Harris stated he would like to see a map where it identifies the front and side yard, roads and property lines. Mr. Wallace thought it was included in the application. Greg Goodbrod found the map in the application and Mr. Wallace showed them all where the private road was. Greg Goodbrod asked on that map what was considered the front of the house? Mr. Wallace showed them where it was in relation to the road. There was more discussion amongst the members about the front and rear yard location on the map in reference to the contiguous properties. The fence would be metal mesh not plastic since it is more durable. Howard Harris asked if it was colored? Mr. Wallace answered it was black. Chairperson Sillato mentioned in the law it states you can't have any type of mesh unless it is temporary and this was also mentioned in the variance that it was plastic mesh, different materials. They just needed some clarification. Chairperson Sillato requested he send the ZBA an email with all the correct information about the materials and the pictures he had mentioned he submitted to the building department for the building permit. Mr. Wallace stated the description of the materials was in the estimate sent from Jesse Cunningham/JLC fencing. It would be covered with coated wire. It would be helpful for the ZBA to have all the information and pictures as part of the file. Howard Harris asked if Butch had gone to the site? Mr. Wallace stated he said he had gone but he didn't meet him. Howard Harris stated what was said in the variance application is completely different from what was presented to them today. Mr. Wallace stated Butch had added a description that was wrong. Chairperson Sillato also asked Mr. Wallace to identify exactly where the fence was going, so they know exactly what they are approving or denying. Clearly Butch thought it was something else and they need all of the correct information. Discussion about adjacent properties took place amongst the members and Mr. Wallace while looking at the site plan. Howard Harris asked Mr. Wallace to show on the site plan exactly where the fence would be placed. Mr. Wallace stated it seemed feasible. Howard Harris asked Mr. Wallace if he could do

the meets and bounds? Mr. Wallace answered yes, he would try. He also stated the building department had the survey and then they asked for a copy of the most updated version and the building department stated they threw it out or something. Chairperson Sillato asked Mr. Wallace If they could contact him to go for a site visit, he answered yes that would make it a lot easier to show them where the fence would be located while looking at the map. Chairperson ended by stating this was not an enclosure, it's merely a barrier of 920 feet and they are asking for 8 feet and the ZBA will review that. She also mentioned she had never seen a proposal like this. Mr. Wallace answered saying yes it was unique. Chairperson Sillato thanked Mr. Wallace for his patience and for walking them through the proposed project since what they were told and the actual project are two different things. There were no more questions from the board.

Greg Goodbrod read the names of the contiguous neighbors: Fam Acres Construction LLC; Elizabth Mitchell & Daniel Littleton; Joseph and Avis Toochin; Alan & Marie Gould; Matthew and Julie Cohen; Michael Clark; Jessica & Brandon Speweik; Vincent & Kiriki Metzo; Colleen Paige; John and Denise Michelini; Sandra Biano & Karl Steen; Ricky Mamme; and Woodsy Mac LLC.

No neighbors were present and no written communications were received.

Chairperson Sillato made a motion to recess ZBA Case # 26-08, seconded by Greg Goodbrod. All voted aye.

3. DECISION & ORDERS AND INTERPRETATIONS OUTSTANDING

ZBA Case # 26-06: Chairperson Sillato made a motion to open ZBA Case # 26-06 application of David and Barbara Blumenthal, second by Greg Goodbrod. All voted aye. Chairperson Sillato read the following resolution:

RESOLUTION:

Based upon the Standards for Consideration of Area Variances and conditional upon compliance with stated representations, Area Variances from the Zoning Law of the Town of Woodstock, Article IV, Area & Bulk Regulations, Section 260-16 Attachment 2 Residential R3 (g), for a **28-foot** infringement into a required 50-foot rear-yard setback in order to construct an addition to the house to enlarge the kitchen and a bedroom is hereby **GRANTED** subject to all requirements of the Zoning Law of the Town of Woodstock, the New York State Real Property Law and all other applicable laws, codes and regulations.

Chairperson Sillato went to the site and in the application, it was written as a side yard but it is actually in the rear yard, their house faces Grog Kill Road. The property where they want to expand is a little spot on the side yard, but there is a whole other building there, so it's not an issue. The main variance that they need is to the rear yard. The house is already setback, it was built in the 70's so there is no way the expansion wouldn't be in the setback. It is a modest expansion, not a big deal they have nowhere else to put it, the property behind them slopes upward and they own it. There are no neighbors to the rear

of the property, this case seemed straightforward. There were no more comments from the board.

The vote was announced as follows: Judith Sillato: (aye), Joseph Belluck: (absent), Martin Mills: (absent), Gregg Goodbrod: (aye), Howard Harris: (aye).

THE RESOLUTION IS ADOPTED by a vote of (3) in favor, (0) opposed, (2) absent, and (0) abstaining.

Chairperson Sillato made a motion to close ZBA Case # 26-06, seconded by Greg Goodbrod. All voted aye.

4. OTHER

Greg Goodbrod asked what the deal was with ZBA Case #25-01 Application of Ian Vinci? Chairperson Sillato answered by saying they still hadn't heard anything from Mr. Vinci. They haven't heard anything further from Ms. Nardi of ZBA case # 26-01, there is a public hearing scheduled for Mr. Yassin of ZBA case # 26-05 for June 11th.

Chairperson Sillato made a motion to open application of Louise Cooper ZBA # 26-07, second by Greg Goodbrod, all voted aye. Howard Harris stated he had gone out to see it and didn't have an issue with the carport. The road is only maybe 8-10 feet wide; it is really not a road. You couldn't get two cars there. She owns all the property to Jones Quarry Road. She can't put it anywhere else, she has a big ArchFiber pole in the way as well. Chairperson Sillato mentioned they did get a concern from one of the neighbors. Howard Harris mentioned it was a neighbor who bought their house a while back and didn't like her fence. Chairperson Sillato mentioned the carport does not infringe on anyone else's property. Howard Harris drew a picture for the other members to see where the house was located, where the neighbors' house that had a concern was located and where the carport would be located. The only thing he would like to bring up is Ms. Cooper thinks it is going to be a 12 foot by 20-foot carport (that is what she told him while on the site visit) but in the application it says 12 foot by 12 foot carport. In the previous application and decision, it also stated it as a 12x12. Chairperson Sillato mentioned this application will be on hold until they clarify the actual size of the carport. Something in writing, stating what she wants would be helpful. Chairperson Sillato made a motion to recess ZBA Case # 26-07, seconded by Greg Goodbrod. All voted aye.

Chairperson Sillato made a motion to adjourn, second Greg Goodbrod, all voted aye.

Submitted by,

Michele Sehwerert