

RECEIVED

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VILLAGE OF WOODBURY

RECEIVED

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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 14, 2011 at 7:30 P.M.

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

MEMBERS PRESENT: Messrs. Anthony Mickolajczyk, Kevin Abrams, Victor Ferrarelli and Ms. Sandra Capriglione and Ms. Joann Stabile.

ALSO PRESENT : Lisa Felicissimo, Esq., attorney for the board
NO ONE WAS ABSENT FOR THIS MEETING

Chairman called the meeting to order and welcomed those people who were present; PLEDGE OF ALLEGIANCE TO THE FLAG was recited.

Anthony Mickolajczyk introduced himself as Chairman of the Village of Woodbury Zoning Board of Appeals. He explained that this is the board's regularly scheduled meeting (monthly). He proceeded to introduce the board members (see above) and Louise Kopchak, recording secretary and Lisa Felicissimo, Esq., board's attorney.

THERE WAS NO NEED FOR AN EXECUTIVE SESSION

PUBLIC COMMENT SEGMENT

At the beginning of each meeting the board allows 15 minutes upen to public comment. Any members of the public who wish to speak on matters that are not germaine to public hearings on tonight's agenda may do so. No one wished to speak.

APPROVAL OF BOARD'S NOVEMBER 9, 2011 MINUTES.

MOTION was made by Kevin Abrams, seconded by Sandra Capriglione to accept the minutes as read. Motion was unanimously carried.

NEW BUSINESS Chairman said the next sckheduledmeeting of this board will be January 11, 2012 (second Wednesday of January)

ACTION ON DECISIONS OF BOARD

RE: URTZ, THOMAS AND ELIZABETH

- A) Urtz - Decision for a special permit, pursuant to Section 310-35, to allow construction of an additional dwelling unit within the existing single family dwelling for an additional family member. Property is located at 1 Highland Woods Blvd., HM SBL 246-1-32.

NOW THEREFORE, it is resolved that the Board finds that the applicant has sustained its burden of proof and that a Temporary Special Permit be issued to THOMAS URTZ and ELIZABETH URTZ to allow for LORRAINE MOEN to reside at the subject premises as an additional family member pursuant to Section 310-35 of the Village of Woodbury Zoning Code. Said Temporary Special Permit is subject to the following conditions:

VILLAGE OF WOODBURY
ZONING BOARD OF APPEALS
WEDNESDAY, DECEMBER 14, 2011
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) Urtz - Decision for a special permit, pursuant to Section 310-35, to allow construction of an additional dwelling unit within the existing single family dwelling for an additional family member. Property is located at 1 Highland Woods Blvd., HM SBL 246-1-32.
 - B) Yastion - Decision for an area variance to permit the construction of an enclosed front porch on an existing single family dwelling leaving a front yard setback of 27 ft. Whereas, pursuant to Section 310-7(bulk regulations) and Section 310-6B, a 40 ft. setback is required. Property is located at 17 Sunny Lane, HM SBL 217-5- 9.
 - C) Sica - Decision for an area variance to permit the continued use of an existing in-ground swimming pool located in a side yard. Whereas, pursuant to section 310-25A (swimming pools), a pool is only permitted in a rear yard. Property is located at 40 Woodbury Road, HM SBL 201-1-36.
 - D) OC BMW -Decision for an area variance to permit the parking and or display of new/used cars within a required landscape strip in a front yard. Whereas, pursuant to section 310-27(c)2.3, a 25ft. landscape strip is required with a minimum of 1 shade tree for each 40 ft. Furthermore, no parking is permitted within a front yard pursuant to section 310-40E. Property is located at 101 Maher Lane in Harriman SBL 225-1-10.421.
6. Public Hearings -
 - A) Ambrose - Public Hearing for an area variance to permit the installation of an in ground pool in a side and or front yard. Whereas, pursuant to Zoning Sections 310-11, 310-12(D), swimming pools (accessory structure) may only be located in a rear yard. Said property is located in the RIA Zoning District at 14 Grandview Road, Central Valley and is known on the Village of Woodbury Tax maps as Section 248 Block 1 Lot 22.
7. Building Inspectors Report
8. Deliberations on closed Public Hearings
9. Adjournment

2 BA
12/14/11

- Page 2 -

RE: URTZ

1. The granting of this Temporary Special Permit shall be subject to an onsite inspection by an Administrator of the Building Department on the anniversary date of this Temporary Special Permit to determine that there has been full compliance with the terms and conditions herein and to determine if, in fact, the premises is still used for its intended purposes (for Lorraine Moen).

2. If and when the use of the premises as such ceases, then the applicant shall be required to remove any additional kitchen facilities at the home and the premises shall be restored to a single family dwelling.

3. Immediately after this Temporary Special Permit has been issued, the applicant shall be required to sign this permit evidencing their agreement with the terms and conditions of this Temporary Special Permit.

4. In the event the applicant sells the home or the use for an additional family member (for Lorraine Moen) is no longer required by the applicant, then this Temporary Special Permit shall forthwith terminate without any further action on behalf of the Board of Appeals and all evidence of a second residence shall be removed.

MOTION was made by K. Abrams, seconded by J. Stabile to accept the Decision as read. Motion unanimously carried. ALL AYES (KA,JS,SC,VF,AM).

* * * * *

RE: YASTION, JOHN E.

Chairman read from formal decision.

- B) Yastion – Decision for an area variance to permit the construction of an enclosed front porch on an existing single family dwelling leaving a front yard setback of 27 ft. Whereas, pursuant to Section 310-7(bulk regulations) and Section 310-6B, a 40 ft. setback is required. Property is located at 17 Sunny Lane, HM SBL 217-5-9.

YASTION, John E.

DECISION

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 the area variances sought concerning the applicant's property located at 17 Sunny Lane in Highland Mills, New York in the R2A Zoning District and designated as Section 217. Block 5 Lot 9 on the Village of Woodbury tax map. The Board grants the applicant's request for an area variance from the aforementioned variances and in particular from the Bulk Regulations for the R2A Zone to allow for a 27 foot front yard setback whereas the Zoning Code requires a 40 foot setback.

MOTION was made by S. Capriglione, seconded by V. Ferrarelli to accept the decision as written. Motion was unanimously carried. AL AYES (SC,VF,KA,JS,AM)

* * * * *

RE: MICHAEL SICA

- C) Sica - Decision for an area variance to permit the continued use of an existing in-ground swimming pool located in a side yard. Whereas, pursuant to section 310-25A (swimming pools), a pool is only permitted in a rear yard. Property is located at 40 Woodbury Road, HM SBL 201-1-36.

DECISION

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 the request for an area variance to allow for the in-ground pool to remain in the side yard at the premises known and designated as 40 Woodbury Road in Highland Mills, NY.

The Board grants the applicant's request to allow for the swimming pool to remain based on the information set forth herein.

MOTION WAS made by J. Stabile, seconded by K. Abrams to accept the Decision as written. Motion was unanimously carried. ALL AYES (JS,KA,VF,SC,AM)

- D) OC BMW –Decision for an area variance to permit the parking and or display of new/used cars within a required landscape strip in a front yard. Whereas, pursuant to section 310-27(c)2.3, a 25ft. landscape strip is required with a minimum of 1 shade tree for each 40 ft. Furthermore, no parking is permitted within a front yard pursuant to section 310-40E. Property is located at 101 Maher

DECISION

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 the variances sought concerning the applicant's property which is located at 101 Maher Lane, Harriman, New York and which bears tax map designation Section 225 Block 1 Lot 10.421/10.421-1 in the IB Zoning District. With respect to the request for a variance from Section 310-27(C) of the Village of Woodbury Zoning Code which requires a 25 foot deep landscaped strip in the front yard of all properties other than in the HB District, the Board grants the applicant's request to reduce the landscaped strip to 6.7 feet along the Larkin Drive frontage (North of the entrance) and to reduce the front yard landscaped strip to 1.9 feet (along the Larkin Drive frontage, South of the entrance) whereas 25 feet is required. Additionally, with respect to Section 310-40 of the Village of Woodbury Zoning Code the Zoning Board of Appeals hereby grants the applicant's request to allow for parking within the required front yard and the Zoning Board of Appeals finds that the parking of new or used cars for sale is tantamount to the display of merchandise and it is accordingly not prohibited by Section 310-40 of the Village of Woodbury Zoning Code.

With respect to Section 310-27(D) of the Village of Woodbury Zoning Code, the Zoning Board of Appeals hereby grants the applicant's request to reduce the interior tree requirements of zero whereas 13 trees are required. The Zoning Board of Appeals agrees to allow for the applicant to increase the number of display vehicles at the site (from the number approved in the prior

BMW ORANGE COUNTY

decision of the Woodbury Zoning Board of Appeals with respect to this site) in accordance with the revised site plan submitted to the Zoning Board of Appeals with this application. The number of display spaces shall be capped at 99. All of the above variances are subject to and conditioned upon the applicants successful completion of the site plan review process with the Planning Board of the Village of Woodbury. Additionally, these variances are subject to and contingent upon the applicant's receipt of any and all county, state and municipal approvals that may be required for the site plan. It should be noted that the Zoning Board of Appeals has no opposition to the interchange of parking spaces between customer and vehicles for sale however, this request must be made to the Village of Woodbury Planning Board as well and receive the approval from said Board.

MOTION was made by K. Abrams, seconded by V. Ferrarelli to accept the Decision as written. Motion was unanimously carried. (KA,VF,SC,JS,AM) ALL AYES.

Public Hearings -

Ambrose - Public Hearing for an area variance to permit the installation of an in ground pool in a side and or front yard. Whereas, pursuant to Zoning Sections 310-11, 310-12(D), swimming pools (accessory structure) may only be located in a rear yard. Said property is located in the R1A Zoning District at 14 Grandview Road, Central Valley and is known on the Village of Woodbury Tax maps as Section 248 Block 1 Lot 22.

The above public hearing was held by the Zoning Board of the Village of Woodbury at Town Hall, Highland Mills, New York on December 14, 2011 on the application of Robert and Laura Ambrose at 7:30 P.M.

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

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

Papers submitted to the board by applicant:

- (1. List of names and addresses of persons receiving copy of Notice of Public hearing; shown in these minutes as page 7.
- (2. Statement of Ownership and Interest, shown in these minutes as pages 8 and 9.
- (3. Short Environmental Assessment Form, shown in these minutes as pages 10 and 11.
- (4. Copy of Survey, Tax Map 48-1-22 dated 9/26/03, shown as pages 12 and 13 herein.
- (5. Six photos of property in question....

Chairman read notice of public hearing and said that in the notice it mentions a side yard and front yard. He said the board believes it's a front

248-1-48
Stephen Puntasecca
Puntasecca, Marguerite
58 Greenwich Ave
Central Valley NY 10917

248-1-45
Daniel White
Savage, Katherine
5770 Butler St
Pittsburgh PA 15201

248-1-56
Raymond J Barczak III
Barczak, Melissa M
15 Grandview Rd
Central Valley NY 10917

248-1-19
James Hartigan
Hartigan, Nancy
8 Grandview Ave
Central Valley NY 10917

248-1-20
Michael Phelan
Phelan, Lisa
10 Grandview Rd
Central Valley NY 10917

248-1-49
Ratna Sodha
Sodha, Samir
60 Greenwich Ave
Central Valley NY 10917

248-1-64.22
The Greens At Woodbury Llc
3 Victoria Ct
Central Valley NY 10917

248-1-47
James Struhar
Struhar, Nancy
56 Greenwich Ave
Central Valley NY 10917

248-1-46
John H Homlish
Homlish, Nancy
54 Greenwich Ave
Central Valley NY 10917

248-1-24
John A Nasonte
Nasonte, Gina M
65 Greenwich Ave
Central Valley NY 10917

226-1-56
Estate at Woodbury Willow, Ltd
9 Hudson Dr
Stony Point NY 10980

248-1-21
Hunter B Allen
Allen, Kayla P
59 Greenwich Ave
Central Valley NY 10917

248-1-63
Rakesh Khanna
Khanna, Renuka
12 Grandview Rd
Central Valley NY 10917

248-1-23
Dale P Leatherwood
Leatherwood, Julie P
668 Elm Shadow Way
Lake Mary FL 327454408

248-1-44
James M Lewis Sr
Lewis, Denise M
50 Greenwich Ave
Central Valley NY 10917

248-1-58
Liza Karkotis-Tsikolas
19 Grandview Rd
Central Valley NY 10917

248-1-60
Anthony Santoro
Santoro, Donna
23 Grandview Rd
Central Valley NY 10917

248-1-59
Artur M Boino
Boino, Rosa H
21 Grandview Rd
Central Valley NY 10917

248-1-22
Robert M Ambrose
14 Grandview Rd
Central Valley NY 10917

248-1-57
Robert E Lewis
Lewis, Mary E
P O Box 325
Central Valley NY 10917

248-1-67
No Data Found
No Data Found
No Data Found
No Data Found

2BA 12/14/11
Ambrose



Application
NOV 11 2011
WOODBURY ZONING DEPT

Statement of Ownership and Interest

1. Name of Applicant Robert & Laura Ambrose
2. Owner of property (if different from Applicant) _____
3. Owners Address 14 Grandview Road, Central Valley
4. Location of Property Town of Woodbury, Orange County NY
5. Tax map: Section 248 Block 1 Lot 22 Zoning District: _____
6. Present use of property: Residential (single-fmly) (multi-fmly) _____ Comm. _____
7. Such use has continued without change since (year): 2003
8. Proposed use of property: Swimming Pool
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: _____

11. Give directions to property from Police Headquarters on Route 32:
South on Rt. 32, Left onto Smith Clove Rd.,
Right onto Greenwich Avenue, right onto Bedford,
Left onto Greenwich, right onto Grandview #14.

Date filed: 11/29/11 Applicants Signature: [Signature]
 Applicants address: 14 Grandview Road, Central Valley
 Telephone numbers: (daytime) 325-2423 (evening) 920-3510

~~If Owner is different from applicant, complete the following:~~
 Owners signature: _____
 Owners address: _____
 Telephone numbers: (daytime) _____ (evening) _____

2BA 12/14/11
Ambrose



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, by allowing us to put a pool in our yard, it will enhance the look of our property as well as benefit the neighborhood. This will not cause an undesirable view to our neighbors.

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

No. If you look at the site plan there is a limited area where we could fit a pool

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

Very minimal, but without it we would not be able to have the pool in our yard.

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

Not at all, it will enhance all aspects the property & our neighborhood

5. Is the alleged difficulty self-created?

No, it is unavoidable

2 BA 12/14/11
AM BROSE



SEQR

14-15-4 (9/95) - Text 12

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: Robert & Laura Ambrose 2. PROJECT NAME: Swimming pool

3. PROJECT LOCATION: Municipality Town of Woodbury County Orange

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
14 Grandview Road, Central Valley, NY 10917
clo Grandview & Greenwich

5. IS PROPOSED ACTION:
 New Expansion Modification/alteration

6. DESCRIBE PROJECT BRIEFLY: Installation of Inground swimming pool

7. AMOUNT OF LAND AFFECTED:
Initially _____ acres Ultimately _____ acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
 Yes No If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
 Residential Industrial Commercial Agriculture Park/Forest/Open space Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
 Yes No If yes, list agency(s) and permit/approvals
Town of Woodbury

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
 Yes No If yes, list agency name and permit/approval
2 BA 12/14/11 Ambrose

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
 Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Robert & Laura Ambrose

Date: 11/29/11

Signature: [Signatures]

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.5? If no, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING. (Answers may be handwritten, if required)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
 Yes No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

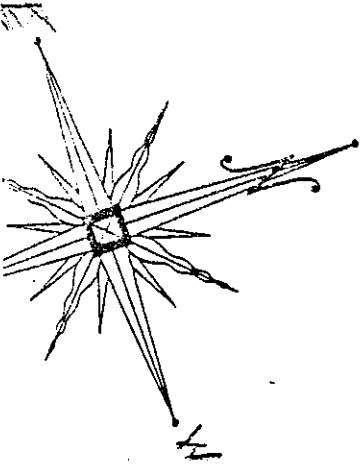
PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

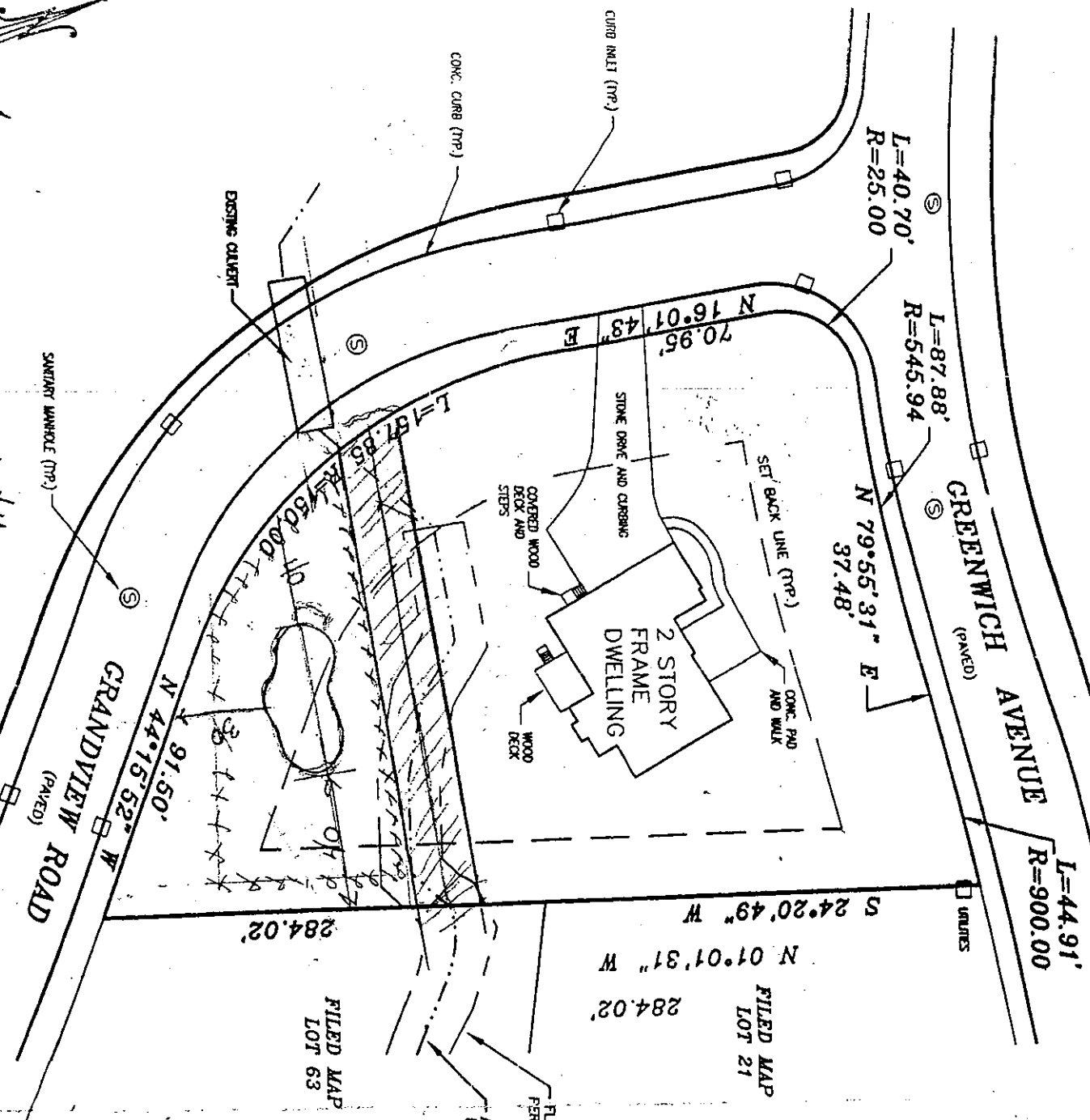
Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

ZBA 12/14/11
 Ambrose
 Name of Lead Agency
 Title of Responsible Officer
 Print or Type Name of Responsible Officer in Lead Agency



AMBROSE

2 BA 12/14/11
AMBROSE



TITLE: FINAL SURV
ROBERT

- LEGEND**
- SANITARY MANHOLE
 - DRAINAGE MANHOLE
 - CATCH BASIN
 - HYDRANT
 - UTILITIES (TRP.)
 - CLEANOUT
 - UTILITY POLE
 - GAS VALVE
 - WATER SHUT OFF
 - STREET SIGN

TH.D.

2BA
12/14/11
AM BROSE

AREA = 0.91 ± ACRES

FILED MAP LOT NO. 22

- 6. SUBJECT TO THE FINDINGS OF AN UP TO DATE AND ACCURATE TITLE REPORT.
- 7. SUBJECT TO EASEMENTS OR AGREEMENTS IF ANY.
- 8. REFERENCES; A MAP ENTITLED "THE GREENS OF WOODBURY, SUBDIVISION PLAN" FILED WITH THE ORANGE COUNTY CLERK'S OFFICE ON MARCH 8, 2000 AS MAP NO. 47-00.

I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY COMPLETED ON APRIL 18, 2001;

ROBERT M. AMBROSE
LISA D. AMBROSE
WELLS FARGO HOME MORTGAGE, INC.
SAPPHIRE TITLE AND SETTLEMENT AGENCY, LTD.
NATIONAL TITLE INSURANCE OF NEW YORK, INC.

LEGEND

- -- SANITARY MANHOLE
- ⊙ -- DRAINAGE MANHOLE
- -- CATCH BASIN
- ⊕ -- HYDRANT
- ⊗ -- UTILITIES (TELEPHONE, ELEC, RIC, &/OR TV)
- -- CLEANOUT
- ⊙ -- UTILITY POLE
- ⊗ -- GAS VALVE
- ⊗ -- WATER SHUT OFF VALVE
- ⊗ -- STREET SIGN

9/26/03	FINAL
DATE	DESCRIPTION
	REVISION BOX
	BY
	CJS

TITLE: FINAL SURVEY PREPARED FOR;

ROBERT M. AND **AMBROSE**

ADDRESS: GREENWICH AVENUE	TITLE #:
TOWNSHIP OF: WOODBURY	COUNTY OF: ORANGE
SCALE: 1"=50'	TAX MAP SECTION 48 BLOCK 1 LOT 22
DWG: CJS	STATE OF: NEW YORK

PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC

262 GREENWICH AVENUE, SUITE A
GOSHEN, NEW YORK 10924
TEL. (845) 294-0606

DRAWING: 20145-22S
REFER TO:

Vincent A. Pietrzak

VINCENT A. PIETRZAK P.L.L.C.
LICENSE NO. 050075

AMBROSE

FLOOD PLAIN PER FILED MAP

AREAS STREAM AREA PER FILED MAP

MAP 63

MAP 21

Public hearing, cont'd.

Re: AMBROSE

...it's a frpnt yard and a rear yard. The front door of the house actually faces Greenwich There is no side yard because the property is on a corner. Applicant has two front yards so the board is dealing with a front yard variance for the proposed pool.

Applicant mentioned a stream running on the property and that the contractor had to move the pool back a few feet in the rear yard. He said their property is covered with many trees and plants. The pool, he said, would never be seen from the rear and it will be enclosed. Also, there will be a fence around the property which will be a metal fence four (4) feet high. Proposed pool will be 18 feet by 32 feet.

Chairman asked, due to the stream area shown on the map, applicant felt his only option was to move the pool back rather than closer to the house, Applicant said that statement is correct. He said because of the shape of the lot there are not too many options.

A letter was submitted from neighbors James and Nancy Hartigan stating that they have no objections to the granting of a variance to the Ambroses. Copy of letter is shown in these minutes as page 14A. Chairman read letter aloud.

Board member K. Abrams mentioned that it is pretty well private back there. At its closest point it would be 36 feet from the property line. It was mentioned that the applicant was turned down when he applied for a building permit

Discussion followed about setback. It would have to be more than twenty feet otherwise Gary would have included a variance for the setback.

There is an existing culvert ...no easements for the stream Applicant said it is a brook when it rains.

There being no further questions or comments, MOTION was made by K. Abrams seconded by V. Ferrarelli to close the public hearing. Motion was unanimously carried. ALL AYES (KA,VF,SC,JS,AM)

Chairman Mickolajczyk noted that a 239M was sent out; however, he said, we do not believe that this property is within 500 feet of a public road.

* * * * *

BUILDING INSPECTOR'S REPORT ON SPECIAL PERMIT RENEWALS

No report was submitted at this time.

DELIBERATION ON CLOSED PUBLIC HEARINGS.

The board's discussion is based on applicants' submission of a Statement of Ownership and Interest, which is shwon in these minutes as pages 8 and 9.

#1. Based on the plantings around, there is plenty of privacy. There is a letter from one of their neighbors stating no objections. No one was in attendance. Board agreed with applicants' answer.

#2. Due to underground stream and the shape of property board agreed with applicants' answer. #3. As on map, pool is almost completely in the front yard; it's on a corner lot, this reduces the substantialness of it. #4. All agreed with applicants' answer; #5. Yes, it is self-created..They want to put in a pool which could be avoided. Chairman directed Attorney Felicissimo to prepare a favorable decision granting the variance so they may construct their in-ground pool.

MOTION was made by K. Abrams, seconded by J. Stable to adjourn. ALL AYES

Louise J. Kopchak

Louise J. Kopchak, Secretary

Woodbury Zoning Board of Appeals

To: Anthony Mickolajczyk, Chairman Zoning Board of Appeals

From: James and Nancy Hartigan 8 Grandview Road
Central Valley NY 10917

RE: Application for an area variance for Robert and Laura Ambrose

We would like to notify the Zoning Board of Appeals that as neighbors of Robert and Laura Ambrose we have no objections to a variance being granted in the matter of an in ground swimming pool being installed on side or front yard.

Regards,

James & Nancy Hartigan

ZBA 12/14/11
Ambrose

