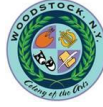


TOWN OF WOODSTOCK, NY

45 Comeau Drive, Woodstock NY 12498

ZONING BOARD OF APPEALS

Tel: (845) 679-2113, Ext. 14 • Fax: (845) 679-8743



Colony of the Arts

E-mail: zba@woodstockny.gov
Website: woodstockny.gov

ZONING BOARD OF APPEALS

DECISION & ORDER

ZBA #26-02

OWNER/APPLICANT:

Name: Francesca Grassi
Address: PO Box 521
Bearsville, NY 12409

SUBJECT PROPERTY:

Location: 62 Charlie Spanhake Road, Bearsville, NY 12498
Section/Block/Lot: 26.4 -1- 2.100
Zoning District: R5
Property Size: 0.91
Minimum Lot Area: 5 acres
Date Property Acquired: 11/3/2022

DATES AND PLACES:

Application: February 9, 2026
Legal Notice: February 18, 2026
Public Hearing: February 26, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & Zoom
Public Vote: April 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

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 (1) (a) for a **6 foot** infringement into a required 25-foot front-yard setback in order to construct a 1240 square foot non-residential accessory structure that contains 940 square feet of studio space, 300 square feet of storage space and includes a bathroom as permitted by Article IV, Section 260-55 (B) and (C) 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.

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

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

NATURE OF REQUEST

The applicant plans to demolish an existing non-complying dilapidated 2-car garage and shed that currently infringes 16 feet on the modified required front-yard setback. The pre-existing non-conforming location of the garage and shed are extinguished when the buildings are demolished (Zoning Law of the Town of Woodstock, Article IX Nonconforming Uses and Nonconforming Buildings, Section 260-94 (A) (1). Therefore 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 B (1) (a) for a **6 foot** infringement into a required 25-foot front-yard setback in order to construct a 1240 square foot non-residential accessory structure that contains 940 square feet of studio space, 300 square feet of storage space and includes a bathroom.

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

Mr. Stinemire the representative explained there was an existing garage and an attached shed that was in pretty rough shape and the owners wanted to make improvements to it. The plan is to demolish both of the structures and then reconstruct a new studio building. The existing shed is 9.17 off the property line and the proposed building is 19.0 off the property line. The partial second floor is a loft area, so 50% of the building has a second floor to it. There are two workspaces and a bathroom in the middle. There are a set of stairs that go up to the loft area. There is a first-floor bathroom with a shower. There is no kitchen. It's not intended to be a dwelling, it's a studio workspace. The dimensions of the building are 25 by 33.5, it's about 1,200 sqft when they add that half.

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 front-yard setback variance for the proposed structure be granted. The proposed structure, even though it is larger, will infringe less on the required front-yard setback than the existing buildings. The property is near the termination of a dead-end road and has just one nearby neighbor that will not be adversely affected by the proposed structure.

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

This Board finds that due to the size and configuration of the undersized lot, and its proximity to Yankeetown Pond there is no feasible alternative to the proposed location.

3. Whether the requested area variance is substantial.

This Board has determined that the requested area variance of approximately 24% is moderately substantial but is mitigated by the reduction in infringement of the front-yard setback by the new proposed structure.

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 _____ Date: _____

Judith Sillato, Chairperson

BY _____ Date: _____

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.