TOWN OF WOODSTOCK, NY
45 Comeau Drive, Woodstock NY 12498

ZONING BOARD OF APPEALS
Tel: (845) 679-2113, Ext. 18 • Fax: (845) 679-8743

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

ZONING BOARD OF APPEALS

DECISION & ORDER

ZBA #26-12

OWNER/APPLICANT:

Name: Sergio Salvatore

Address: 9 Angus Lane
Bearsville, NY 12409

SUBJECT PROPERTY:

Location:	9 Angus Lane, Bearsville, NY 12409
Section/Block/Lot:	26.2 - 6 - 17
Zoning District:	R3
Property Size:	.33 acre
Minimum Lot Area:	3 acres
Date Property Acquired:	10/2009

DATES AND PLACES:

Application:	September 18, 2026
Legal Notice:	September 30, 2026
Public Hearing:	October 8, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & YouTube
Public Vote:	October 22, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & YouTube

DISPOSITION

UCPB: N/A

NYSEQRA DETERMINATION:

In accordance with the guidelines set forth in 6 NYCRR Part 617.5 of the SEQR regulations and Section 65-13 of the TWEQR regulations, the Zoning Board of Appeals has determined that this application for area variances 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.

ZBA DETERMINATION: GRANTED

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, Modification of Required Yards, Section 260-26 (B) (2) (b) for a 23-foot infringement into a required 25-foot side-yard setback and Section 260-26 (B) (2) (c) for a 6-foot infringement into a required 50-foot rear-yard setback in order to construct a 10 foot by 12 foot tool shed is **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.

The vote is announced as follows: Judith Sillato: (Aye), Joseph Belluck: (Abs), Gregg Goodbrod: (Abs), Olivia Twine: (Aye), Howard Harris: (Aye).

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

NATURE OF REQUEST

The applicant requests area variances from the Zoning Law of the Town of Woodstock, Article IV, Area & Bulk Regulations, Modification of required yards, Section 260-26 (B) (2) (b) for a 23-foot infringement into a required 25-foot side-yard setback and Section 260-26 (B) (2) (c) for a 6-foot infringement into a required 50-foot rear-yard setback in order to construct a 10 foot by 12 foot tool shed.

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

Mr. Salvatore was present and stated he bought the property in 2009, and they have done some extensive work in the backyard for drainage reasons, since they are on a slope. There were significant drainage issues that caused flooding in the basement. At the moment he has no outdoor storage at all. The shed would be used for landscaping tools. The property is surrounded by woods. The area where he would like to put the shed seems to be leveled out. He would like to take up that space with a 10 foot by 12-foot shed. It would be a mini version of the house which is wood novelty siding with a shingle roof.

ADDITIONAL COMMENTS and claims regarding this application are summarized in the minutes of the Public Hearing of this case and are available along with any pertinent documents for inspection in the office of the Zoning Board of Appeals.

STANDARDS FOR CONSIDERATION OF AREA VARIANCES

New York State Town Law, Section 267-b(3)(b) establishes a statutory process for the consideration of requests for area variances which requires that the Zoning Board of Appeals balance two elements: the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were granted. The provision sets forth five factors which this Board must consider in balancing these interests. These factors and their application to the present case are as follows:

1. Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by granting the area variance.

This Board does not foresee an undesirable change in the character of the neighborhood should the side and rear-yard variances be granted. The small tool shed will be in a corner of the applicant's property and not visible to any neighbors.

2. Whether the benefit sought by the Applicant could be achieved by some feasible method other than an area variance.

This Board finds that the placement of the tool shed infringing into the side and rear yard setbacks is the most feasible location on the applicant's property.

3. Whether the requested area variance is substantial.

This Board has determined that the requested side-yard area variance of 23 feet is substantial. However, the small tool shed bordered by woods will not have a negative effect on surrounding properties.

4. Whether the proposed area variance 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. The Zoning Board of Appeals cannot project any potential adverse effect on available municipal, county and state facilities and services if this area variance is 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 this requested area variance.

CONCLUSION

In measuring this Application for area variances against the criteria for determining whether the relief sought should be granted, the Zoning Board of Appeals has exercised its discretion in giving weight to those factors listed above which indicate in favor of granting the area variance. The Board can discern no public purpose that would outweigh the benefit claimed by the Applicant in the instant case.

THE ZONING ENFORCEMENT OFFICER is hereby authorized to issue the necessary permits for the above-mentioned project at the location specified above in accordance with, and only to the extent provided for in, the Resolutions and Decision and Order herein of the Board, and upon compliance by the Applicant with the pertinent procedures contained in Section 260-99 of the Zoning Law of the Town of Woodstock, and other applicable laws, rules and regulations.

ZONING BOARD OF APPEALS, FILED WITH THE TOWN CLERK

BY Judith Sillato Date: 10/22/26
Judith Sillato, Chairperson

BY Rebekah Brooks Date: 10/23/26
Town Clerk

THE APPLICANT IS HEREBY ADVISED:

1. Unless substantial work has been done in the execution of the area variances, if granted, within twelve (12) months from the date of filing in the office of the Town Clerk, this area variance shall become null and void.

2. The Applicant or any aggrieved party has the right to appeal this Decision by application to the Supreme Court of the State of New York through a proceeding under the provisions of Article 78 of the Civil Practice Law and Rules (CPLR) of the State of New York, provided that such appeal is initiated within thirty (30) calendar days of the filing of this Decision in the Office of the Woodstock Town Clerk, as indicated above.