

JAN 09 2011

VILLAGE OF WOODBURY

A public meeting was held by the Zoning Board of Appeals of the Village of Woodbury at Town Hall, Highland Mills, New York on December 8, 2010 at 7:30 P.M.

AGENDA for this meeting is shown on page 2 of these minutes.

MEMBERS PRESENT: Messrs. A. Mickolajczyk (Chairman), K. Abrams, V. Ferrarelli,
Ms. J. Stabile and S. Capriglione

MEMBERS ABSENT : NONE

ALSO PRESENT: Lisa Felicissimo, Esq., board's attorney

Chairman Mickolajczyk called the meeting to order at 7:30 p.M. and advised that this is a regular meeting of the Woodbury Zoning Board. PLEDGE OF ALLEGIANCE to the Flag was recited.

Chairman introduced board members, as above, together with Louise Kopchak, recording secretary and Lisa Felicissimo, board's attorney.

Chairman announced that there is no Executive Session tonight.

ACCEPTANCE OF NOVEMBER 10, 2010 minutes.

MOTION was made by K. Abrams, seconded by S. Capriglione to approve the minutes. Motion unanimously carried. (SC,KA,VF,JS,AM) SEE NOTE UNDER NEW BUSINESS.

Chairman Mickolajczyk stated that under "New Business" in the november 10, 2010 minutes it reads that the board's next meeting will be held on 12/10/10, whereas the meeting was scheduled for tonight (12/8). This is a correction of a date and not an addition to the November 10 minutes.

Chairman said he has a letter from Angela McKeown Cooper , who has been corresponding with the building department and with this board regarding a situation with Exclusive Motor Sports on Route 32. Copy of letter is shown as pages 5&6 ~~page~~ in these minutes. Chairman read the last item aloud and said he assumes this will be on the board's agenda probably at the next meeting. He also mentioned that this is a situation where the board's attorney, Lisa Felicissimo, has a conflict and if it is on the agenda the board will have to ask the Village to get us an interim attorney for this case.]

DECISIONS:

BJORKMAN, JOHN AND DORIS 246-1-18

Chairman stated that this is an application for an area variance . The decision of the zoning board is as follows:

The Board hereby finds that the applicant has not sustained its burden of proof as required by both the Village Law of the State of New York and the Village of Woodbury Zoning Code with respect to its application for an area variance concerning fence height at the applicant's property at 25 Scaglione Court, Highland Mills, New York and designated as Section 246, Block 1, Lot 18 on the Village of Woodbury tax maps. Based on the above deliberations and testimony taken during the hearing, the Board denies the applicant's request for the above referenced variance based on the reasoning set forth herein.

(845) 928-6911, Ext. 5

Phone

(845) 928-7263

Fax

VILLAGE OF WOODBURY
ZONING BOARD OF APPEALS

P.O. Box 1004
511 ROUTE 32
HIGHLAND MILLS, NEW YORK 10930

Des

TO: Anthony Mickolajczyk, Chairman
Members of the Zoning Board of Appeals

FROM: Maria Rubio

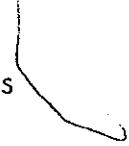
DATE: December 1, 2010

RE: Agenda for Wednesday, December 08, 2010

Listed below are the items scheduled for your meeting on Wednesday, December 08, 2010:

Meeting Begins at 7:30PM

1. Executive Session - if necessary
2. Public Comment
3. Approval and acceptance of previous minutes
4. New Business
5. Action on Decisions -
 - A) Connaughton - for an area variance to permit the continued use of an existing above ground pool located in the rear yard having a rear yard setback of 6 ft. Where-as pursuant to section 310-25a a 20 ft rear yard setback is required. 9 Jupiter Road, HM - R1A Zoning District SBL 209-1-2.
 - B) Bjorkman - for an area variance to permit the continued use of an 8 ft high stockade fence located in a front yard. Where-as pursuant to section 146-5(a & b) an 8 ft high fence is not permitted. 25 Scaglione Court, HM - R1A Zoning District SBL 246-1-18.
 - C) Pitt - for an area variance to permit the construction of a 24 X 34 detached accessory building (two car garage) in a side and front yard. Whereas, pursuant to section 310-11(C), an accessory building



ZBA 12/8/10

or use may only be permitted in a rear yard. - 56 Florence Drive, CV
- R1A Zoning District SBL 226-1-72.

- D) Prozio - for an area variance to permit the continued use of a 6 ft high aluminum fence installed in a side yard. Whereas, pursuant to Section 146-5 A & B permits a 6 ft high fence only in a rear yard. - 3 Montessi Drive, HM - R2A Zoning District SBL 207-3- 56.

6. Public Hearings

- A) Sanchez - Continuation of Public Hearing for a use variance to permit the continued housing of a rooster. Where-as pursuant to section 310-7A (bulk regulations) and 310-6(e) the housing of a rooster is not permitted. Said property is located at 35 Woodland Road, Highland Mills in the R1A Zoning District and is known on the Woodbury Tax maps as Section 211, Block 1, Lot 67.
- B) Malloy/Deline - Public Hearing for an area variance to permit the continued use of a 6 ft. high solid fence in a front and side yard. Whereas, pursuant to Section 146-5B and 146-7A fences that exceed 4 ft. high and 50% solid are prohibited. Said property is located at 3 Oakland Avenue, Central Valley in the CR Zoning District and is known on the Woodbury Tax maps as Section 227 Block 5 Lot 12.
- C) Lahens (Woodbury Laundry) Public Hearing for an area variance, pursuant to 310-7 bulk regulations and 310-6(b) district regulations , to permit the installation of an apartment on the 1st floor within one of the existing buildings located on this property, which currently has 3 apartments and a laundry center. This expansion would require a minimum lot area of 24,400 sq. ft. (10,000 laundry center and 3,600 per apartment). Where-as, said property has a lot area of 10,454 sq. ft. Said property is located at 50 Smith Clove Rd, Central Valley in the HB Zoning District and is known on the Village of Woodbury Tax maps as Section 231 Block 3 Lot 3.

7. Building Inspectors Report

8. Deliberations on closed Public Hearings

9. Adjournment

2BA 12/8/10

ZBA 12/8/10
(Decisions, cont'd.
Bjorkman)

MOTION was made by S. Capriglione, seconded by K. Abrams to accept the decision as read . Motion unanimously carried . NO NOES (SC,KA,VF,JS,AM)
The formal decision is made a part of these minutes.

Chairman received a letter from Mr. and Mrs. Bjorkman which he read aloud.
Copy of letter is shown as page 4A herein.

Attorney Felicissimo stated that we read the letter into tonight's meeting; it is not a part of the public hearing which has been closed.
DECISIONS, cont'd.

* * * * *

PITT, LORELEI

Pitt - for an area variance to permit the construction of a 24 X 34 detached accessory building (two car garage) in a side and front yard. Whereas, pursuant to section 310-11(C), an accessory building or use may only be permitted in a rear yard. 56 Florence Drive, C.V. R1A Zoning District SBL 226-1-72

The decision of the board is as follows:

The Board hereby finds that the applicant has partially sustained its burden of proof as required by both the Village Law of the State of New York and the Village of Woodbury Zoning Code with respect to the area variance sought concerning the applicant's property located at 56 Florence Drive in Central Valley, New York. Section 310-11(C) of the Village of Woodbury Zoning Code only permits an accessory building to be constructed in a rear yard. The building as proposed by the applicant would be both in the side yard and the front yard. Accordingly, the Board does not agree that any of the proposed building can be constructed in the front yard of the property and denies any request for the proposed structure to protrude into the front yard. With respect to the need for the proposed structure to exist in the side yard, after discussion and deliberation with the Board and listening to the suggestions made by the applicant during the hearing, the Board is inclined to allow for the construction of a detached garage in the side yard of the property which shall be no larger than 24' x 24' and which shall not be constructed forward of the existing garage. The size of the structure that will be permitted by this variance is necessarily reduced to 24' x 24'.

RECEIVED
DEC 08 2010
WOODBURY BLDG. DEPT.

December 8, 2010

To the Village of Woodbury Zoning Board,

Unfortunately, we are unable to attend tonight's meeting, and are submitting this letter to the Zoning Board, and are asking that it be read at the meeting, for the record.

We want to take this opportunity to thank the Board for your consideration of our area variance application. Prior to last month's meeting, we considered reneging our application to pursue other options to improve, as the application states, an undesirable situation. However, we are glad to have seen the process through to the end, and are taking into consideration the suggestions that both you as a board, and Gary suggested. We are looking forward to making those changes, and benefitting from the positive outcome it will bring to our family, home, and especially our property value.

Thank you once again.

Respectfully yours,

Mr. and Mrs. John E. Bjorkman
25 Scaglione Court
Highland Mills

ZBA 12/8/10
Bjorkman

11 Maple Road
P.O. Box 265
Central Valley, New York 10917
November 21, 2010

Mr. Gary Thomasberger
Building Inspector
Building Department
Village of Woodbury
P.O. Box 1004
511 Route 32
Highland Mills, New York 10930

RECEIVED
NOV 22 2010
WOODBURY BLDG. DEPT.

Dear Mr. Thomasberger:

Pertaining to your letter, dated October 28, 2010, I continue to have extreme difficulty with what appears to be your selective interpretations regarding Exclusive Motor Sports and its business practices. This situation has been discussed, deliberated and investigated, for the last few years. I have called, written, presented polite and respectful accountings of my grievances, both written and verbal and the situation not only is unchanged, but has worsened with the news that Exclusive Motor Sports is proceeding with plans for a full time 'body shop' - all under the guise and protection of the existing Certificate of Occupancy, granted to the former Olsen-Todd Cadillac-Oldsmobile dealership, in the late 1960's.

Regardless of repeated presentation of my concerns and objections, I have been met with the same mantra- your 'interpretation' of the existing CO and the absence of any real zoning laws for the protection of the homeowners in the immediate area or any real attempts to compromise or consider the negative impact on this neighborhood. I have been told the Village/Town does not own a decibel meter to measure the noise levels emanating from the open garage doors. Have you considered renting one for the purposes of clarity and actual level readings? You told me Exclusive Motor Sports has permission to proceed with the opening of the 'body shop' on the old CO - has the building been recently inspected by the EPA and/or DEC for suitability of sound containment and toxic/noxious fumes emissions and have you received copies of those new inspections? Are these records of permits or licenses available to the public? When the doors of that aging metal structure are closed, the pounding repair noises can be heard in my home, behind closed windows and doors. Have the proper structural modifications been made for sound-proofing and noxious/toxic odor emissions? The 'body shop' provided within the Olsen-Todd CO was never a separate entity and hasn't been in existence for 25+ years! Is it not true that if a business has been inoperable according to the terms of its CO for one year, the CO is void and requires a new application? Has there indeed been a 'car agency/dealership' in that building since the close of Olsen-Todd and sale to the new owner?

BA
12/8/10
"New Business"

In reality, Mr. Thomasberger, it appears that the residents of this neighborhood are being given no more than lip service when addressing the real complaints and concerns that have been presented. The neighborhood is comprised of the elderly, the young, those with serious health issues and those who work night shifts and must sleep during the day. This business presents real dangers to our health and quality of life. While you have addressed some inquiries, answers have been cloaked in layers of interpretations and double speak, with numerous references to 'laws' or absence thereof! Exclusive Motor Sports has refused to compromise or consider repeated requests and proceeds without impunity, flaunting your notices and mandates, continuing to ignore any pleas for respite from the surrounding neighbors. At this moment, nothing has changed at Exclusive Motor Sports; motorcycles are still in the show room and they are still being used on the premises, cars and people continue to come and go at all hours and the noise levels are only affected by the weather.

It is difficult to comprehend all the concessions and variances that have been granted to the owner of Exclusive Motor Sports and the owner the property, who, as you have told me, are not one and the same. If you have the ability to 'interpret' the conditions that this business operates under the old CO, why do you not have the ability to regulate hours of operation, according to past practice? We could all agree that 'conditions' in this area have changed drastically in the intervening years, in fairness, necessitating a new look at codes and compliances. Why has this building/ business not been expected to apply for a new CO?

I find it puzzling that in our conversations, you frequently refer to your *interpretations* of the CO, codes and laws when referring to Exclusive Motor Sports and its rights. However when replying to me, you stand on *strict application* of the codes and laws, however vague, ambivalent and outdated they seem to be. You have allowed Mr. Muslim to use the rationale that by today's standards, he must conduct his business on his terms, using the ambiguity of the pre-existing CO as his defense. However when I refer to past practices of the former business, as well as how much the activity and noise has increased and how vastly different this business is from the former, you refer to his rights according to the CO. There seems to be an inequity in the dispensation of a solution to this continuing issue.

In light of my continuing and well-documented objections, I am again appealing the decisions on this matter. Please consider this my application for appeal to the Zoning Board of Appeals. Perhaps it is time to recognize the physical impact a business has on its surroundings, as well as the importance of compliance of signs!

Please notify me if there are additional steps in this procedure. Thank you for your reply.

Respectfully yours,

Angela McKeown Cooper

cc: Michael Queenan, Village Mayor
Rick Golden, Village Attorney
Anthony Mickolajczyk, Zoning Board of Appeals
Zoning Board of Appeals Members ✓

BA
2/8/10

"New Business"

- Page 6 -

Accordingly, the Board grants the applicant permission to construct the proposed detached garage to be no greater than 24' x 24' and to exist in the side yard of the property and not in the front yard. This decision is conditioned upon the applicant complying with all of the requirements of the Village of Woodbury Building Department for the construction of an accessory building. The Board takes the position that the applicant can achieve its intended use of the property in a 24' x 24' structure.

MOTION was made by V. Ferrarelli, seconded by S. Capriglione to accept the decision as read. Motion unanimously carried. No Noes. (VF,SC,KA,JS,AM) Forms1 decision is made a part of these minutes.

* * * * *

PORZIO, STEPHEN AND KELLY

Chairman stated that this is an application for an area variance from Section 146-5(A) and (B) of the Village of Woodbury Zoning Code to allow for the maintenance of a six foot high fence which has already been installed at their premises and which extends partially into the side yard at the property. The applicant has already constructed a six foot high fence at his property situated at 3 Montessi Drive, Highland Mills, New York consistent with the fence ordinance in the Village of Woodbury Zoning Code, however Section 146-5(A) and (B) only allow for six foot fencing in the rear yard and any fencing which extends into the front or side yards cannot be higher than four feet tall. The fence at the subject property extends into the side yard on both sides of the premises and also extends forward of the rear building line at the property. This property is known as Section 207, Block 3, Lot 56 on the Village of Woodbury tax maps.

The decision of the board is as follows:

The Board hereby finds that the applicant has sustained its burden of proof as required by both the Village Law of the State of New York and the Village of Woodbury Zoning Code with respect to its application for area variances sought concerning the applicant's property located at 3 Montessi Drive, Highland Mills, New York in the R-2A Zone, and grants the area variances in order to allow the already constructed six foot tall fence to remain at the applicant's property in all locations on both sides of the home, which are forward of the rear building line and in the side yard.

ZBA 12/8/10
Decisions
Porzio, continued

MOTION was made by S. Capriglione, seconded by K. Abrams to accept the decision as read. Motion unanimously carried. No Noes..(SC,KA,JS,VF,AM)

* * * * *

NEW BUSINESS:

Chairman stated that the next regularly scheduled meeting of this board will be on January 12, 2011 (second Wednesday in January)

CONTINUATION of public hearing

Sanchez - Continuation of Public Hearing for a use variance to permit the continued housing of a rooster. Where-as pursuant to section 310-7A (bulk regulations) and 310-6(e) the housing of a rooster is not permitted. Said property is located at 35 Woodland Road, Highland Mills in the R1A Zoning District and is known on the Woodbury Tax maps as Section 211, Block 1, Lot 67.

MEMBERS PRESENT: Messrs. A. Mickolajczyk (Chairman), K. Abrams, V. Ferrarelli.
Ms. J. Stabile and Ms. S. Capriglione

MEMBERS ABSENT: NONE

ALSO PRESENT:

Ms. Sally Sanchez, applicant, Lisa Felicissimo, ESq., board's attorney

Chairman read notice of public hearing and said the board continued this matter so as to get more input. He wanted to discuss it with the building inspector to get more background. Applicant stated that Roger will not survive out of her house and that's it. She said he knocks at the door to let him in.

Chairman said everyone has been thinking this over. He has discussed with Gary Thomasberger and Lisa Felicissimo as to his having learned about Roger, and also many members of the public. He said he believes this rooster is a domestic pet who sleeps in the house, and he is not livestock. Applicant stated that she had taken him to a farm and he was too domesticated to live on a farm. Chairman Mickolajczyk said he believes that Roger is a domestic pet and there is no need for a use variance.

Attorney Felicissimo said if it is the board's intent to interpret this rooster as the love of the neighborhood, who does not hurt anyone, who can't survive on the outside of the house...this portrays an animal, a domestic pet. There have been no complaint from neighbors or anyone else, and attorney agrees with the board's interpretation. Chairman Mickolajczyk mentioned that a petition was signed by about a dozen neighbors and the like stating that Roger is a pet. All board members agree.

S. Capriglione said she agrees with everyone and thinks that because Roger is living in the house with Ms. Sanchez this should be a part of the record, and also a major part of the board's decision. She mentioned the fact that Ms. Sanchez takes Roger into nursing homes for visits. There is no precedent being set here. Roger is an attraction...there is no breeding or selling anything.

There being no further questions or comments, MOTION was made by A. Mickolajczyk, seconded by K. Abrams to close the public hearing. Motion unanimously carried. NO NOES
ALL AYES (AM.KA.VF.JS.SC_

The Village of Woodbury Zoning Board of Appeals held a public hearing at Town Hall, 511 Route 32, Highland Mills on Wednesday, December 8th, 2010 at 7:30pm in the matter of the application of Kathleen Malloy and Karen DeLine for an area variance to permit the continued use of a 6 ft. high solid fence in a front and side yard. Whereas, pursuant to Section 146-5B and 146-7A fences that exceed 4 ft. high and 50% solid are prohibited. Said property is located at 3 Oakland Avenue, Central Valley in the CR Zoning District and is known on the Village of Woodbury Tax maps as Section 227 Block 5 Lot 12.

MEMBERS PRESENT: Messrs. A. Mickolajczyk (Chairman), K. Abrams, V. Ferrarelli, Ms. J. Stabile and Ms. S. Capriglione

MEMBERS ABSENT : NONE

ALSO PRESENT: Kathleen Malloy, applicant Lisa Felicissimo, Est., board's attorney

Applicant said when they moved in there ten years ago there was a fence which they have maintained all those years. However, it started to fall down and they replaced it. They got the exact same thing that was there and replaced it. Then they received a violation. There was, she said, never any violation when they moved in there. She repeated that the fence that was there was the exact height and type of fence which they replaced. She said that when the original fence was falling down piece by piece there was a safety issue because it was dangerous. It was replaced in its entirety; the posts were not replaced. There were five (5) five (5) foot panels, six (6) feet tall. They basically go around where the cars are, facing Route 32 and Woodbury Common traffic. They never thought it was an issue

Submissions to the board are: herein)
Copy of list of names and addresses of those receiving a copy of the notice (page 10)
Copy Statement of Interest and Ownership, pages 11 and 12
Copy Short Environmental Assessment For, page 13
Copy of Letter from John J. Mantegazza, page 14
Copy of photo of fence in question, page 15
Copy of survey dated 9/30/78, page 16
Copy of Application to Orange County Planning Department, page 17
Copy of Application to Orange County Dept. of Public Works, page 18

Applicant mentioned building a deck in 2003 for which they had gotten a permit which was overseen by the building department. She said the fence was there then and they never thought there was anything for them to do. In answer to question by Ms. Capriglione applicant said they have never received any complaints about the fence. They have lived there for ten years and it was always there. A question came up if, when a municipal search was done, the building inspector goes out for everything. Attorney Felicissimo said if the building inspector did not make an on-site search, there will be no record of the fence in Town Hall.

227-5-14.21
Lisa K Wasley
2 Midland Ave
Central Valley NY 10917
227-5-14.231
Bruce D Fischer
14 Midland Ave
Central Valley NY 10917
228-5-5
Daybec Realty
209 Rte 32
Central Valley NY 10917
227-5-14.22
David M Litwak
6 Midland Ave
Central Valley NY 10917
227-5-10.2
Anna Loscalzo
17 Oakland Ave
Central Valley NY 10917

227-5-14.232
Michael Mc Shane
1237 Royal Oak Dr
Winter Springs FL 327084310
227-5-10.1
Joseph Loscalzo
17 Oakland Ave
Central Valley NY 10917
227-5-12
Kathleen A Malloy
3 Oakland Ave
Central Valley NY 109173519
226-1-80
Jwp Energy Inc
50 Industrial Pl
Middletown NY 10940
227-5-11
Adriana Filippone
5 Oakland Ave
Central Valley NY 10917

227-5-13
John Mantegazza
129 Rt 32
Central Valley NY 10917
226-1-9.1
Swami Llc
102 Prescott Ave
White Plains NY 10605
227-5-35
Thomas J Burke
18 Midland Ave
Central Valley NY 10917
226-1-5
Prestige Real Estate LLC
20 Palmer Ave
Monroe NY 10950

2 BA 12/8/10
Malloy) DeLine



Statement of Ownership and Interest

1. Name of Applicant KATHLEEN MALLOY / KAREN DELINE
2. Owner of property (if different from Applicant) _____
3. Owners Address 3 OAKLAND AVE. CENTRAL VALLEY, N.Y. 10917
4. Location of Property CORNER OF RT. 32 & OAKLAND AVE.
5. Tax map: Section 227 Block 5 Lot 12 Zoning District: CR
6. Present use of property Residential (single-fmly) (multi-fmly) _____ Comm. _____
7. Such use has continued without change since (year): PURCHASE IN OCT. 2000
8. Proposed use of property: SAME
9. Type of relief requested: Use variance _____ Area variance Special permit _____
10. List sections of the Woodbury Zoning Law from which variance(s) or permit are requested:
146-5B 146-7A FENCES height Limitations
11. Give directions to property from Police Headquarters on Route 32:
RT. 32 SOUTH ~~THROUGH~~ TO OAKLAND AVE. (RT. TURN)
FIRST HOUSE ON LEFT #3

Date filed: 11/15/10

Applicants Signature: *Kathleen Malloy / Karen Deline*
 Applicants address: 3 OAKLAND AVE CENTRAL VALLEY NY 10917
 Telephone numbers: (daytime) 845-827-6110 (evening) SAME

If Owner is different from applicant, complete the following:

Owners signature: _____

Owners address: _____

Telephone numbers: (daytime) _____ (evening) _____

2 BA 12/8/10
Malloy / Deline



Statement of Ownership and Interest

This questionnaire to be completed by persons applying for an AREA variance (if unsure, see instructional pamphlet attached or contact the building department):

PLEASE ANSWER ALL QUESTIONS YES OR NO AND THEN GIVE DETAILED EXPLANATION

(ATTACH ADDITIONAL PAGES IF NECESSARY)

AREA VARIANCE

1. Will the granting of this variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties? No

ABSOLUTELY NOT - A FENCE HAS ALWAYS BEEN THERE SINCE WE MOVED IN. WE SIMPLY REPLACED THE FENCE WHEN IT ROTTED AND BECAME A SAFETY HAZARD.

2. Can the benefit you seek be achieved by some other feasible method other than variance?

NO - THIS FENCE PROVIDES A SEMI PRIVATE RESPITE TO THE NOISE & COMMERCIAL TRAFFIC OF S. HIGHWAY 32 AND MOBIL / DUNKIN DONUTS. (SMA KARATE)

3. How substantial is the variance that you are requesting?

WE ARE SIMPLY REQUESTING TO ALLOW THE EXACT 5 PANEL DIMENSIONS THAT WERE PRESENT WHEN WE MOVED IN 10 YEARS AGO. (FENCE)

4. Will the granting of the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No

NOTHING HAS CHANGED IN TEN YEARS

2B at 48110 1allo y...

5. Is the alleged difficulty self-created?

NO - WE ASSUMED THAT THE FENCE WAS PERFECTLY LEGAL BECAUSE IT WAS EXISTING WHEN WE MOVED IN.

PROJECT I.D. NUMBER

617.20

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR <i>KATHLEEN MALLOY / KAREN DELINE</i>		2. PROJECT NAME <i>FENCE REPLACEMENT</i>	
3. PROJECT LOCATION: Municipality <i>TOWN OF WOODBURY</i> County <i>ORANGE</i>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>3 OAKLAND AVE. CORNER OF RT. 32 / OAKLAND AVE</i> <i>CENTRAL VALLEY, N.Y. 10917</i>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: <i>REPLACE EXISTING 5 PANEL FENCE WITH NEW 5 PANEL FENCE (EXACT DIMENSIONS)</i>			
7. AMOUNT OF LAND AFFECTED: Initially <i>56</i> acres <i>2</i> Ultimately <i>56</i> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>N SLIGHTLY HIGHER THAN HEIGHT LIMITATION</i>			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <i>FENCE FACES COMMERCIAL BUSINESSES AND SERVES AS A BUFFER TO STATE ROAD NOISE & TRAFFIC (WOODBURY COMMENTS)</i>			
10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval <i>WE ASSUMED IT DID BECAUSE OF PRE EXISTING FENCE</i>			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>N/A</i>			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <i>KATHLEEN MALLOY / KAREN DELINE</i>		Date: <i>11/15/10</i>	
Signature: <i>Kathleen Malloy</i> <i>Karen Deline</i>			

2BA
2/18/10

X
X

- Page

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Re: fence at 3 Oakland Ave

November 17, 2010

To Whom It May Concern;

My name is John Mantegazza. I reside with my wife and family at 129 Route 32 in Central Valley, N.Y. I have lived at this residence for over 26 years.

Our neighbors are Kathleen Malloy and Karen Deline who live at 3 Oakland Ave. in Central Valley, N.Y. have lived next to us for the past 10 years. The fence in question has no bearing on us. It has been there since they acquired the house and does not pose a problem for us nor are we offended by it.

What I don't understand is that if this is an issue it should of come up at the purchase of the property and apparently it did not or the previous owner would have been required by code to have either gotten the variance at that time or have the fence removed, as per your building codes.

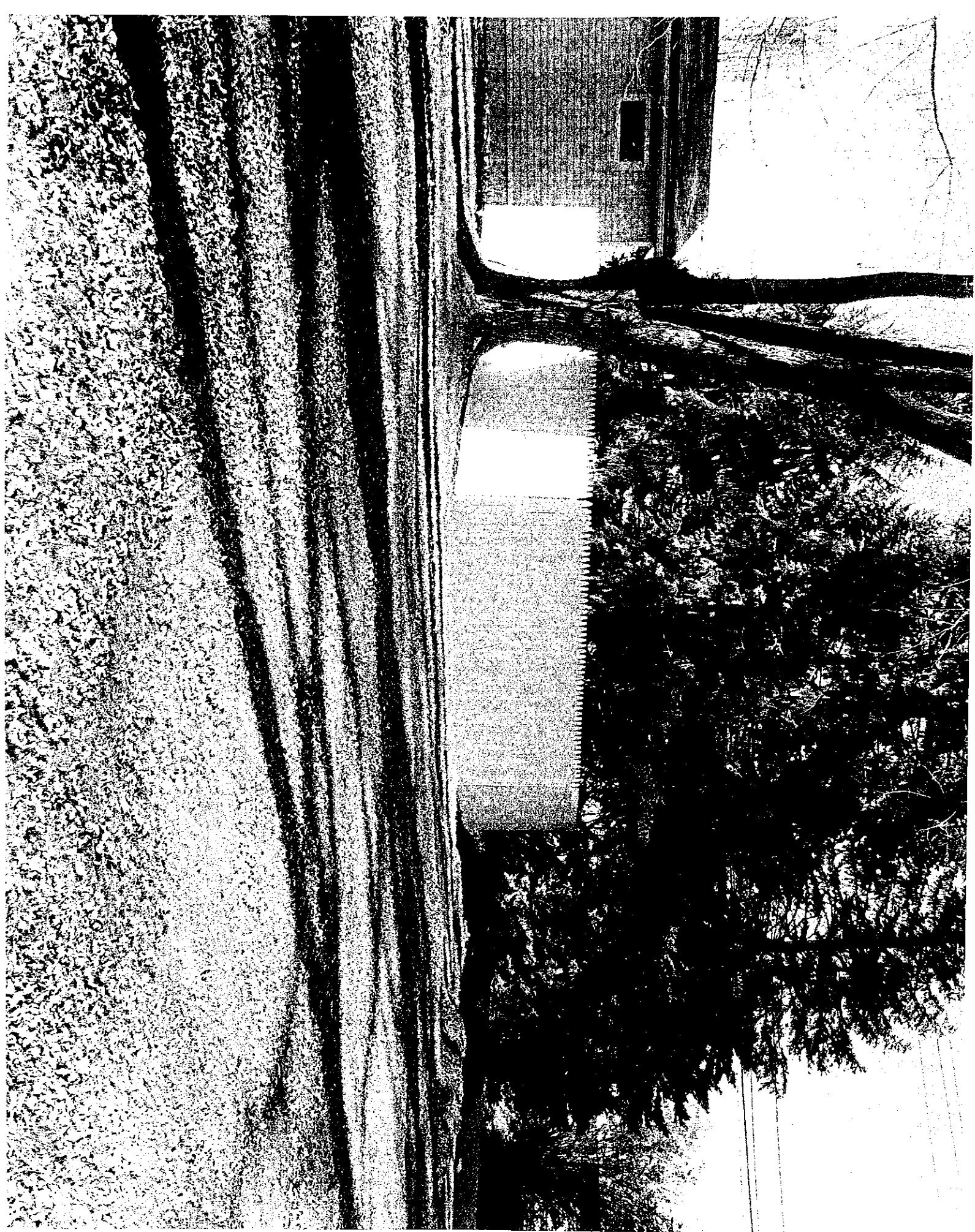
If you would like to contact us please feel free to by mail at the above address.

Sincerely,



John J. Mantegazza

ZBA 12/8/10
Malloy/Deline



Z BA Malloy, 11

- Page 15 -



Orange County Department of Planning
 Application for Mandatory County Review of Local Planning Action
 (Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
 To be signed by Local Official.

MUNICIPALITY: Woodbury

TAX MAP ID: 227-5-12
 (Section-Block-Lot)

Local File #: _____

Project Name: Malloy

Applicant: Kathleen Malloy + Karen DeLine

Address: 3 Oakland Ave, Central Valley

Attorney, Engineer, Architect: N/A

Location of Site: 3 Oakland Ave + RT 32
 (Street, highway, nearest intersection)

Size of Parcel: _____ Existing Lots: 1 Proposed Lots/Units 1

Present Zoning District: CR

TYPE OF REVIEW:

Site Plan: _____

Special Use Permit* (SUP): _____

Variance* USE (VU): _____

AREA (AV): 146-5(B) + 146-7(A)

Zone Change* FROM: _____ TO: _____

Zoning Amendment To Section: _____

Subdivision Major _____ Minor _____

Sketch

Preliminary

Final

DATE: 11/24/10

Anthony Michalajczyk, Chair
 Signature and Title

*Cite Section of Zoning Regulations where pertinent.

*2BA 12/3/10
 Malloy/DeLine*

FOR COUNTY USE ONLY
 County ID # _____

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -
APPLICATIONS FOR MANDATORY REVIEW
OF LOTS, SUBDIVISIONS BORDERING COUNTY ROAD R.O.W.
OR REQUESTING ACCESS TO SAME

APPLICATION: TO BE COMPLETED BY LOCAL BOARD HAVING JURISDICTION.
TO BE SIGNED BY LOCAL OFFICIAL.

1. MUNICIPAL PLANNING BOARD Woodbury PUBLIC HEARING DATE 12/8/10

2. APPLICANT: NAME: Kathleen Malloy + Karen DeLine
ADDRESS: 3 Oakland Ave CV

ATTORNEY, ENGINEER ARCHITECT: N/A

3. LOCATION OF SITE: 3 Oakland Ave CV
Street - County Road Number

TAX MAP IDENTIFICATION: SECTION 277 BLOCK 5 LOT 12

4. TYPE OF REVIEW:

SPECIAL PERMIT USE

SITE DEVELOPMENT USE

AREA Variance - 146-5(B) + 146-74

SUBDIVISION MAJOR MINOR

11/24/10
DATE

Anthony Michaelczyk Chairman
SIGNATURE AND TITLE

213A 12/8/10

ONE COPY OF MAPS MUST BE SUBMITTED FOR REVIEW, COMMENT AND/OR APPROVAL
UNDER SECTION 239-K OF THE GENERAL MUNICIPAL LAW.

Malloy/DeLine

FROM THE PUBLIC

Mr. John Mantegazzo, 129 Route 32, Central Valley, said the people who put the fence in were an elderly couple AND WHEN they purchased the house there was no issue. Letter submitted by Mr. Mantegazzo is shown in these minutes is shown in these minutes as page 14. Letter is dated November 17, 2010 and shows that he has no issue.

No one else wished to speak on this application.

There being no further questions or comments, MOTION was made by S. Capriglione, seconded by K. Abrams to close the public hearing. Motion unanimously carried. NO NOES (SC,KA,VF,JS,AM)

* * * * *

Village of Woodbury Zoning Board of Appeals held a public hearing at Town Hall, 511 Route 32, Highland Mills on Wednesday, December 8th, 2010 at 7:30pm in the matter of the application of Eddy Lahens (Woodbury Laundry) for an area variance, pursuant to 310-7 bulk regulations and 310-6(b) district regulations, to permit the installation of an apartment on the 1st floor within one of the existing buildings located on this property, which currently has 3 apartments and a laundry center. This expansion would require a minimum lot area of 24,400 sq. ft. (10,000 laundry center and 3,600 per apartment). Where-as, said property has a lot area of 10,454 sq. ft. Said property is located at 50 Smith Clove Rd, Central Valley in the HB Zoning District and is known on the Village of Woodbury Tax maps as Section 231 Block 3 Lot 3.

MEMBERS PRESENT: Messrs. A. Mickolajczyk (Chairman), K. Abrams, V. Ferrarelli
Ms. J. Stabile Ms. S. Capriglione

MEMBERS ABSENT : NONE

ALSO PRESENT : Eddy Lahens, applicant; Lisa Felicissimo, Esq., board's attorney

Submissions to the board were:

Copy of list of names and addresses of those receiving a copy of notice of publication (pages 20/21 herein)

Statement of Ownership and Interest, pages 22 and 23

Floor plan, 50 Smith Clove Road, page 24

Application to O.C. Dept. of Planning, page 25

Application to O.C. Dept. of Public Works, page 26

There are five (5) now plus proposed one) board to get correct square footage. Attorney said we would have to have this application withdrawn while applying for a new application with the correct information.

231-3-10	230-6-1	231-3-7
Frank Stevens III	Town Of Woodbury	John J Cassaro
P O Box 224	P O Box 1004	P O Box 304
Central Valley NY 10917	Highland Mills NY 10930	Central Valley NY 10917
230-5-9	231-1-7	231-1-2
Brent McManus	Daniel Reidy	Robert G Hutchinson
41 Smith Clove Rd	P O Box 253	P O Box 232
Central Valley NY 10917	Central Valley NY 10917	Central Valley NY 10917
231-2-5	231-2-4	231-1-1
Falkirk Avenue Properties Llc	John P Foley	Faith E Canfield
P O Box 224	P O Box 621	P O Box 188
Central Valley NY 10917	Central Valley NY 10917	Highland Mills NY 10930
231-3-3	231-3-1.2	231-2-6
Eddy Lahens	Roland Mandigo	Falkirk Avenue Properties Llc
34 Lewis Pl	P O Box 282	P O Box 224
New Rochelle NY 10804	Central Valley NY 10917	Central Valley NY 10917
230-6-12	226-1-25	231-3-8
Effat Samuel	Pennsylvania Lines Llc	Phyllis Chartier
28 Millcreek Rd	110 Franklin Road Se	138 Pine Hill Rd
New City NY 10956	Roanoke VA 240420028	Highland Mills NY 10930
231-3-2	228-5-5	230-5-11
Falkirk Avenue Properties Llc	Daybec Realty	Yoursport Inc
P O Box 224	209 Rte 32	P O Box 416
Central Valley NY 10917	Central Valley NY 10917	Central Valley NY 10917
230-5-12	231-1-6	231-2-7
Rahman Enterprises Llc	Victor Feliciano	Mary Bonetti
33 Round Lake Ave	P O Box 554	9 Falkirk Ave
Monroe NY 10950	Central Valley NY 10917	Central Valley NY 10917
231-1-5	231-1-4	231-1-3
Miguel Rojas	Junior M Perez	Falkirk Avenue Properties Llc
P O Box 236	57 Smith Clove Rd	P O Box 224
Central Valley NY 10917	Central Valley NY 10917	Central Valley NY 10917
230-5-8.2	230-5-13	230-5-10.2
Central Valley Ed Center	Peter Vincent Dene	Smith Clove Rd Properties Llc
P O Box 97	26 Acacia Ter	P O Box 224
Central Valley NY 10917	Pearl River NY 10965	Central Valley NY 10917
231-3-6.2	231-3-6.1	218-2-18
Genco Realty Group Llc	Genco Realty Group Llc	Pennsylvania Lines Llc
48 Florance Dr	48 Florance Dr	110 Franklin Road Se
Central Valley NY 10917	Central Valley NY 10917	Roanoke VA 240420028

231-3-5.12

Clove Aggregate Corp

P.O. Box 198

Chester NY 10918

2BA 12/8/10
Lahens

- Page 21 -

Statement of Ownership and Interest

1. Name of Applicant EDDY D. LAHENS
2. Owner of property (if different from Applicant) EDDY AND JOELLE LAHENS
3. Owners Address 34 LEWIS PL, NEW ROCHELLE, NY 10804
4. Location of Property 50 SMITH CLOVE RD, CENTRAL VALLEY, NY 10917
5. Tax map: Section 231 Block 3 Lot 3 Zoning District: H3
6. Present use of property: Residential (single-fmly) _____ (multi-fmly) Comm.
7. Such use has continued without change since (year): 1990's; OWNED IN 2002
8. Proposed use of property: SAME - ADDITIONAL SPLIT OF BUSINESS AREA
1/2 AREA AS BEFORE, 1/2 AREA AS 1 BEDROOM/LIVING ROOM/BATH
9. Type of relief requested: Use variance _____ Area variance Special permit _____
10. List sections of the Woodbury Zoning Law from which variance(s) or permit are requested:
310-7 BULK REGULATIONS
310-6(b) District Regulations
11. Give directions to property from Police Headquarters on Route 32:
South to Smith Clove Rd; Left on Smith Clove, Pass
UNDER THE RAIL BRIDGE, PROPERTY ON THE RIGHT.

Date filed: Nov 23, 2010 Applicants Signature: [Signature]
 Applicants address: 34 LEWIS PL NEW ROCHELLE, N.Y
 Telephone numbers: (daytime) (914) 813-1316 (evening) SAME

If Owner is different from applicant, complete the following:
 Owners signature: [Signature]
 Owners address: 34 LEWIS PL, New Rochelle, N.Y
 Telephone numbers: (daytime) _____ (evening) _____

201A 12/8/10
Lahens

Statement of Ownership and Interest

This questionnaire to be completed by persons applying for an AREA variance (if unsure, see instructional pamphlet attached or contact the building department):

PLEASE ANSWER ALL QUESTIONS YES OR NO AND THEN GIVE
DETAILED EXPLANATION

(ATTACH ADDITIONAL PAGES IF NECESSARY)

AREA VARIANCE

1. Will the granting of this variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties?

NO. THE LAUNDRY FACILITY IS PARSELY USED BY ONE OR TWO INDIVIDUALS AT A TIME, ALMOST AS PARSE AS A PRIVATE UNIT, THE UNIT BEING SEPARATED IS A SMALL ONE BEDROOM FOR ONE PERSON OR A COUPLE WORKING WITH AN ENTRANCE IN THE FRONT AND BACK.

2. Can the benefit you seek be achieved by some other feasible method other than variance?

COULD NOT ENVISION ANOTHER METHOD OF MAKING THE PLACE SUSTAIN ITSELF AND STILL MAINTAIN IT AS A LOW TRAFFIC ESTABLISHMENT.

3. How substantial is the variance that you are requesting?

SEPARATES A 30' X 60' AREA INTO TWO USABLE AREAS. ONE AREA WILL HAVE A DIMINISHED USE, I.E. THE LAUNDRY MAT WILL NOT BE USABLE FOR VOLUME LAUNDRY - ONLY SPARE USAGE DUE TO LIMITED FOLDING TABLES. THE SECOND AREA WILL BE A SMALL 3 ROOMS (1 BED) ROOM/KITCHEN/BATH AREA.

4. Will the granting of the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

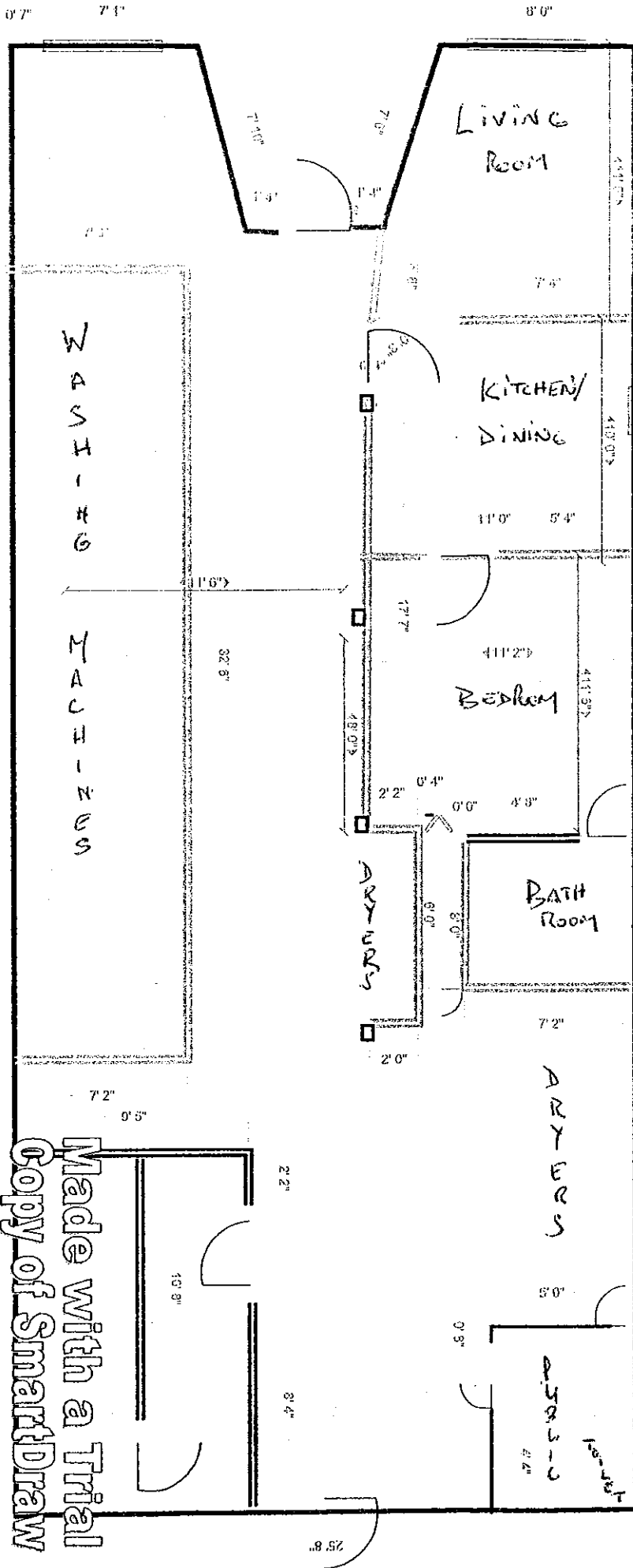
NO. THIS MODIFICATION IS ALL INTERNAL WITH NO OUTSIDE IMPACT AND NO NOTICABLE TRAFFIC IN OR OUT OF THE BUILDING

5. Is the alleged difficulty self-created?

(SMALL HOTELS WENT OUT OF BUSINESS)

NO. THE IMPACT OF THE ECONOMY AND THE CHANGES IN LIVING STYLES (MORE PERSONAL LAUNDRY MACHINES) AND THE COST OF SALARY TO RUN AN OCCUPIED/COUNTER LAUNDRY MAKES THE OLD FACILITY UNECONOMICAL.

SMITH CLOVE STREET



50 Smith Clove Rd, Laundromat 1st Floor Split

Made with a Trial
Copy of SmartDraw

Buy SmartDraw! - purchased copies print this document without a watermark.
Visit www.smartdraw.com or call 1-800-768-3729.

2BA
12/8/10
Lahens



Orange County Department of Planning
 Application for Mandatory County Review of Local Planning Action
 (Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
 To be signed by Local Official.

MUNICIPALITY: Woodbury

TAX MAP ID: 231-3-3
 (Section-Block-Lot)

Local File #: _____

Project Name: _____

Applicant: Eddy Lahens

Address: 34 Lewis Place, New Rochelle, NY 10804

Attorney, Engineer, Architect: N/A

Location of Site: 50 Smith Clark T22 / Falkirk Ave
 (Street, highway, nearest intersection)

Size of Parcel: 10,454 sq ft Existing Lots: 1 Proposed Lots/Units 1

Present Zoning District: HB

TYPE OF REVIEW:

- Site Plan: _____
- Special Use Permit* (SUP): _____

Variance* USE (VU): _____

AREA (AV): 310-7 Bulk regulations / 310-6(b) District regulations

Zone Change* FROM: _____ TO: _____

Zoning Amendment To Section: _____

Subdivision Major _____ Minor _____

- Sketch
- Preliminary
- Final

DATE: 12/1/10

Anthony Micholayczuk, Chairman
 Signature and Title

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY
 County ID # _____

2BA 12/8/10
 Lahens

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -
APPLICATIONS FOR MANDATORY REVIEW
OF LOTS, SUBDIVISIONS BORDERING COUNTY ROAD R.O.W.
OR REQUESTING ACCESS TO SAME

APPLICATION: TO BE COMPLETED BY LOCAL BOARD HAVING JURISDICTION.
TO BE SIGNED BY LOCAL OFFICIAL.

1. MUNICIPAL PLANNING BOARD Woodbury Zoning Board PUBLIC HEARING DATE 12/8/10

2. APPLICANT: NAME: EDDY LAHENS
ADDRESS: 34 LEWIS PLACE, NEW ROCHELLE NY 108

ATTORNEY, ENGINEER
ARCHITECT: N/A

3. LOCATION OF SITE: 50 Smith Clove Rd CV
Street - County Road Number

TAX MAP IDENTIFICATION: SECTION 231 BLOCK 3 LOT 3

4. TYPE OF REVIEW:

SPECIAL PERMIT USE

SITE DEVELOPMENT USE

AREA Variance 310-7 Bulk regulations
310-6(B) District Regulation

SUBDIVISION MAJOR _____ MINOR _____

12/1/10
DATE

Anthony Michalaszek, Chair
SIGNATURE AND TITLE

ONE COPY OF MAPS MUST BE SUBMITTED FOR REVIEW, COMMENT AND/OR APPROVAL
UNDER SECTION 239-K OF THE GENERAL MUNICIPAL LAW.

2BA 12/8/10

Lahens

-Page 26 -

MOTION by A. Mickolajczyk, seconded by K. Abrams to continue the public hearing to January 21, 2011 meeting unless Gary Thomasberger determines that the application must be withdrawn and re-submitted with the correct figures. Motion was unanimously carried. NO noes --(AM,KA,VF,JS,SC)

SPECIAL PERMIT RENEWAL REPORT BY BUILDING INSPECTOR

Report submitted by building inspector dated 12/8/10 consisting of 2 pages shown in these minutes as pages 28 and 29 and 30.

DISCUSSION ON DECISIONS TO BE CONSIDERED, IN EACH CASE CHAIRMAN READ APPLICANT'S ANSWERS TO QUESTIONS ON "STATEMENT OF OWNERSHIP AND INTEREST", copy of which appears on pages 30 and 31 for....

SANCHEZ, SALLY

Chairman stated that on the board's discussion, Miss Sanchez cannot meet the burden of the use variance. The board's interpretation is that the use variance is not necessary. Attorney Felicissimo said the use variance was requested and the board took testimony. The board deliberated and deems that a use variance is not required. In essence, the application is turning into an interpretation.

Chairman directed Attorney Felicissimo to prepare a decision stating the above and include that this interpretation does not in any way set a precedent or apply to any other livestock or animals residing in the village that might not meet the Code and they would be considered individually.

All agreed with and voted AYE to the above.

* * * * *

MALLOY/DE LINE

Statement of Ownership and Interest appears on pages 11 and 12 herein.

Q #1 - The fence has, in fact, been there for 12 years..they simply replaced the existing fence with same exact type structure. They did not replace posts; they simply put up new fence panels. It does not produce an undesirable change in the character of the neighborhood...not to nearby properties either. S. Capriglione said they showed pride in their property, took care of the safety problem and did a nice job. They were unaware they did anything wrong. ALL AGREED #1 is NO.

Q #2 - Without a variance they could put a four (4) foot fence there; they could not exactly achieve the desired effect. With a four foot fence they could achieve some privacy from Route 32 traffic There are some large pine trees there as well. Chairman said he realizes the need for privacy . K. Abrams said it does benefit the Route 32 side. He said pine trees face Oakland and do not supply any protection. They could achieve it with a four foot solid fence. S. Capriglione said it's something they have had from the beginning. They did not try to increase the benefit, just replace what was there. J. Stabile said they purchased it with the same type of fence..they had no idea they were in violation by replacing the fence. K. Abrams said because of the location of the house/noise there the fence was there. A four foot fence would not give them privacy from the highway. V. Ferrarelli said the fact that the fence was there..they didn't change anything..it was all the same as before.

Q #3 - It's only five panels..not infringing on property line. Not very substantial...No traffic involved.

ZBA 12/8/10

Discssion re Decision-making.

MALLOY/DE LINE--continued

Q #4 - Nothing has changed in ten years.

Q #5 - It's not self-created (maybe not)

Chairman stated that based on the board's deliberation, it is recommended to the board's attorney to write up a favorable decision granting the variance. All agreed.

Decision will be voted on at the board's January 12, 2011 meeting.

- MOTION was made, seconded and unanimously carried to adjourn. 9:00 P.M.

Pages 28 through 31 submitted,
minutes of board's December 8, 2010 meeting

Louise J. Kopchak

Louise J. Kopchak, Secretary
Woodbury Zoning Board of Appeals

LOWER PART OF SHEET LEFT BLANK
INTENTIONALLY

(845) 928-6911, Ext. 5

Phone

(845) 928-7263

Fax

VILLAGE OF WOODBURY
ZONING BOARD OF APPEALS

P.O. Box 1004

511 ROUTE 32

HIGHLAND MILLS, NEW YORK 10930

TO: Anthony Mickolajczyk, Chairman
Members of the Zoning Board of Appeals

FROM: Gary Thomasberger

DATE: December 8, 2010

RE: Special Permit

	<u>Inspection Date</u>	<u>Status</u>
<u>April</u>		
<u>Mother/Daughter</u>		
<u>Dwellings</u>		
Permual 1 Thayer Rd., HM	11/10/10	Complied
Carcaterra 59 Birchwood Dr., HM	11/10/10	Complied
<u>August</u>		
<u>Special Permit</u>		
Leombruno 975 Route 32, HM Motor Vehicle Repair	12/07/10	Complied
<u>September</u>		
<u>Special Permit</u>		
Bergs Rt 32. CV Auto repair & Junkyard	12/07/10	Complied
Woodbury Laundry Center Smith Clove Rd., CV		Violation issued for additional apartment Filed ZBA application

ZBA 12/8/10

September

Mother/Daughter

Dwellings

Perino 11/10/10 Complied
9 Dartmouth Rd. HM

October

Mother/Daughter

Dwellings

Flakowicz 11/10/10 Complied
64 Seven Springs Rd., HM

Miganano 11/10/10 Complied
2 Fordham Ln, HM

Haeger 11/10/10 Complied
228 Skyline Dr., HM

October

Special Permit

Black Forest Restaurant 12/08/10 Complied
Rt 32, HM

Decker 12/08/10 Complied
Rt. 32, HM
Retail stores & 3 Apts

November

Mother/Daughter

Dwellings

CONNELLY 12/08/10 Complied
46 Rutledge Ave, CV

Leonardi Not home - Will send letter
53 Elmwood Dr., HM

Frank 12/08/10 Complied
33 Rainbow Dr., HM

2 BA 12/08/10

November

Special Permit

Ace Farms 12/08/10 Complied
Cty Rt 105, HM
House trailer

Central Woodbury Country Ltd 12/08/10 Complied
488 Rt 32, HM
3 Apts

Highland Sand & Gravel 12/08/10 Complied
Rt 32., HM
Quarry

Alta East 12/08/10 Complied
497 Rt 32., HM
Gas station

Lakeside Village 12/08/10 Complied
Rt 32., HM
Manufactured homes

COPY *

Statement of Ownership and Interest

- 1. Name of Applicant SALLY SANCHEZ
- 2. Owner of property (if different from Applicant) N/A
- 3. Owners Address 35 Woodland Road
- 4. Location of Property N/A
- 5. Tax map: Section 211 Block 1 Lot 67 Zoning District: _____
- 6. Present use of property: Residential (single-fmly) single (multi-fmly) _____ Comm. _____
- 7. Such use has continued without change since (year): _____
- 8. Proposed use of property: Keep Pet Rooster
- 9. Type of relief requested: Use variance Area variance _____ Special permit _____

10. List sections of the Woodbury Zoning Law from which variance(s) or permit are requested:

310-7 - 310-6(E)

11. Give directions to property from Police Headquarters on Route 32:
32 North left onto Park Ave continue to approximately 3/4 of mile
make left onto skyline left to Birchwood quick left
onto Woodland.

Date filed: 9-27-10 Applicants Signature: Sally Sanchez

Applicants address: 35 Woodland Road Highland Hills N.Y. 109

Telephone numbers: (daytime) 917-763-3832 (evening) 917-763-3832

ZBA 10/13/10
Sanchez

If Owner is different from applicant, complete the following:

Owners signature: _____

Owners address: _____

Telephone numbers: (daytime) _____ (evening) _____



Statement of Ownership and Interest

This questionnaire to be completed by persons applying for an USE variance (if unsure, see instructional pamphlet attached or contact the building department):

PLEASE ANSWER ALL QUESTIONS YES OR NO AND THEN GIVE DETAILED EXPLANATION

(ATTACH ADDITIONAL PAGES IF NECESSARY)

USE VARIANCE

1. Explain how, based on the current applicable zoning regulations applicant is incapable of earning a "reasonable" financial return on his/her initial investment if used for any of the uses allowed by the zoning code. Applicant must demonstrate using financial evidence:

Does not apply my intent is not to make a business for a profit. My intention is to keep pet Rooster from being harm.

2. Explain how the alleged hardship that relates to the property in question is unique and does not apply to a substantial portion of the district or neighborhood:

Proposed variance will not have an adverse effect or impact on physical or environmental conditions in the neighborhood or district.

3. Explain how the requested variance, if granted, will not alter the essential character of the neighborhood:

if granted the requested variance will not affect the essential character of the neighborhood or its surroundings for instance property appearance, plant and or animal ecosystem. as far as sound pollution in comparison with interstate 87 it's minimal or non-existent. This practice has been going on for approximately five (5) years no apparent change has occur.

4. Explain how the hardship is not self-created:

I have not alter or in any way endanger the health, safety and welfare of the neighborhood or community by such actions

2BA 10/13/10
Sanchez