

DEC 20 2007

RECEIVED

DEC 19 2007

WOODBURY BLDG. DEPT.

## 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 November 28, 2007 at 7:30 P.M. AGENDA for this meeting is shown in these minutes as pages 2 and 3 in these minutes.

Chairman Richard Cataggio called the meeting to order.

PLEDGE OF ALLEGIANCE to the Flag was recited.

THERE WILL BE NO EXECUTIVE SESSION.

Chairman introduced himself as Chairman <sup>R. Cataggio,</sup> and the board members: Messrs. D. Siebold, G. Pedersen, T. Egan, A. Mickolajczyk; Louise Kopchak, recording secretary, Lisa Felicissimo, Esq., Board's attorney. He said this meeting is being taped live as we speak and will be aired on Channel 22 some time in the future.

PUBLIC COMMENT SEGMENT - 15 minutes are allowed at maximum at the beginning of the meeting to inquire as to how many people plan to speak tonight. Time will be divided accordingly. Please keep your comments a subject germane to the ZBA. Please do not discuss any item related to a public hearing scheduled tonight during this comment segment. Please refrain from interjecting anything personal.

NO ONE WISHED TO SPEAK

MOTION was made by G. Pedersen, seconded by T. Egan to approve the October 24, 2007 minutes as read. Motion unanimously carried.

NEW BUSINESS:

Chairman Cataggio said that attorney Felicissimo had sent him a <sup>copy of</sup> letter dated October 26, 2007 written to Richard Golden, Esq. regarding the board's concern regarding Orange Nursery's inclusion on the proposed sign of the fact that stone would be sold on the premises. Letter is shown in these minutes as pages 4 and 5. Chairman continued to say that he had received a response from Gary Thomasberger dated November 2, 2007 and is shown in these minutes as pages 6 and 7. (response accompanied by a copy of this board's 6/27/07 minutes. Attorney Felicissimo stated that she received a telephone call saying thanks for your Memo and they (planning board) will consider it. Board member A. Mickolajczyk stated that it would appear that Gary Thomasberger agreed with this board's interpretation that the selling of stone would not be permitted. He also said this board did not consider the text of the sign. Attorney Felicissimo said the Orange Nursery hearing is closed. Chairman Cataggio said we sent a letter to Mr. Golden and attorney Felicissimo said she sent it to bring it to the attention of the planning board and she thinks it did.

READING OF DECISIONS ON PUBLIC HEARINGS HELD AND CLOSED.

Re: JACK AND JANIS BULLIS

**BULLIS - CONTINUATION OF PUBLIC HEARING FOR AN AREA VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (SHED) TO BE PLACED 33 INCHES FROM A PROPERTY LINE, WHEREAS PURSUANT TO SECTION 310-12(C)3 OF THE CODE A 6 FOOT SETBACK FROM A PROPERTY LINE IS REQUIRED. THE APPLICANT WAS PREVIOUSLY GRANTED A VARIANCE TO PERMIT THE SHED TO HAVE A 48 INCH SETBACK. SAID PROPERTY IS LOCATED IN THE R1A ZONING DISTRICT AT 20 SHUIT PLACE, CENTRAL VALLEY, AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 228, BLOCK 5, LOT 10.**

MOTION was made by A. Mickolajczyk, seconded by G. Pedersen to grant the requested area variance (with a change made on the formal decision at the bottom of page 2--previous variance was for 48", not 48 feet, which chairman changed and initialled the change). said formal decision being made a part of these minutes. Motion was unanimously carried. (A.M., G.P., T.E., D.S., R.C.)

**ZONING BOARD OF APPEALS**

P.O. Box 1004

511 ROUTE 32

HIGHLAND MILLS, NEW YORK 10930

*RICHARD CATAGGIO, CHAIRMAN*

**TO: RICHARD CATAGGIO, CHAIRMAN  
MEMBERS OF THE ZONING BOARD OF APPEALS**

**FROM: MARIA RUBIO**

**DATE: NOVEMBER 21, 2007**

**RE: AGENDA FOR WEDNESDAY, NOVEMBER 28, 2007**

**LISTED BELOW ARE THE ITEMS SCHEDULED FOR YOUR MEETING ON WEDNESDAY, NOVEMBER 28, 2007:**

**7:30PM - APPROVAL AND ACCEPTANCE OF PREVIOUS MINUTES, DECISIONS.**

- ✓ 1. DEFELICE/MANE ROOM - CONTINUATION OF PUBLIC HEARING FOR A INTERPRETATION PURSUANT TO SECTION 310-43(B)2. WHEREAS THE APPLICANT WISHES TO CHANGE A PERMITTED NON-CONFORMING USE (RETAIL) TO ANOTHER NON-CONFORMING USE (PERSONAL SERVICE). WHEREAS THE ABOVE MENTIONED SECTION REQUIRES THE ZONING BOARD OF APPEALS DETERMINE IF SAID CHANGE IS THE SAME OR MORE RESTRICTIVE. SAID PROPERTY IS LOCATED IN THE CR ZONING DISTRICT AT 209 ROUTE 32, CENTRAL VALLEY, AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 228, BLOCK 5, LOT 5.
- ✓ 2. MM WOODBURY HOTEL (HAMPTON INN) - CONTINUATION OF PUBLIC HEARING FOR AN AREA VARIANCE TO PERMIT THE INSTALLATION OF A FREESTANDING SIGN HAVING AND AREA OF APPROXIMATELY 299 SQUARE FEET WITH A HEIGHT OF 65 FEET. WHEREAS PURSUANT TO SECTION 310-30L SIGN REGULATIONS A MAXIMUM AREA OF 20 SQUARE FEET AND 25 FOOT HEIGHT IS PERMITTED IN THE IB ZONING DISTRICT. SAID PROPERTY IS LOCATED AT 60 CENTRE DRIVE AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 225, BLOCK 2, LOT 1.11.
- ✓ 3. STEPHEN MCKEOWN - PUBLIC HEARING FOR AN AREA VARIANCE TO PERMIT A GARAGE ADDITION TO AN EXISTING SINGLE FAMILY DWELLING LEAVING A 32 FOOT SETBACK. WHEREAS PURSUANT TO SECTION 310-2 A 40' SETBACK IS REQUIRED ON CORNER LOTS. SAID PROPERTY IS AT 3 MOUNTAINVIEW DRIVE, HIGHLAND MILLS AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 219, BLOCK 9, LOT 21.

4. DEFELICE/MANE ROOM - CONTINUATION OF PUBLIC HEARING FOR A INTERPRETATION PURSUANT TO SECTION 310-43(B)2. WHEREAS THE APPLICANT WISHES TO CHANGE A PERMITTED NON-CONFORMING USE (RETAIL) TO ANOTHER NON-CONFORMING USE (PERSONAL SERVICE). WHEREAS THE ABOVE MENTIONED SECTION REQUIRES THE ZONING BOARD OF APPEALS DETERMINE IF SAID CHANGE IS THE SAME OR MORE RESTRICTIVE. SAID PROPERTY IS LOCATED IN THE CR ZONING DISTRICT AT 209 ROUTE 32, CENTRAL VALLEY, AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 228, BLOCK 5, LOT 5. \
  
5. MM WOODBURY HOTEL (HAMPTON INN) - CONTINUATION OF PUBLIC HEARING FOR AN AREA VARIANCE TO PERMIT THE INSTALLATION OF A FREESTANDING SIGN HAVING AN AREA OF APPROXIMATELY 299 SQUARE FEET WITH A HEIGHT OF 65 FEET. WHEREAS PURSUANT TO SECTION 310-30L SIGN REGULATIONS A MAXIMUM AREA OF 20 SQUARE FEET AND 25 FOOT HEIGHT IS PERMITTED IN THE IB ZONING DISTRICT. SAID PROPERTY IS LOCATED AT 60 CENTRE DRIVE AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 225, BLOCK 2, LOT 1.11.

**SPECIAL PERMITS ~ SEPTEMBER & OCTOBER**

**EXECUTIVE SESSION**

ZBA 10/24/07

**LISA J. FELICISSIMO**

**ATTORNEY-AT-LAW  
109 STAGE ROAD  
MONROE, NEW YORK 10950**

**(845) 774-3333 PHONE  
FAX (845) 782-9458**

**ROCKLAND COUNTY OFFICE  
2 PERLMAN DRIVE - SUITE 301  
SPRING VALLEY, N.Y. 10977  
(845) 517-0257  
(845) 352-8865 (FAX)**

REPLY TO:  ORANGE CO.  
 ROCKLAND CO.

October 26, 2007

Richard Golden, Esq.  
Village of Woodbury  
Planning Board  
30 Matthews Street  
Goshen, NY 10924

Re: Orange Nursery, Inc.


Dear Rich:

During the course of the October 24, 2007 Village of Woodbury Zoning Board of Appeals meeting, the minutes of the recent Planning Board meeting were discussed in which references were made to Orange Nursery, Inc. The Zoning Board has asked that I write to you to express their concern that at no point during the public hearing did the applicant make the ZBA aware that stone wood be sold at the premises.

The Zoning Board members in reading the minutes noticed that the applicant advised the Board that some stone would be for retail sale at the subject premises. The Zoning Board has asked me to write to you so that you can advise the Planning Board that the Zoning Board only approved 300 feet of retail space and stone was never mentioned in relation to the retail space during the course of the public hearing. The Board has asked that I inform you of this and to have the Board look closely at whether or not the retail sale of stone use is a proper accessory use at the premises. The Board has also asked me to advise you that although the name of the business appears to contain the word "stone" as before your Board, the applicant advised the Zoning Board that the name of the business and the sign that would appear at the premises was "Orange Nursery".

Page #2

Should you have any questions, you can contact me or Richard Cataggio, the Chairman of the Zoning Board of Appeals.

Very truly yours,  
  
Lisa J. Felicissimo

LJF/mns

cc: Mr. Richard Cataggio, Chairman  
6 Dartmouth Road  
Highland Mills, NY 10930

Mr. Anthony Mickolajczyk  
7 Tiros Avenue  
Highland Mills, NY 10930

Mr. Timothy P. Egan  
3 Genny Drive  
Highland Mills, NY 10930

Mr. Donald Siebold  
7 Adrienne Drive  
Highland Mills, NY 10930

Mr. George Pedersen  
9 Ryan Place  
Highland Mills, NY 10930

(845) 928-6911, EXT. 5  
PHONE

VILLAGE OF WOODBURY  
BUILDING DEPARTMENT  
P.O. BOX 1004  
511 ROUTE 32  
HIGHLAND MILLS, NEW YORK 10930  
GARY THOMASBERGER, BUILDING INSPECTOR

(845) 928-7263  
FAX

TO: GEORGE SEWITT, PLANNING BOARD CHAIRMAN  
PLANNING BOARD MEMBERS  
RICHARD GOLDEN, PLANNING BOARD ATTORNEY

FROM: GARY THOMASBERGER,  
BUILDING INSPECTOR

RE: ORANGE NURSERY

DATE: NOVEMBER 2, 2007

CC: RICHARD CATAGGIO, ZONING BOARD CHAIRMAN  
ZONING BOARD MEMBERS  
LISA FELICISSIMO, ZONING BOARD ATTORNEY  
DENNIS LINDSAY  
STU TURNER

\*\*\*\*\*

I AM IN RECEIPT OF CORRESPONDENCE FROM RICK GOLDEN AND LISA FELICISSIMO PERTAINING TO ORANGE NURSERY. IN REVIEW OF THE ZONING BOARD MINUTES ON JUNE 27<sup>TH</sup>, 2007, IT IS CLEAR THAT THE "AND STONE SUPPLY" PART OF THE SIGN WAS DISCUSSED (COPY ATTACHED). THE SITE PLAN WAS ATTACHED AS EXHIBIT A OF THESE MINUTES, WHICH INCLUDED A DRAWING OF THE SIGN AS WELL. PERHAPS THIS WAS AN OVERSIGHT CONSIDERING THE INTERPRETATION ON THE RETAIL SALES AREA AND THE VARIANCE FOR THE SIGN WERE TWO SEPARATE PUBLIC HEARINGS AND ACTIONS.

REGARDLESS, THE CODE SECTION 310-34B ONLY ALLOWS LIMITED RETAIL SALES FOR PRODUCTS GROWN PRIMARILY ON THE PREMISES. THEREFORE, RETAIL SALES OF STONE WOULD NOT BE PERMITTED. THEY WOULD ONLY BE PERMITTED TO CONTINUE SELLING THE STONE WHOLESALE AND THE CHALLENGE WILL BE ENFORCEMENT.

WITH THAT SAID, THE SIGN VARIANCE REQUESTED WAS TO IDENTIFY THE BUSINESS AND NOT NECESSARILY FOR THE PURPOSE OF RETAIL. I AM NOT SURE IF WE CAN LIMIT THE WORDING OF THE SIGN SINCE THE STONE OFFERED WOULD STILL BE PERMITTED TO BE SOLD WHOLESALE.

IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE LET ME KNOW.

Copy of Planning Board minutes dated April 4, 2007 shown as pages 34 and 35 of these minutes

Site Plan for Orange Nursery, Inc. dated 2/03/05 prepared by Gdanski Consultants, Inc. is shown in these minutes as APPLICANT'S EXHIBIT "A", and consists of two pages.

"Statement of Ownership and Interest" is shown as page 32A in these minutes.

Mr. Gdansky said they would like to increase the size of their current sign, which is 10 (ten) square feet. He said they went before the planning board and had a bigger sign shown on their plan. They did not realize they must come before the zoning board. He said they built the sign at 10 square feet. However, it is difficult for deliveries due to the high rate of speed and being that it's on a state highway applicant wishes to make it bigger so that it is more visible for vehicles that come to the site. A. Mickolajczyk asked applicant if he is proposing a 10' x 5' sign; applicant said yes. He was asked about the sign shown on the map, on which the sketch was crossed out. Originally it said 4' 2" Mr. Gdansky said this sign is a little different from the one that's there now in that it will say "and Stone Supply" which it does not say now. The sign there now is 5' x 2' (10 sq. ft.) which is the maximum allowed. He said it is a regular permanent sign to find the place.

It was stated that the adjoining property owner (Kassel) has a sign 20 square feet. The proposed sign for Orange Nursery will be larger than the Kassel sign. Applicant said they are proposing such a large sign because they want it to be more visible to the delivery trucks plus wholesale customers coming in. It is a very substantial sign, five times that which is acceptable.

Discussion as to the 20 square foot sign, which is the actual size of the sign; applicant was advised not to take into account the scroll, etc. Again, it was stated that the Kassel sign is 5' tall by 4' wide.

Also submitted at this hearing is Planning Board Application Referral dated April 6, 2007 addressed to the Zoning Board of Appeals from Dennis G. Lindsay, shown in these minutes as page 37 and submitted is "Orange County Narrative" dated April 30, 2007 addressed to the zoning board from Paul Gdanski, P.E. shown in these minutes as page 38.

NO ONE FROM THE PUBLIC WISHED TO SPEAK

There being no further questions or comments, MOTION was made by D. Siebold, seconded by T. Egan to close the signage issue public hearing. Motion unanimously carried. (DS, TE, GP, AM, RC)

\* \* \* \* \*

A public hearing was held by the Zoning Board of the Village of Woodbury at Town Hall, Highland Mills, New York on June 27, 2007 at 7:30 P.M. on the application of ORANGE NURSERY, INC. FOR AN INTERPRETATION .....PLEASE PROCEED TO PAGE 39 FOR COMPLETE NOTICE.



ZBA 11/28/07

DECISION RE:

**HERBERT - CONTINUATION OF PUBLIC HEARING FOR AN AREA VARIANCE TO PERMIT AN ADDITION TO THEIR EXISTING SINGLE FAMILY DWELLING LEAVING A SIDE YARD OF 24 FEET 8 INCHES, WHEREAS PURSUANT TO SECTION 310-12(D) PROPERTIES ON A CORNER LOT MUST HAVE A 40 FOOT SETBACK. SAID PROPERTY IS LOCATED IN THE R2A ZONING DISTRICT AT 44 PINE HILL ROAD, HIGHLAND MILLS AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 218, BLOCK 2, LOT 59.54.**

MEMBERS PRESENT: Messrs. Cataggio (Chairman), A. Mickolajczyk, T. Egan, D. Siebold, G. Pedersen NONE ABSENT

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

MOTION was made by T. Egan, seconded by A. Mickolajczyk to grant requested area variance with the condition that the applicant must submit a building permit application within one year of the date of filing this decision in the Woodbury Clerk's office, above as shown on formal decision which is made a part of these minutes. Motion unanimously carried.

(applicant will receive a copy of the decision as to the above condition in particular).

\* \* \* \* \*

A continuation of a public hearing was held by the Zoning Board of Appeals of the Village of Woodbury at Town Hall, Highland Mills, New York on Nov. 28, 2007 on the application of

**ANTHONY DEFELICE (THE MANE ROOM) FOR A**

**INTERPRETATION PURSUANT TO SECTION 310-43(B)2. WHEREAS THE APPLICANT WISHES TO CHANGE A PERMITTED NON-CONFORMING USE (RETAIL) TO ANOTHER NON-CONFORMING USE (PERSONAL SERVICE). WHEREAS THE ABOVE MENTIONED SECTION REQUIRES THE ZONING BOARD OF APPEALS DETERMINE IF SAID CHANGE IS THE SAME OR MORE RESTRICTIVE. SAID PROPERTY IS LOCATED IN THE CR ZONING DISTRICT AT 209 ROUTE 32, CENTRAL VALLEY, AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 228, BLOCK 5, LOT 5.**

MEMBERS PRESENT MESSRS. Cataggio (Chairman), Mickolajczyk, Egan, Pedersen, Siebold NONE ABSENT

ALSO PRESENT: George Lithco, Esq., for applicant; Lisa Felicissimo, Esq., board's attorney

Mr. Lithco said they would like to request an extension until next month. He had thought at the last meeting that they could make a legal case for the change of use. He referred to his letter to the board dated November 28, 2007 requesting a adjournment to the December meeting Chairman read Mr. Lithco's letter aloud; the secretary was unable to obtain a copy of it. Mr. Lithco said he would like to negotiate with the partners of the Mane Room; he mentioned taking out some of the chairs, which has not yet been resolved. He said they would not request another adjournment; what he will be doing should be done within two weeks.

GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
JOHN H. THOMAS JR.  
GERALD A. LENNON  
PETER R. ERIKSEN  
HOWARD PROTTER  
DONALD G. NICHOL  
LARRY WOLINSKY  
ROBERT E. DINARDO  
J. BENJAMIN GAILEY  
MARK A. KROHN\*  
JOHN C. CAPPELLO  
GEORGE W. LITHCO  
MICHAEL L. CAREY  
\*LL.M. IN TAXATION

# JACOBOWITZ AND GUBITS, LLP

## COUNSELORS AT LAW

158 ORANGE AVENUE  
POST OFFICE BOX 367  
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX  
E-mail: [info@jacobowitz.com](mailto:info@jacobowitz.com)

G. BRIAN MORGAN  
KIRK VAN TASSELL  
SANFORD R. ALTMAN  
MARK T. STARKMAN  
AMANDA B. BRADY  
MICHELE L. BABCOCK  
GARY M. SCHUSTER  
WILLIAM E. DUQUETTE  
JOSEPH J. RANNI  
AUDREY L. F. SCOTT  
CARMEE G. MURPHY  
ALYSE D. TERHUNE  
KARA J. CAVALLO

PAULA ELAINE KAY\*  
IRA J. COHEN\*

\*Of Counsel

November 28, 2007

Hon. Richard Cattagio  
Village of Woodbury Zoning Board of Appeals  
511 Route 32  
Highland Mills, New York 10930

(845) 928-7263

Re: Application of Anthony DeFelice  
Section 310-43.B(3) change between nonconforming uses  
209 Route 32 - The Mane Room (S/B/L 228-5-5)

Dear Chairman Cattagio:

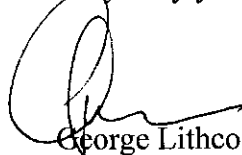
I respectfully request that the above matter be adjourned to the December meeting.

The applicant is negotiating with the business partners operating the business on the premises to revise the current use of the property. The resulting use should address the issues raised by the Zoning Board of Appeals at the last meeting and the County Planning Department's letter of October 10, 2007, but the negotiations have not been completed yet.

We will not require any further adjournment.

We appreciate your courtesy in this matter.

Very truly yours,



George Lithco

CC: Lisa Felicissimo, Esq.  
Client

11/28/07 ZBA  
De Felice/Mane Room - Page 8A -  
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ZBA 11/28/07  
(Mane Room)

Discussion took place regarding the fact that the Chairman is not sure whether or not there will be a December meeting, so this might have to be postponed until the board's January 2008 meeting. The board will decide at the end of tonight's meeting whether or not there will be a December meeting which, they said, will not be on the regularly scheduled 4th Wednesday of the month. (the business)

T. Egan reminded Mr. Lithco that he had said it/would be closed at the end of the month and asked if that had happened. Mr. Lithco said they are operating in New Windsor.

Letters dated November 8, 2007 and November 20, 2007 were presented to the board from Robert and Catherine Connors and are shown in these minutes as pages 10 and 11. A. Mickolajczyk said the neighbor's letter states that the electric company is still operating on Shuit Place. He continued to say that there are two issues with the interpretation besides the change from one use to thenon-conforming use. He said there is a question whether or not this non-conforming use has already expired. A. Mickolajczyk went on to say that according to the applicant's testimony this operation ceased to be a retail use at least 18 months ago. According to our Code, if the pre-existing non-conforming use ceases to be in effect for more than a year it can no longer be continued. He said because of that, the board ruled on the use variance.

Applicant's previous application was for an interpretation as to whether or not his personal service<sup>4</sup> use could be classified as a retail use and, if not, then he asked for a use variance. The board ruled on one, and next he needed the use variance. and the use variance was denied.

The board was on both issues and they were denied, so applicant has been down this path. Question: how does the applicant come back before this board now because the use variance was denied a month, the order was issued for his business to be closed. The applicant waited several months and came back to this board to try and circumvent the law. The board has no record of Gary Thomasberger's making any kind of recommendation. Mr. Lithco said he was sure he had referenced this. He said he understands that there was a ruling of the board later...there was a determination by the building inspector that this was permitted. A. Mickolajczyk said if the building inspector said the new use was okay, it does not mean that the new use was the same.

The pre-existing non-conforming use allowed here by special permit was retail. By the decision of this board, the use that is there is not retail; therefore, the pre-existing non-conforming use has expired.

Mr. Lithco said there are principles of estoppel that apply which he believes is here. He said if you have relied on the building inspector's determination that it was permitted, it does not constitute abandonment. Mr. Mickolajczyk repeated that this board has not determination of any kind from Gary Thomasberger. It was mentioned that the board has voted on this. The applicant had the opportunity to file an Article 78 but he did not. Mr. Lithco said he is here arguing that he is changing from one non-conforming use to another...he is allowed to do that. He stated that the building inspector has issued a permit to construct a ramp. He issued a determination that he believed that it was a permitted use.

Chairman said he can't remember any permitted use with a ramp. Mr. Lithco said he remembers part of that and he believes that Gary Thomasberger told him to come here for a determination on that; he said it's not like he just decided to do that. Mr. Mickolajczyk said applicant by his own testimony went into business without bothering to find out about the zoning code. He was operating his business illegally; he only applied for a building permit to put a ramp there. Chairman Cataggio said if there is a December meeting of this board, he will make sure that Gary Thomasberger is there.

**Connors  
5 Shuit Place  
Central Valley, NY 10917  
827-6323**

November 8<sup>th</sup>, 2007

**Re: 207 Rt. 32, AMD Electric Company & The Mane Room Full Service Hair Salon**

AMD Electric Company is still operating as of November 8<sup>th</sup>, 2007. False truths have been told to the Town and residents of Shuit Place in order for this company to remain in operation. The only thing that has changed is there are fewer trucks on the property and the sign was removed from the Shuit Place side of the building. The AMD Electric sign is still displayed on the other side of the building. Employees still arrive every morning, park on Shuit Place and load the trucks with the electrical supplies being warehoused on Shuit Place. In the afternoon, the trucks are unloaded and the materials are stored in the garage for the next day. No new parking has been made available for the Mane Room Hair Salon.

There is not enough parking for the employee's and patron's of the Mane Room Hair Salon. Shuit Place is constantly congested with vehicles that belong to the Hair Salon. Twice this week we could not pull onto Shuit Place from Rt. 32. We had to drive around to Dunderberg Road to get to our property at 5 Shuit Place. The 'No Parking' signs that were installed last year have been completely ignored by the drivers associated with The Mane Room. All the driveways, up and down Shuit Place, are used as turn-arounds for customers trying to park their cars. There are over a dozen young children on Shuit Place who's safety is in question everyday because of The Mane Room Hair Salon and AMD Electric Company conducting business on a residential street.

Our family's safety has become compromised. Our neighborhood has been all but destroyed. Our property value has been greatly depreciated. All the residents have been affected by these companies and would like some changes made.

The property at 207 Rt. 32 has become even worse of an eyesore. No changes have been made to better the situation. The landscaping has been completely destroyed. There is always garbage all over the property. There are electrical supplies and ladders stored in the driveway and what used to be the side lawn. There are broken windows in the damaged garage door. There is a washer and dryer being stored on the driveway for over a month now. The property looks more like a junkyard everyday.

Is there a law about storing large appliances outside of your home, right on the street?  
How can these companies still be operating without the proper permits and not be fined everyday they remain open?

What will it take for us to have our neighborhood back?

Please help.

Thank you,

Robert & Catherine Connors  
827-6323

ZBA 11/28/07  
Mane Room

- Page 10 -

Connors  
5 Shuit Place  
Central Valley, NY 10917  
(845) 827-6323

RECEIVED  
NOV 20 2007  
WOODBURY BLDG. DEPT.

November 20<sup>th</sup>, 2007

**Re: 207 Rt. 32, The Mane Room Full Service Hair Salon & AMD Electric Company**

This past Saturday, November 17<sup>th</sup>, a parked vehicle associated with the Mane Room Hair Salon blocked our driveway. The Woodbury Police had to get involved and tickets were issued. This is the third incident on record at the Woodbury Police department involving parking problems with the The Mane Room Hair Salon.

As of this morning, November 20<sup>th</sup>, AMD Electric Company is still operating and warehousing on Shuit Place. The trucks arrive at 5:30 a.m. to load materials and pick up employees. We are woken up everyday by the lights and the noise. The employees park their vehicles in the driveway or on the road; no new parking has been allotted to the hair salon. AMD Electric is still occupying the driveway and garage on the Shuit Place side of 207 Rt. 32.

Our side of Rt.32 is classified Corridor Residential because the residential side streets, like Shuit Place, hardly support enough parking for the homeowners. There will never be appropriate parking space for the workers and clientele of a Personal Service Business or room for the warehousing of materials picked up by trucks on a daily basis.

Families live on this street. Families who want their neighborhood and expectation of safety back.

Please help.

Sincerely,

Robert & Catherine Connors

2 BA 11/28/07  
Mane Room

- Page 11 -

Further discussion. Attorney Felicissimo said Gary Thomasberger has a file on the history of this property. She added that this is a new hearing and anyone can submit anything they like. The issues will have to be addressed by Mr. Lithco. Mr. Mickolajczyk said he wants to see the letter that the building inspector wrote in 2006 that said that personal service use was allowed in the Code. He continued to say that if the building inspector makes a determination that is clearly against the Code, is that a valid determination by law.

Chairman Cataggio asked to have the record show that he gave Mr. Lithco both letters from the same residents dated November 8 and November 20, 2007 without reading them aloud. Names of same are Robert and Catherine Connors, 5 Shuit place, Central Valley. (letters shown in these minutes as pages 10 and 11).

D. Siebold went into great detail and the contents of the Connors' letters. T. Egan said there was a decision made in June on the previous application. He said letters from neighbors who live there are representative of the large amount of public testimony that the board got the last time applicant was before us. The petitioner will have to come back next month and possibly be inconvenienced by that. Mr. Lithco is here tonight requesting adjournments on matters tht the board has already decided. It was stated that attorney Lithco is here for the second month in a row without the applicant. Mr. Lithco said he will get a response from the applicant about this matter. Further discussion about having a meeting in December.

T. Egan stated that he is concerned about the residents of Shuit place. He said the board has two letters from someone on Shuit Place saying the same thing is going on now as before and they have the same problems. they have filed a written complaint with the building department and Mr. Lithco is here for the second month without the applicant.

DISCUSSION--applicant is asking for one more adjournment. When is the board's next meeting? There are other matters on the agenda which will have to be carried over as well. It was stated that if it is in December it will have to be the 12th, which is the only available date. This applicant will need more time than that, as will other applications.

Poll was taken regarding the board's opinion as to having a December 12 meeting.

Vote:	D.S.	NO
	G.P.	NO
	T.E.	YES..get some of these issues resolved
	A.M.	YES..he would be available on that date, however, it would be senseless to have a meeting on the 12th if nothing can be accomplished.

Chairman asked Mr. Lithco if he is saying that he will not be ready by the 12th. He could respond to the two letters; however, the letters have nothing to do with the application.

- MOTION was made by R. Cataggion, seconded by G. Pedersen not to have a meeting in December but wait until January 23, 2008. (he wants to make sure that Gary Thomasberger is available for the next meeting..the board needs documents and Gary Thomasberger's input which would be very productive.

VOTE:	D. Siebold	yes
	G. Pedersen	yes
	T. Egan	no
	A. Mickolajczyk	yes
	R. Cataggio	yes Motion carried to have a meeting on 1/23/08.

Mr. Lithco said he will send documentation to the board's attorney.

- MOTION was made by D. Siebold, seconded by G. Pedersen to adjourn public hearing to January 23, 2008. Vote:

- D. Siebold YES
- G. Pedersen YES
- T. Egan YES
- A. Mickolajczyk NO
- R. Cataggio YES

Motion carried by majority vote

A continuation of a public hearing was held by the Zoning Board of Appeals of the Village of Woodbury at Town Hall, Highland Mills, New York on November 28, 2007 at 7:30 P.M. on the application of

**MM WOODBURY HOTEL INC (HAMPTON INN) FOR AN**

**AREA VARIANCE TO PERMIT THE INSTALLATION OF A FREESTANDING SIGN HAVING AND AREA OF APPROXIMATELY 299 SQUARE FEET WITH A HEIGHT OF 65 FEET.**

**WHEREAS PURSUANT TO SECTION 310-30L SIGN REGULATIONS A MAXIMUM AREA OF 20 SQUARE FEET AND 25 FOOT HEIGHT IS PERMITTED IN THE IB ZONING DISTRICT.**

**SAID PROPERTY IS AT 60 CENTRE DRIVE AND IS KNOWN ON THE WOODBURY TAX MAPS AS SECTION 225, BLOCK 2, LOT 1.11.**

MEMBERS PRESENT: Messrs. Cataggio (Chairman), Mickolajczyk, Egan, Pedersen, Siebold  
NO MEMBERS ABSENT ALSO PRESENT: Lisa Felicissimo, Esq., board's attorney

Chairman read notice of public hearing

Two letters were received from Hampton Inn (Stanley Hasbrouck III) dated November 27, 2007 (E-Mail) and November 28, 2007, which are shown in these minutes as pages 14 and 15) explaining that the weather did not permit doing the balloon test Short discussion of situation.

- MOTION was made by T. Egan, seconded by D. Siebold to continue the public hearing until the board's next meeting (January 23, 2008) or any adjournment thereof. Motion was unanimously carried. (see members above).

It was suggested by A. Mickolajczyk that the board should notify "Grizz" that this will be held on January 23, 2008.

\* \* \* \* \*

**A PUBLIC HEARING AT TOWN HALL, 511 ROUTE 32, HIGHLAND MILLS ON WEDNESDAY, NOVEMBER 28, 2007 AT 7:30PM IN THE MATTER OF THE APPLICATION OF STEPHEN A. MCKEOWN FOR AN AREA VARIANCE TO PERMIT A GARAGE ADDITION TO AN EXISTING SINGLE FAMILY DWELLING LEAVING A 32 FOOT SETBACK. WHEREAS PURSUANT TO SECTION <sup>310-12</sup> 310-2 A 40' SETBACK IS REQUIRED ON**



Print - Close Window

**From:** "stanley hasbrouck" <sirgrizzly1@msn.com>  
**To:** "Maria Rubio" <woodbldept@yahoo.com>  
**Subject:** Re: Hampton Inn - sign  
**Date:** Tue, 27 Nov 2007 07:38:16 -0500

Hi Maria, (and all others in the Building Dept.), I hope the Thanksgiving holiday was good for you and all your families, and I hope that this E-mail is catching you all as being healthy and happy... \*\* Unfortunately (again) we were unable to perform the Balloon test in the past few weeks - it seems that mother nature wanted to make rain days before weekends so making it almost imposible to cross the wet lands safely - and the past weekend was in the middle of a holiday so that put the past weekend out of the question...

Could you express our apologies to the Board that we will try again in the month of December to fly the balloon and we will notify them at least 3 days in advance to a Saturday flying.

Thanks for your time, "Grizz"

**Stanley "Grizz" Hasbrouck III**

**HCMS, Inc.** (Hasbrouck Construction Management Services)

NYS Code Compliance Consultant & ICC

Owners agent for the Hampton Inn in Woodbury/Harriman

HCMS Office: (845) 691-8645

Fax: (845) 691-2885

Cell: (845) 629-4413

Web-Site: ([www.grizzlybearinspections.com](http://www.grizzlybearinspections.com))

E-Mail: ([sirgrizzly1@msn.com](mailto:sirgrizzly1@msn.com))

----- Original Message -----

**From:** [Maria Rubio](#)

**To:** [stanley hasbrouck](#)

**Sent:** Tuesday, November 20, 2007 10:47 AM

**Subject:** Hampton Inn - sign

Good Morning

Just a reminder--Above item public hearing was continued to 11/28 at last months meeting.

HAPPY THANKSGIVING

Maria

Get easy, one-click access to your favorites. [Make Yahoo! your homepage.](#)

ZBA 11/28/07  
Hampton Inn

- Page 14 -



47 Ose Rd. Highland, NY. 12528

Office: (845) 691-8645 E-Mail: (sirgrizzly1@msn.com)  
Fax: (845) 691-2885 (www.grizzlybearinspections.com)  
Cell: (845) 629-4413

Date: 11/28/07

**Ref:** Balloon test @ "Hampton Inn"  
(Height variance for sign alongside the NYS Thruway)...

**To:** Village of Woodbury: Planning & Zoning Boards  
& Building Department

Dear Board Members and Village of Woodbury Bldg. Dept.

Again, I'm truly sorry for not being able to make the Balloon event happen in the month of November @ the new Hampton Inn, and in a timely manner primarily too do the test on a Saturday so that all board members could be present to view before tonight's (November) Planning board meeting, but every time we would plan for each Saturday during the Month of November, it would rain a few days before and/or the day of, or have heavy winds predicted for the Saturday event – and there was a long Holiday issue to take in consideration for the folks that would make it happen last weekend... This has been a constant weather related problem – but hopefully the first few weeks of December will give us a break in weather – but you all know what time of the year it is...

Please excuse us at tonight's meeting; Wednesday the 28<sup>th</sup> of November 2007 - but please schedule us in your next months meeting in December 2007, by then we HOPE to have a good presentation for the board.

(Please notify us of date and time for December's 07 meeting, so that we may be in your schedule)...

Very truly yours,  
Owner's agent for the "Hampton Inn"

*Stan "Grizz" Hasbrouck*  
Stanley "Grizz" Hasbrouck III

Maria please distribute to:

CC: Village of Woodbury Planning & Zoning Depts.  
Village of Woodbury Building Dept.

C/Hampton Inn/Signs/Exterior/LTRtoWoodbury112807

2BA 11/28/07  
Hampton Inn

- Page 15 -

corner lots. Said property is located at 3 Mountainview Drive, Highland Mills, New York and is known on the Woodbury Tax Maps as Section 219, Block 9, Lot 21.

MEMBERS PRESENT: Messrs. Cataggio (Chairman), Mickolajczyk, Egan, Pedersen  
and Siebold NONE ABSENT MR. MICKOLAJCZYK RECUSED HIMSELF  
ALSO PRESENT: Stephen McKeown, (FROM THIS HEARING; APPLICANT IS HIS  
Lisa Felicissimo, Esq., (NEXT DOOR NEIGHBOR.  
board's attorney

Submitted herein: List of names and addresses of neighboring property owners, p. 17  
Statement of Ownership and Interest, p. 18 and 19  
Short Form Environmental Assessment Form, p. 20  
Map of premises, Applicant's Exhibit "A"

Mr. McKeown explained what he is trying to do. He said that on his property he has a very steep driveway (Tiros Avenue) at least a 35° slope. He said he shares the house with his mom. The driveway is very dangerous for her to get in and out. His idea is to do some excavation; the new garage will be down 8 feet with a room on top of that to allow for a staircase to get up on the existing floor of the house, (now the lower level of the bi-level). He said in answer to question of T. Egan yes, there will be internal stairs from the new garage to the existing structure.

Mr. McKeown said because of the Code, there was a difference in the setback. It's mostly for safety. Having a car on the driveway places a lot of wear and tear on the vehicle. It will be a positive thing for the property. One of the main detriments to the house, he said, is actually the slope of the driveway. He said the new garage will be where the old driveway is now.

In answer to question if there is another feasible location, could he have it come out the front, applicant said he looked into that. He said the only place would be on the right side of the existing property and he would have to take out a beautiful old pine tree which is an aesthetic piece of his property. He said since the way the house is designed any garage on this side would have to enter into what he turned into the master bedroom on the lower floor. There would be no access to any other room in the house without entering through the master bedroom.

Chairman said in studying the map, the new map shows 30 feet long and normally garages are not 30 feet long. He asked applicant if there is any reason why he has to have 30 feet -vs- 20 feet and not need the variance. Applicant stated that the additional space would enable him to come down further and reduce the slope of the driveway. He said he needed the extra distance.

D. Siebold said that he was over there and it's a pretty steep slope, the front of the house being steeper.

What the terrain is, it's the best applicant can do.

By way of explanation since he was going to this expense, applicant said he might as well put a room up top which he would probably use as a family room or, since he is a professional musician, he might move his gear out of his master bedroom into a separate space.

It was mentioned that if this property were not a corner lot in this particular district, a 30 foot setback would be required instead of 40 foot setback. It's also a 20 foot setback if you have sewer and water; applicant said he does have sewer and water.

No one from the public wished to speak on this application.

Chairman said the board will discuss this after the meeting; applicant was told to call the building department tomorrow morning for the board's verbal thoughts.

MOTION by D. Siebold, seconded by G. Pedersen to close the hearing. VOTE--all  
- eyes except A. Mickolajczyk who abstained. Motion carried by majority vote.

(PLEASE PROCEED TO

Stephen McKeown  
P.O. Box 182  
Highland Mills, NY 10930

Deborah Tierney  
9 Hickory St  
Highland Mills, NY 10930

Jerry & Agnes Moskowitz  
7 Mountainview Drive  
Highland Mills, NY 10930

Charles & Lois Armstrong  
16 Mountainview Drive  
Highland Mills, NY 10930

Alan & Janice Groth  
11 Mountainview Drive  
Highland Mills, NY 10930

James & Candiss Murphy  
13 Hickory Street  
Highland Mills, NY 10930

John & Roberta Bourke  
15 Mountainview Drive  
Highland Mills, NY 10930

Paul & Mary Gilmore  
P.O. Box 371  
Highland Mills, NY 10930

Michael Sikos  
19 Mountainview Drive  
Highland Mills, NY 10930

James & Catherine Bello  
P.O. Box 396  
Highland Mills, NY 10930

Anthony & Yvette Mickolajczyk  
14 Tiros Avenue  
Highland Mills, NY 10930

Carmine Bello  
Jane Pirotin  
1 Tiros Ave  
Highland Mills, NY 10930

Suzanne Donahue  
16 Tiros Ave  
Highland Mills, NY 10930

Joanne & Leonard Caruso  
11 Tiros Ave  
Highland Mills, NY 10930

Normae Cabreara  
8 Sunset Terrace  
Highland Mills, NY 10930

Ronald & Cathy Marczyk  
15 Tiros Ave  
Highland Mills, NY 10930

Ramon Zaragoza  
12 Sunset Terrace  
Highland Mills, NY 10930

William & Catherine Mulvihill  
21 Tiros Avenue  
Highland Mills, NY 10930

Michael & Grace Paccione  
P. O. Box 117  
Highland Mills, NY 10930

Ronald & Maryanne Walls  
25 Tiros Ave  
Highland Mills, NY 10930

ZBA 11/28/07  
McKeown  
- Page 17 -



Statement of Ownership and Interest

1. Name of Applicant Stephen A. McKeown

2. Owner of property (if different from Applicant) \_\_\_\_\_

3. Owners Address 3 Mountain View Drive

4. Location of Property Highland Mills, N.Y. 10930 - Hickory Hills

5. Tax map: Section B 219 Block 9 Lot 21 Zoning District: R1A

6. Present use of property: Residential (single-fmly) (multi-fmly) \_\_\_\_\_ Comm. \_\_\_\_\_

7. Such use has continued without change since (year) : \_\_\_\_\_

8. Proposed use of property: Garage Addition

9. Type of relief requested: Use variance \_\_\_\_\_ Area variance X Special permit \_\_\_\_\_

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

310-2 LOT CORNER

11. Give directions to property from Police Headquarters on Route 32: (R) Turn on RT 32 N -> (L) Turn Rt 105

(R) Turn on Hickory St -> (L) on Tiras Ave

Corner House on (R) Intersection Mountainview + Tiras

Date filed: 11/15/07 Applicants Signature: [Signature]

Applicants address: 3 Mt View Dr. Highland Mills, N.Y. 10930

Telephone numbers: (daytime) 845-928 (evening) 5225 or 9611

If Owner is different from applicant, complete the following:

Owners signature: \_\_\_\_\_

Owners address: \_\_\_\_\_

Telephone numbers: (daytime) \_\_\_\_\_ (evening) \_\_\_\_\_

2BA 11/28/07  
McKeown



### 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 - Currently the driveway is an eyesore that constantly crumbles due to weather and underground springs. Adding this Addition will bring the Garage & Driveway down to nearly level grade. Raising the value of the property.

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

No - Moving the proposed Garage and addition to the Right Side of property would leave entry directly into the Master Bedroom. To access the remainder of the house one would have to walk through the Bedroom.

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

Approx - 30' x 30' - It is within the setbacks for side property in R1A. I need the variance because my side yard is considered a front yard because of it being located on the corner.

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 - I intended to have landscapers (tree surgeon) cut the tree roots prior to excavation in order to preserve the same environmental and physical conditions.

5. Is the alleged difficulty self-created?

No - the steep slope and underground springs are nature's creations.

2 B/A 11/28/07

McKeown



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: Stephen A. McKeown 2. PROJECT NAME: Garage Addition

3. PROJECT LOCATION: Municipality Woodbury County Orange

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map):  
3 Mt View Drive Hickory Hill Development  
Highland Mills, NY. Corner of Mt View and Tiros Ave.  
10930.

5. IS PROPOSED ACTION:  
 New  Expansion  Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:  
Garage and Addition

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:  
I need an Area Variance because of Corner Lot

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

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:  
Woodbury Zoning Approval

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

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: Stephen A. McKeown Date: 11/15/07

Signature: [Signature]

ZBA  
11/28/07  
McKeown

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

**THE VILLAGE OF WOODBURY ZONING BOARD OF**

**APPEALS HELD A PUBLIC HEARING AT TOWN HALL, 511 ROUTE 32, HIGHLAND MILLS ON WEDNESDAY, NOVEMBER 28, 2007 AT 7:30PM IN THE MATTER OF THE APPLICATION OF VALLEY GOLF CORP. FOR AN INTERPRETATION OF PREVIOUS GRANTED VARIANCES, PURSUANT TO SECTION 310-49(C)3, PERTAINING TO A PROPOSED 2 LOT SUBDIVISION. SAID PROPERTY IS KNOWN AS THE CENTRAL VALLEY GOLF COURSE AND THE INN AT CENTRAL VALLEY LOCATED AT 206 SNITH CLOVE RD, CENTRAL VALLEY AND KNOWN ON THE WOODBURY TAX MAPS AS SECTION 218, BLOCK 2, LOT 72 & 73.**

MEMBERS PRESENT: Messrs. Cataggio (Chairman), Mickolajczyk, Egan, Pedersen, Siebold  
NO MEMBERS WERE ABSENT

ALSO PRESENT: Alan Lipman, Esq., for applicant; Lisa Felicissimo, Esq., board's attorney

Papers submitted: List of names and addresses of neighboring property owners,  
page 22

Statement of Interest and Ownership, page 23

Letter dated 8/29/07 re Planning Board Application Referral together with MEMORANDJM dated 7/12/07 (SHOWN AS PAGES 1 through 19) as an ADDENDUM after the hearing minutes).

Narrative shown as pages 24, 25 and 26 in these minutes.

MAP entitled Valley Golf Club, dated 11/28/07, Applicant's Exhibit "A" Application for Mandatory County Review to Orange County Department of Planning, page 27

Application for Mandatory County Review to Orange County Department of Public Works, page 28

Mr. Lipman said regarding the applicant's planning board application for a minor 2-lot subdivision on an existing developed 95.1 acre site in the R-2A zone, so as to sever the Inn at Central Valley and the area that occupies the parking area (4 acres) the issue arose as to whether or not variances were needed to do this. He said he had applied for an interpretation of the one decision of the zoning board of appeals that was decided on July 27, 1988. (see Addendum of these minutes). He said at that time the applicant sought an area variance for the purpose of relieving itself of the need to satisfy a 100 foot front yard setback with 85 feet (See Addendum) He said the board, in deciding that variance, went into a rather detailed view of the use which would considered to be a non-conforming use, having established that the club house serving food back in the 60's.

Mr. Lipman said the board first made findings that are quoted in the Narrative (pages 24, 25 and 26 herein) which he prepared to the effect that there was no doubt about the status as a non-conforming use and it was something that the Town and the applicant were looking forward to in terms of housing this facility in a much larger and more elaborate state in size.

Mr. Lipman referred to the Narrative saying that it reflects the club needs to raise some capital and one way is to sell 4+ acres to the current operator,

Valley Golf Corp  
206 Smith Clove Rd  
Central Valley, NY 10930

William & Ludmila Goodridge  
115 Smith Clove Rd  
Central Valley, NY 10917

Shah & Zarlisht Nassery  
39 Greenwich Ave  
Central Valley, NY 10917

Louis & Elizabeth DeFeo  
P.O. Box 245  
Central Valley, NY 10917

James & Lisa Dwyer  
P.O. Box 535  
Central Valley, NY 10917

James & Patricia Brady  
41 Greenwich Ave  
Central Valley, NY 10917

Jewan Persaud  
219 Smith Clove Rd  
Central Valley, NY 10917

Frank Stevens Jr.  
Kelly Guidice  
P.O. Box 224  
Central Valley, NY 10917

Douglas & Debra Connor  
43 Greenwich Ave  
Central Valley, NY 10917

Raymond & Julie Oram  
5 Pine Hill Rd  
Highland Mills, NY 10930

Colleen Pearce  
P.O. Box 366  
Central Valley, NY 10917

Thomas & Paula Duffy  
45 Greenwich Ave  
Central Valley, NY 10917

Carlos Solano  
207 Smith Clove Rd  
Central Valley, NY 10917

Andrew & Darlene Hejnas  
P.O. Box 576  
Central Valley, NY 10917

Estate at Woodbury Willow Ltd  
9 Hudson Drive  
Stony Point, NY 10980

The Greens at Woodbury  
3 Victoria Court  
Central Valley, NY 10917

Mehdi Moslem  
132 Smith Clove Rd  
Central Valley, NY 10917

Mark & Joyce Volkmann  
201 Smith Clove Rd  
Central Valley, NY 10917

Harjit Singh  
Harcharam Kakar  
144 Smith Clove Rd  
Central Valley, NY 10917

Richard & Wendy Lewis  
C/o Evelyn Lewis  
P.O. Box 116  
Central Valley, NY 10917

The Greens at Woodbury  
3 Victoria Court  
Central Valley, NY 10917

Thomas & Laurel Osborne  
5 Bailey Lane  
Central Valley, NY 10917

Theresa Ceron  
Kenneth Butwell  
35 Greenwich Ave  
Central Valley, NY 10917

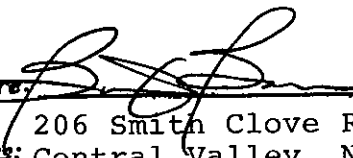
State of NY  
Letchworth Development Ctr  
C/O Commissioner of Finance  
265 Main Street  
Goshen, NY 10924

Armando & Lorraine Correia  
As Trustee  
37 Greenwich Avenue  
Central Valley, NY 10917

ZBA 11/28/07  
Valley Golf Corp.

### Statement of Ownership and Interest

1. Name of Applicant VALLEY GOLF CORPORATION
2. Owner of property (if different from Applicant) \_\_\_\_\_
3. Owners 206 Smith Clove Road, Central Valley, New York 10917  
Address \_\_\_\_\_
4. Location of Property Smith Clove Road, Central Valley, New York 10917
5. Tax map: Section 218 Block 2 Lot 72&73 Zoning District: \_\_\_\_\_
6. Present use of property: Residential (single-fmly) \_\_\_\_\_ (multi-fmly) \_\_\_\_\_ Comm. X
7. Such use has continued without change since (year) : 1950
8. Proposed use of property: NO CHANGE  
Interpretation of Prior Determination of ZBA \_\_\_\_\_
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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date filed: Nov 14, 2007 Applicants Signature:  General Manager  
 206 Smith Clove Road  
 Applicants address: Central Valley, New York 10917  
 Telephone numbers: (daytime) 928-6924 (evening) \_\_\_\_\_

If Owner is different from applicant, complete the following:

ZBA 11/28/07  
Valley Golf Corp.

Owners signature: \_\_\_\_\_  
 Owners address: \_\_\_\_\_  
 Telephone numbers: (daytime) \_\_\_\_\_ (evening) \_\_\_\_\_

## NARRATIVE RELATED TO REQUEST FOR INTERPRETATION

On July 18, 2007, the Applicant appeared before the Planning Board seeking a two (2) lot subdivision of its property (the "Subdivision"), identified as Section 218, Block 2, Lots 72 and 73 and include 95.1 ± acres on the southwesterly side of Smith Clove Road. A copy of the proposed Subdivision is annexed hereto as Exhibit "A". The Applicant proposed to sever the existing clubhouse, banquet hall and catering facility from the remainder of its lands occupied by the golf course/club.

At that time, the Town Engineer advised the Planning Board that there were, or might be, issues with respect to whether the separation was possible without variances and whether the current and proposed use was lawful.

On August 29, 2007, with the agreement of the Planning Board, the Subdivision application was referred to the ZBA. A copy of that referral is annexed hereto as Exhibit "B". That referral expresses the Engineer's opinion that:

"This application requires consideration of use and area variances based on prior variances granted by ZBA (attached). The proposed action to subdivide the parcel to create one parcel containing the clubhouse and proshop and another parcel containing the golf course appears not to be in conformance with your prior variances."

An area variance was granted on July 27, 1988, a copy of which is annexed hereto as Exhibit "C", allowing a front yard setback of 85 feet against the required 100 feet, for the construction of an expansion of the existing clubhouse for a banquet hall and catering facility. The grant of that variance was not judicially reviewed within the time limited and became the law with respect to the relief that was afforded. The expanded clubhouse, banquet hall and catering facility was constructed pursuant to that variance and pursuant to a building height variance issued on April 26, 1989, a copy of which is annexed hereto as Exhibit "D", and has since operated in accordance with the aforesaid Decisions and in exactly the same manner as its prior history as a non-conforming use, also recognized by the Decision of the ZBA dated July 27, 1988.

In its July 27, 1988 Decision, the ZBA announced the following "Findings":

"Furthermore, it is this Board's interpretation that the applicant's use of the property is [lawfully]<sup>1</sup> non-conforming and has been such for many years. The question as to whether or not food and

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<sup>1</sup> Added by Applicant as reflected by the balance of the Decision.

ZBA 11/28/07 # - page 24 -  
Valley Golf Corp

drink can be served to non-members really is misleading in that the club is opened to all individuals, both members and non-members. It's not even a question of whether or not so-called non-members may be served food and drink since they have been served for many years. What the Town has is a golf club which is open to the public, which has for 25 years served food and drink, and, which is now to be served in a more elaborate setting. The only concern that this Board has is that the serving of food and drink be not on a restaurant basis. Certainly, meals should be served to those who are playing golf, at special functions that may be arranged by the club both for golf and non-golf functions, but under no circumstances should a restaurant facility be permitted to serve food to the general public.

In conclusion, the Board believes that what the applicant wishes to do in serving food and drink to anyone using the golf course or to arrange for functions whereby food and drink will be served to large groups is ***keeping within the spirit of not only the golf club but also the Woodbury Zoning Law.*** (Emphasis Applied)

In its July 27, 1988 Decision, the ZBA determined as follows:

"(1) The setback requirement of the Woodbury Zoning Law for front yards is to be measured from the street line and not the property line.

(2) The applicant has sustained its burden of proof that there is practical difficulty in the application of Section 153.7 of the Woodbury Zoning Law, and, therefore, grants the applicant's request for an area variance from the aforesaid Section of the Woodbury Zoning Law to permit the reduction of the front yard from 100 feet to 85 feet.

(3) The applicant may in fact serve food and drink from its facilities to golfers and their guests including special functions that may be scheduled by the club during the course of the year, but under no circumstances is the club permitted to operate a restaurant on an on-going basis offering such facilities to the public at large."

Since the completion of construction of the expanded clubhouse, banquet hall and catering facility, its use has been entirely consistent with the Findings and Decision of the ZBA dated July 27, 1988. The clubhouse has been used for the service of food and beverages

ZBA 11/28/07  
Valley Golf Corp,

-2-

- Page 25 -

to golfers and their guests, members and non-members, and as well for special functions for members and non-members for golf functions and for other unrelated functions. Meals are served to those who play golf and at special functions arranged by the club, both for golf and non-golf functions. No restaurant operated to serve food to the general public has existed nor will one exist if the Subdivision is approved. With respect to its culinary operation, the clubhouse has been run by a tenant, i.e. Incredible Caterers, Ltd.

In its July 27, 1988 Decision, the ZBA considered and granted only an area variance. No use variance was sought, -- none was required.

The golf club is in need of capital and determined to sell the clubhouse, banquet hall and catering facility on 4.02± acres of land, offered same to the tenant/operator and reached an agreement of sale. That tenant would be required to continue to operate the same for benefit of the golf club as now and heretofore and for the purpose of special functions, golf and non-golf related.

A contractual relationship would exist with the operator/new owner of the clubhouse, banquet hall and catering facility for his own benefit and for the benefit of the golf club, requiring the provision of the same services as heretofore. The new owner understands from the July 1988 Decision and, based upon the manner in which the facility has been operated since its opening, that a restaurant is not authorized.

The new operator will continue to schedule special catered functions in the banquet hall whether or not related to the golf club. The history of the operation of this facility is replete with examples of catered large-scale functions, both for private celebrations, such as weddings, and for large functions of organizations which include the Orange County Board of Realtors. Nothing that is proposed is intended to alter that form of operation.

This Application to the ZBA has been limited to seeking an interpretation of the Zoning Law as affected by the two Decisions of the ZBA (Exhibits "C" and "D"). Should the ZBA determine that there is in fact a need for variances, applications for such relief will be made.

ZBA 11/28/07  
valley Golf Corp.

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1/2



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: 218-2-72+73
(Section-Block-Lot)

Local File #:

Project Name: VALLEY GOLF

Applicant: VALLEY GOLF CORP

Address: 206 SMITH CLOVE RD, CV

Attorney, Engineer, Architect: ALAN LIPMAN

Location of Site: SMITH CLOVE RD - NEAR PINE HILL RD
(Street, highway, nearest intersection)

Size of Parcel: 95.1A Existing Lots: 1 Proposed Lots/Units 2

Present Zoning District: R2A

TYPE OF REVIEW:

- Site Plan
Special Use Permit\* (SUP)
Varlance\* USE (VU):
AREA (AV):
Zone Change\* FROM: TO:
Zoning Amendment To Section:
Subdivision Major Minor

- Sketch Preliminary Final

DATE: 11/20/07

Richard Cettaresio Chairman
Signature and Title Zoning Bd

\*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID #

ZBA 11/28/07
VALLEY GOLF CORP

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 11/28/07

2. APPLICANT: NAME: Valley Golf Corp

ADDRESS: 206 Smith Clove Rd, CV

ATTORNEY, ENGINEER  
ARCHITECT: Alan Lipman

3. LOCATION OF SITE: 206 Smith Clove Rd  
Street - County Road Number

TAX MAP IDENTIFICATION: SECTION 218 BLOCK 2 LOT 72+73

4. TYPE OF REVIEW:

SPECIAL PERMIT USE

SITE DEVELOPMENT USE

AREA

SUBDIVISION MAJOR MINOR

11/20/07  
DATE

Richard Cattaneo Chairman  
SIGNATURE AND TITLE  
Zoning Bd  
Call

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

2BA 11/28/07  
VALLEY GOLF CORP

Inn-Credible Caterers. The golf club requirements will be serviced as they are now. The present owner will serve the needs of organizations, private individuals, etc. who wish to use the facility as a catering service, etc. He said nothing will physically change. Nothing in the terms of the manner of its operation will change. He sees no reason why this non-conforming catering club cannot be severed from the golf club.

Mr. Lipman continued by saying that Attorney Golden understood this decision to require that these two uses be kept in the same ownership but he (Mr. Lipman) finds nothing that addresses that requirement. Mr. Lipman sees a situation in which nothing will be different after the sale as it is at this time and has been for the past 30 years. He does not believe a variance is required and he believes this board will read the decision in the same way.

Referring to letter dated 7/12/07 from Stuart Turner to George Sewitt, Chair, Planning Board, (SEE Addendum) if it becomes a 2-lot subdivision and this board approves this application Stuart Turner has several questions shown as "4" "a" "b" "c" and "d". as follows:

4. If the two lot subdivision occurs:

- a. Is the golf course left with no support facilities such as parking, clubhouse, restrooms, lockers, cart and equipment storage, etc.?
- b. Does the remaining use become a free-standing commercial use unrelated to the golf course and if so what lot and bulk requirements are to be applied?
- c. What is the plan for the golf-course? Is it to remain, or is a subdivision likely?
- d. With regard to 'c', in the past the Planning Board has requested some indication of how the remaining land could be developed, even if no specific plan is before the Board. This is to assure the Board that if the lot is created it can be properly planned with regard to access, adjoining property, etc.

Mr. Lipman asked if these questions have been answered.

Also shown here are questions 5 and 6.

5. The original approved site plan included a note at the end of the parking lot that the area was to be reserved for future parking if required. That area is proposed to be included on the golf course lot.

The approved plan has 50 fewer spaces than the zoning required; therefore area for these spaces should be shown and included on one lot or the other.

6. The clubhouse and catering facility are served by town water and sewer. If the site is subdivided, does this affect the availability of water and/or sewer to lot 1?

Attorney Felicissimo said it appears that all planning board consultants believe that variances are required. She addressed Mr. Lipman saying that she understands that he does not want to go that far and hopes to obviate the need for variances by asking this board to draw the conclusion from the past. She pointed out Dennis Lindsay's letter of August 29, 2007 (Page 1 of Addendum) re Variances, Use and Front

Mr. Lipman said he did not want to go through that if it isn't necessary.

A. Mickolajczyk pointed out that in Item #3 of Stuart Turner's letter dated 7/12/07 shown as page 18 of Addendum) he says the current application acknowledges the need for a variance....Mr. Lipman said he did not prepare the application, that it was prepared by G. Zimmerman.

Mr. Lipman wished to answer question #4 of Mr. Turner's letter of 7/12/07 He said the club house will be contractually committed to provide the same service and facilities as now. The contract between the new owner of the Central Valley Inn and the current owner of that property will be selling this piece to the current tenant who will reserve an easement over the current parking area to use it for its members as they have and do now. There is a very expansive parking lot which is being used by the golf club and the Inn. Most of the time, he said, there is no conflict.

As to parking, Mr. Lipman said the golf course lot is not committed to any plan other than what exists now. It will reserve an easement on the piece that's being severed. He said "we" have parking on the adjoining property permitted to us by a recorded easement if we sell. Nothing, he said, is changing physically or in terms of its use.

Question #4b. Mr. Lipman said it does become a free-standing use; it is now a non-conforming use. He said applicant is providing to this free-standing commercial use the complete area that it occupied as part of the golf club giving it the same land area that it currently occupies. He said if there is a bulk requirement that they do not meet they will need an area variance. No one has said they are not complying.

Question#4c. He said there is no plan. It is not proposed that anything change with respect to the golf course. As & when that happens, he said, there will be a plan. He supposes that some day a subdivision is likely. Now, it will stay exactly as it is.

Question #4d. Mr. Lipman said that question was raised at the planning board meeting. He is not prepared to spend the money to develop a plan as to who this property could be subdivided. He said it would be subdivided in the same manner as this piece that applicant is proposing to sever. He said that nothing they intend to do affects the potential in the balance of this golf course to be divided. He continued by saying that the issue is whether this lawful nonconforming use can be placed on a smaller piece of property, the same property that it occupies without having to secure a use variance.

Attorney Felicissimo stated that when you look at the actual specific language of that 1988 variance which clearly says you can serve food and drink there. But, she said, she believes there is language which says it must be in support of a golf course. Mr. Lipman said the application that was decided in 1988 was only for a front yard setback having nothing whatsoever to do with the use of the structure as it was being enlarged. He said they did not ask for a use variance, none was required, and they expanded it. He referred to page 1 of thr 1988 decision (p. 6 of 19 in the Addendum)and quoted parts of the first paragraph. He said it relates exclusively to the front yard variance which allowed the building to be added to in exactly the location that it's in. He said the variance goes with the land. He said if it gets separated, the building does not have to be located 15 feet closer to the highway. He said whether or not it was for an area variance it does deal with an interpretation which is relevant. Mr. Lipman, on page 6 (11 of 19 in Addendum) quoted the next to the last paragraph beginning with "In conclusion..."He said they gave the variance based upon it was connected, all in one. The variance that was sought has nothing to do with the issue of use. The variance was to place the structure 85 feet back from the sideline of the road instead of 100 feet.

Mr. Lipman said the application is also for an interpretation. The board's attorney said the application asks us to interpret the entire decision. Mr. Lipman said if it is to interpret that this building may only be used to serve the needs of the golf club and cannot support dinners for wedding, Chamber of Commerce, etc., then it has been operating in violation. He said they were aware that the building to be used as a hall would be used by non-golfers. Mr. Lipman said it can be used not only by anyone using the golf course, but in keeping with the spirit of not only the golf club but also of the Woodbury Zoning Law. He said the spirit of it was connected to the golf course, under one ownership. Further discussion... future of the golf course property was mentioned. Mr. Lipman said nothing has changed except a property line. Mr. Lipman referred to page 7 of Decision (page 12 of 19 in these minutes) and said that particular issue was thoroughly discussed and is not the subject of any application at that time.

Mr. Lipman went on to say that as far as parking for large banquets, no one on the planning board questioned whether the building would be used for private functions. No restaurant facility is proposed. Mr. Mickolajczyk said it is clear that the non-conforming use was allowed as an accessory use in support of the golf course itself. Mr. Lipman said it is not an accessory use. Mr. Mickolajczyk said if the golf course ceases to be part of the same property, it is obvious what the intent was. He said the club wouldn't be there if the golf course wasn't there; it was a facility for the service of food in support of the golf course; Mr. Lipman said this building was constructed ~~was constructed~~ intending that it serve the needs of large banquets for organizations and private parties. It was constructed to that size because the golf club needed it.

Attorney Felicissimo said she believes that applicant will need an area variance; there is no on-site parking for the golf course. Mr. Lipman said he is not concerned about an area variance. He said his is a far different issue when it comes to a use variance. It is all in front of this board at some point. He did not include any applications because he doesn't know whether they are needed. Ms. Felicissimo explained that he needs his planner and the village engineer to look at the bulk regulations, at the parking requirements, look at all things. She said applicant is changing the site plan of the previously approved golf course. She said a property line now creates two lots, two sets of bulk regulations to be applied. Mr. Lipman said he is concerned if anyone believes that in order to sever these two properties they need a use variance. He said this came about because they need to raise capital for the golf course and the simplest way to raise money is to sell off this piece.

Form 239 has been sent to Orange County regarding use and area variances.

Chairman Cataggio said he would like our attorney to speak to Dennis Lindsay to understand why, if at all, there is required a use and area variance before we even get to the interpretation issue. Attorney Felicissimo said the difficulty is that the village attorney and planning board are baffled about the use. She said we want to ensure at this point it is either reinforced or addressed to correct it. Mr. Lipman stated that Mr. Golden indicated in one of the decisions he saw language that said two uses must be maintained together; Mr. Lipman found no such language.

Mr. Lipman was advised by the board that they can't tell him he needs a variance. That, he was told, can only come from the planning board or the building inspector. No one can come without being referred by one or the other.

After a discussion, Mr. Lipman said he is looking for an interpretation as to whether or not the severance of the inn/golf course requires a use variance. He said he needs direction with respect to the use variance, if any is required. He would like to get direction about area variance as well, but he understands

this board's inability to do that without more information.

Attorney Felicissimo advised that when the lot is cut, as proposed, the only area variance sought for the building location was the front yard setback of 15 feet and the height. That is not changing. She said the only area variance that may be required is with respect to the golf course. Mr Lipman stated that Stu Turner is correct; there is no bulk table that applies to this use in this particular zone. Attorney Felicissimo said this board has to deal with the interpretation/use variance issue right now.

Chairman Cataggio recommended that our attorney speak to Dennis Lindsay as far as the applicant wants to know what direction they need to take on the use or area variance. Mr. Lipman said the applicant is entitled to hear what "out of meeting" dialogue goes on between this board and Dennis Lindsay and Rich Golden. He said they need to be a part of the exchange. Board's attorney said the board's consultants have clearly told the board that this applicant needs a use variance. Mr. Lipman said in the final analysis, Dennis Lindsay is saying that this board needs to consider that a subdivision of two lots, each with a non-conforming use, would require variances for both lots. He went into items on page 3 of 19 in Addendum, saying the first two paragraphs are re-statements of what happened.

Chairman pointed out in Dennis Lindsay's Memo of August 29, 2007 (page 1 of 19 in Addendum) that this application requires consideration of use and area variances. Mr. Lipman said it requires consideration as to whether they are needed. That is why, Mr. Lipman said, he is here.

Chairman said the board would need more time and information to make a determination.

Discussion of former decisions and Dennis Lindsay's MEMO. Mr. Lipman wants to give this board as much as he can give so that they can look at this situation and say 'Does the severance require a use variance in the circumstances that everything that exists now on both parcels will continue to exist and continue to be used in exactly the same fashion'.

FROM THE PUBLIC:

Mark Volkmann, 201 Smith Clove Road, Central Valley

Mr. Volkmann thinks that this property is very important to this community and should remain as it is, one parcel. He lives directly across from the golf course and said by separating this property into two pieces you are separating potentially the ultimate end result of that golf course being developed into homes. Mr. Volkmann spoke of this property as being one of the crown jewels of this community. He said you are starting something in motion. Mr. Volkmann said there are many ways to raise capital. By leaving these pieces as one, it's serving the needs of the golf course and the facility. He asked that this board protect the integrity of the community.

Frank DeBarri, President of the Inn, said he rented the inn for 20 years and now he would like to buy it.

Doug Connor, 43 Greenwich Avenue, Central Valley

Mr. Connor agrees with everything that Mr. Volkmann said. He feels that this is Phase One and everything else will go. He said applicant has a nice restaurant.. surround this with nice big houses, nice opportunity.

Wayne Corts, 3 Victoria Court, Central Valley - he said it was suggested that all of the public present should have been given a copy of the resolution when it was approved and a copy of the variances given. Mr. Corts went on to say the Central Valley Inn and golf course are a very important piece of our town.

Mr. Cortts said he would be opposed to having this carved out. He said chopping that off would not benefit anyone.

Mr. Lipman said public comment is not related to this application. He said to the board that the evidence of statements elicited tonight had nothing to do with the board's responsibility to determine whether or not a use variance is needed in order to sever the inn from the golf course. He said if there were a subdivision intended, that's what would be going on right now. There are no plans at this time to subdivide the golf course.

Mr. Volkmann said the board needs to understand the concerns of people who live in this community. Wayne Cortts said the best use is what it is being used for... he has made a study of it. He asked if copies of the documents could be made available for the public.

Mr. Mike Moslem, 132 Smith Clove Road, Central Valley

Mr. Moslem said he purchased his house and remodeled it because of the golf course. It is the crown jewel of this community.

Form 239 was mentioned; it was sent to the County by the building inspector.

Discussion re: closing of hearing. Does the board want to hear back from the County?

MOTION was made by D.Siebold, seconded by A. Mickolajczyk to adjourn the public hearing until the board's next meeting, January 23, 2008 or any adjournment thereof. Motion unanimously carried. (D.S., A.M., T.E., G.P., R.C.)

DECISIONS:

Re: STEPHEN MC KEOWN - Public hearing for area variance.

SEE SEPARATE PAGE, Page 33A in these minutes, for discussion.

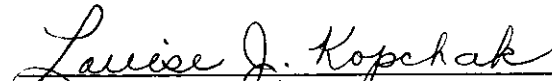
MEMBERS AGREE TO A FAVORABLE DECISION, ONE YEAR LIMIT ON VARIANCE

\* \* \* \* \*

SPECIAL PERMIT RENEWALS

There was no Report from the building inspetor.

MOTION was made by A. Mickolajczyk, seconded by G. Pedersen to close the meeting. 10:15 P.M. All voted aye.

  
Louise J. Kopchak, Secretary

Woodbury ZBA  
Stephen<sup>Mc</sup>Keown Publichearing 11/28/07  
Discussion of Board below:

**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) DECISION:

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?

It would be an improvement... there would be more solid ground (water would be diverted/French drain) It would not cause any problems

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

Will not have to gain access to house by walking through Master Bedroom; he could build a 20' garage instead of a 30' and he would not be before this board; its steeper on right side than on left side; front of house is very steep; it would not be feasible to construct garage on right side

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

It's 8 feet out of 40 feet (about 20%) If it weren't a side yard he would be in compliance; he has water + sewer (Not substantial He's restricted because it's a corner lot.

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

There were no comments from neighbors O.K.

5. Is the alleged difficulty self-created?

yes

MEMBERS AGREE TO A FAVORABLE DECISION,  
ONE YEAR LIMIT ON VARIANCE

ZBA 11/28/07  
McKeown -Page 33A -