

TOWN OF WOODSTOCK, NY

45 Comeau Drive, Woodstock NY 12498

County of the Arts

ZONING BOARD OF APPEALS

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

E-mail: zba@woodstockny.org

Website: woodstockny.org

ZONING BOARD OF APPEALS

DRAFT INTERPETATION

ZBA #19-09 James D. Cohen

OWNER/APPLICANT:

Name: James D. Cohen
Address: 2423 NW Northrop Street
Portland, OR 97210

SUBJECT PROPERTY:

Location: 20 Country Club Lane, Woodstock NY 12498
Section/Block/Lot: 27.14-2-15.1
Zoning District: R-3
Property Size: 6.48 acre
Minimum Lot Area: 3.0 acres
Date Property Acquired: 7/7/2016 MHS Worldwide Holdings III, LLC
3/134/2019 Selena Woodstock Real Estate

DATES AND PLACES:

Application: April 12, 2019
Legal Notice: April 18, 2019
Public Hearing: April 25, 2019 at 45 Comeau Drive, Woodstock, NY 12498
May 9, 2019 at 45 Comeau Drive, Woodstock, NY 12498
Public Vote: June 27, 2019 at 45 Comeau Drive, Woodstock, NY 12498

INTERPRETATION:

This matter has been brought to the Zoning Board of Appeals (ZBA) for an interpretation as to whether Town of Woodstock Building Permits #19-66 and #19-67 dated March 25, 2019 were properly issued. The applicant, James D. Cohen, has questioned the propriety of the issuance of two building permits by the Town's Code Enforcement Officer (CEO) to MHS World Wide Holdings III (The Lodge) while there were outstanding Stop Work Order and an Order to Remedy Violation in violation of Section 260-101 of the Town of Woodstock Zoning Code.

The Order to Remedy #18-15 was issued on July 10, 2018 by the Town of Woodstock Building Department, citing a modification to existing site plan without Planning Board Approval.

The Stop Work Order for the landscaping and other exterior modifications to the property was issued on July 11, 2018 by the Town of Woodstock Building Department.

Thereafter, on March 25, 2019, the Code Enforcement Officer (CEO) issued two Building Permits to the Lodge, #19-67 and #19-66, permitting certain work to be done on Cabin #2, Building #1, Building #8, and the Lodge. These permits were issued after discussion with the Lodge and in anticipation that the site plan application necessary to address the open violation would meet with Planning Board Approval and upon the Lodge taking further steps deemed by the CEO to be actions consistent with bringing the premises into compliance.

ZBA members have undertaken an on-site inspection which revealed the conditions requiring site plan approval remained and further confirmed that the required site plan had not yet been approved by the Planning Board. Section 260-01 of the Town's Zoning Code provides that no building permit shall be issued to a property with an existing violation unless issued to correct the violation. In as much as the building permits issued here subsequent to the Order to Remedy Violation did not address the existing violation, we hold their issuance to have been improper and, as such, were invalid. Although the permits were issued in anticipation of the premises being brought into compliance, unless and until the entire site plan approval process was successfully completed, the issuance of building permits for work other than as required to remedy the existing violation was premature.

The vote was announced as follows: Maria Mendoza: (✓), Michael Castiglione: (no), Gordon Wemp: (✓), James Armstrong: (✓), Jude Sillato: (✓), Jeff Collins: (no vote)

THE RESOLUTION WAS (ADOPTED) by a vote of (4) in favor, () opposed, (0) absent, and (0) abstaining.

ZONING BOARD OF APPEALS, FILED WITH THE TOWN CLERK

BY Maria R. Mendoza Date: 6/27/19
Maria R. Mendoza, Chairwoman

BY Doreen L. Carley Date: 6/28/2019