

**Appeal and Petition for Interpretation Under Building
Construction/Zoning Law**

Date May ____, 2005

To the Zoning Board of Appeals
Town of Stuyvesant

Martin Roby
Property Owner

1. The undersigned, Martin Roby, owner of Tax Parcel Number 43-1-22 located at 454 Eichybush Rd., Stuyvesant, New York, hereby gives notice of appeal of a Stop Work Order issued by Gerald Ennis, Zoning Enforcement Officer, made on the 25th day of March, 2005, and appeal of the insistence by Gerald Ennis, Zoning Enforcement Officer, that a permit is required to erect a fence to contain poultry on agricultural property for an agricultural use, on the ground that the Order and permit requirement would be in violation of the provisions of the Code of the Town of Stuyvesant for the following reasons:

2. Appellant alleges:

(a) That the reasons for issuance of the Stop Work Order, listed therein, read as follows:

"Whereas, violations of building codes have been found on these premises. It is hereby ordered that all persons cease, desist from, and STOP WORK at once pertaining to construction, alterations, and repairs on these premises known as 454 Eichybush Rd. located [at] Stuyvesant NY 12173 State of New York."

(b) That by not including any reference to code or statute, the Stop Work Order does not suggest how Mr. Roby can correct the violation, and that the Town Of Stuyvesant Zoning Ordinance, § 10, "Administration & Enforcement", page 33, "Violations", requires that "...notice shall include the description of the alleged violation, including the section of the ordinance being violated."

(c) That repeated requests for clarification to Zoning Enforcement Officer Gerald Ennis continue unanswered.

(d) That Zoning Enforcement Officer Gerald Ennis insists that Mr. Roby acquire a permit to erect an eight foot fence to enclose his assorted poultry of approximately 36 birds, although Mr. Roby's raising poultry and selling eggs qualifies as an agricultural activity under the Town of Stuyvesant Zoning Ordinance, § 2, page 5, "Definitions", and under the same Ordinance, § 6, page 18, "Fences", Mr. Roby's agricultural use of his property exempts him from any permit requirement.

(e) That Mr. Roby's parcel is located in an area zoned agricultural, and is not located in a hamlet zone.

3. Because of the aforesaid alleged facts (a) through (c), appellant petitions the Zoning Board of Appeals, in acting on this appeal, to act so as to inform Mr. Roby of the exact nature of the reasons behind the issuance of the Stop Work Order by Mr. Ennis, by delivering to Mr. Roby the proper citations to local code and, if possible, a plain language explanation for same, or in the alternative, to waive the issuance of the Stop Work Order and so allow Mr. Roby to proceed.

4. Because of the aforementioned alleged facts (d) through (e), appellant petitions the Zoning Board of Appeals, in acting on this appeal, to act so as to permit Mr. Roby to erect an eight foot fence in order to contain and enclose his poultry, for the safety and health of the poultry and peace of mind of adjoining property owners.

5. Appellant further alleges that such solutions would be in harmony with the spirit of the Town of Stuyvesant Zoning Ordinance and would not be detrimental to property or persons in the neighborhood and that the public safety and welfare would be secured and substantial justice done by the granting of this appeal.

STATE OF NEW YORK
COUNTY OF COLUMBIA:

The undersigned, being duly sworn, deposes and says that he has read the foregoing document and knows the contents thereof and that the facts set forth therein are true to the best of his knowledge, information and belief.

Signed _____
Martin Roby, owner
454 Eichybush Rd.
Stuyvesant, NY

Sworn to before me
this _____ day of May, 2005
