



Colony of the Arts

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ZONING BOARD OF APPEALS

DECISION & ORDER

ZBA # 26-09

APPLICANT:

Name: Nan Schmid and Steve Johnson

Address: 21 Blues Quarry Road

Woodstock, NY 12498

SUBJECT PROPERTY

Location: 21 Blues Quarry Road

Section/Block/Lot: 27.2 – 4 – 36.110

Date Acquired: 3/1/2007

Zoning District: R3

Req. Min. Lot Size: 3 acres

Property Size: 22.9

DATES AND PLACES

Application: 05/07/2026

Legal Notice: 05/20/2026

Public Hearing: 05/28/2026 via ZOOM

Public Vote: 07/23/2026 via ZOOM

DISPOSITION

UCPB: N/A

ZBA Determination: DENIED

NYSEQRA DETERMINATION:

Pursuant to 6 NYCRR Section 617.5 of the SEQR regulations and Section 65-13 of the TWEQR regulations, it is hereby determined that the action proposed in the subject application constitutes a Type II action as defined under said regulations and does not require an environmental review.

RESOLUTION:

Based upon the Standards for Consideration of Area Variances set forth in Section 260-103B of the Zoning Law of the Town of Woodstock, an area variance from the Zoning Law of the Town of Woodstock, Article V, Supplementary Regulations, Fences, Walls and Gates, Section 260-32, D 3 (a) (f) to install an 8-

foot high fence said variance is hereby **DENIED** 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 (My), Joseph Belluck (My), Martin Mills (My), Gregg Goodbrod (My), Olivia Twine (My), Howard Harris (My)

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

NATURE OF REQUEST

The applicant requests an area variance from the Zoning Law of the Town of Woodstock, Article V, Supplementary Regulations, Fences, Walls and Gates, Section 260-32, D 3 (a) (f) to install an 8-foot high fence. The fence is proposed to be approximately 900-feet long and is partially in the front yard. The applicant describes the fence as a "deer" fence, but it is not an enclosure. The representative present at the public hearing described it as more of a barrier from a neighbor.

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

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.

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 and community, or a detriment to nearby properties created by granting the area variance.

This Board can foresee both an undesirable change in the character of the neighborhood and community and a detriment to nearby properties by allowing an approximately 900 feet long 8-foot tall fence. The height of the fence will be visually obtrusive and create the look of a fortress.

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

The applicants have the option to construct a 4-foot high fence in the portion that is in the front yard and a 6-foot high fence for the remainder of the fence. These options would still provide the visual barrier the applicants are seeking.

3. Whether the requested area variance is substantial.

This Board has determined that the requested area variance for an 8-foot high fence is substantial. It is a request for a 100% variance in the front yard and a 33% variance in the side yard. In addition, this Board has a precedent of consistently rejecting requests for 8-foot fences.

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 have an adverse effect on the physical conditions and environmental conditions in the neighborhood by creating an 8-foot high barrier.

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, with respect to the variance sought, the difficulty is self-created in that the Applicant is deemed to have constructive knowledge of the Zoning Law.

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 a denial of granting relief to this application.

The DECISION OF THE ZONING ENFORCEMENT OFFICER is hereby UPHELD.

ZONING BOARD OF APPEALS, FILED WITH THE TOWN CLERK

BY: Judith Sillato Date: 7/23/26
Judith Sillato, Chairperson
BY: Meghann Reimondo Date: 7/27/26

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.