

TOWN OF WOODSTOCK, NY

45 Comeau Drive, Woodstock NY 12498

ZONING BOARD OF APPEALS

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Colony of the Arts

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ZONING BOARD OF APPEALS

DECISION & ORDER

ZBA # 26-07

OWNER/APPLICANT:

Name: Louise Cooper

Address: 6 Chesters Place

Woodstock NY 12498

SUBJECT PROPERTY:

Location: 6 Chesters Place, Woodstock, NY 12498

Section/Block/Lot 27.18 - 2 - 9

Date Acquired: April 2016

Zoning District: R5

Req. Min. Lot Size: 5 Acres

Property Size: 0.54 Acres

DATES AND PLACES:

Application: April 28, 2026

Legal Notice: May 6, 2026

Public Hearing: May 14, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & Zoom

Public Vote: July 23, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & Zoom

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 – with REDUCTION TO SIDE-YARD VARIANCE 23-FOOT INFRINGEMENT

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 A for an 36-foot infringement into a minimum required 50-foot front-yard setback and Section 260-26 B (2) (b) and for a 25-foot infringement into a required 25-foot side-yard setback in order to construct a 12 foot by 21 foot detached carport is hereby **GRANTED WITH REDUCTION to 23-Foot INFRINGEMENT into required SIDE-YARD setback** 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 was announced as follows: Judith Sillato: (Aye), Joseph Belluck: (Aye), Martin Mills: (Aye), Gregg Goodbrod: (Aye), Olivia Twine: (Aye), Howard Harris: (Aye).

THE RESOLUTION IS ADOPTED by a vote of (3) in favor, (0) opposed, (3) absent, and (1) abstaining.

NATURE OF REQUEST

The applicant requests an area variance from the Zoning Law of the Town of Woodstock, Article IV, Area & Bulk Regulations, Modification of Required Yards, Section 260-26 A for an 36-foot infringement into a minimum required 50-foot front-yard setback and Section 260-26 B (2) (b) for a 25-foot infringement into a required 25-foot side-yard setback in order to construct a 12 foot by 12 foot detached carport. **This request is amended to allow for the construction of a 12-foot by 21-foot carport.** The applicant previously received approval and an extension for the same request that expired (ZBA #21-27).

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

The applicant Louise Cooper was present and stated that she needed a carport close to the entrance to her house and the property is small and this location would require the least amount of tree cutting.

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. The carport is not a highly visible structure and there is a 4-foot painted-picket fence between it and the adjoining neighbor. The property is on a private lane with few neighbors. The applicant has historically parked her vehicle in this location.

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

There is no other feasible method for locating the carport due to the property being split across the road, the location of a utility pole and the large number of trees that would have to be removed to construct a carport.

3 Whether the requested area variance is substantial.

The area variance requested is substantial. It is mitigated by the fact that the property is divided by an access road and that the location has historically been used as a parking spot by the applicant on the private lane.

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: 7/23/2026
Judith Sillato, Chairperson

BY Meghan Remondo Date: 7/27/2026

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.