



Colony of the Arts

E-mail: zba@woodstockny.gov

Website: woodstockny.gov

ZONING BOARD OF APPEALS

DECISION & ORDER

ZBA #26-06

OWNER/APPLICANT:

Name: David and Barbara Blumenthal

Address: 160 West 86th Street

New York, NY 10024

SUBJECT PROPERTY:

Location: 135 Grog Kill Road, Willow, NY 12495

Section/Block/Lot: 14.4-2-22

Zoning District: R3

Property Size: 3.155

Minimum Lot Area: 3 acres

Date Property Acquired: 1977

DATES AND PLACES:

Application: April 10, 2026

Legal Notice: May 6, 2026

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

Public Vote: May 28, 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, 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.

The vote was announced as follows: Judith Sillato: (Aye), Joseph Belluck: (Aye), Martin Mills: (Aye), Gregg Goodbrod: (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 applicants request an area variance 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 on a 3.155 acre parcel in order to construct a modest addition to the house to enlarge a kitchen and bedroom so as to better accommodate adult children and their families.

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

Peggy Fusco the representative, was present and stated the Blumenthal's bought the property in 1977. She explained that the Blumenthal's daughter and husband are now expecting a baby and would like to expand the bedroom they are in now, so it would fit their growing family. It is the smallest bedroom in the house. There will be no new plumbing, it will be the same color of the house, and it is in the back of the property.

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 rear-yard variance be granted. The addition to the house will have no visibility from surrounding properties or Grog Kill Road. The applicants are also the owners of the contiguous property to the rear of the house that slopes up a steep hill.

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 infringement into the rear yard is the only feasible location for the addition. The kitchen and bedroom already exist and this is an expansion of those areas.

3. Whether the requested area variance is substantial.

This Board has determined that the requested area variance of 28 feet is substantial. However, the house was built in the 1970s prior to current zoning and is already partially sited within what is now the required rear-yard setback.

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: 5/28/26
Judith Sillato, Chairperson

BY Meghan Beimondo Date: 5/29/26

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.