

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 #26-08

OWNER/APPLICANT:

Name: Patricia Billard

Address: 167 Broadview Road
Woodstock, NY 12498

SUBJECT PROPERTY:

Location: 167 Broadview Road, Woodstock, NY 12498

Section/Block/Lot: 27.13 – 3 -37

Zoning District: R5

Property Size: 3.07

Minimum Lot Area: 5 acres

Date Property Acquired: 11/25/24

DATES AND PLACES:

Application: May 6, 2026

Legal Notice: May 20, 2026

Public Hearing: May 28, 2026 at 45 Comeau Drive, Woodstock, NY 12498 & Zoom

Public Vote: June 11, 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 3 (c) for a **30-foot** infringement into a required 50-foot rear-yard setback in order to construct a detached deck, sauna and swim spa 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: (Abs), Gregg Goodbrod: (Aye), Howard Harris: (NV).

THE RESOLUTION IS ADOPTED by a vote of (3) in favor, (0) opposed, (1) absent, and (0) 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 B 3 (c) for a **30-foot** infringement into a required 50-foot rear-yard setback on a 3.07 acre parcel in order to construct a detached deck, sauna and swim spa to aid with the applicant's medical condition.

SUMMARY OF STATEMENTS/EVIDENCE PRESENTED BY APPLICANT:

Ms. Billard was present and stated she would like to install a swim spa which is a jacuzzi that has a swim mechanism against a current. It needs to be on stable terrain for safety reasons such as safety risks associated with the slope, stability and drainage concerns. The adjustments are minimal, not altering any essential character of the neighborhood or negatively affecting neighboring properties. It won't create any visual impact for anyone due to the natural topography and the existing landscaping screening which there already is. She is going to have some decorative willow fence also. There is no other place to put it.

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 location of the deck/sauna/swim spa will not be visible to any contiguous neighbors' residences. The applicant plans to add vegetative screening for privacy from a neighbor's driveway.

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 setback is the only feasible location for the construction. The siting of the house and the natural slope of the land restrict the construction to the area being requested.

3. Whether the requested area variance is substantial.

This Board has determined that the requested area variance of 30 feet is substantial. However, there is no other location on the property suitable to construct the deck/sauna/swim spa.

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: 6/11/26
Judith Sillato, Chairperson

BY Meghana Reimondo Date: 6/12/2026

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.