

MINUTES
ZONING BOARD OF APPEALS
APRIL 1, 2015

MEMBERS PRESENT: DAN SULLIVAN
JOAN SALOMON
LEONARD FEROLDI, ALTERNATE
THOMAS QUINN
MICHAEL BOSCO

ABSENT: PATRICIA CASTELLI
MICHAEL BOSCO

ALSO PRESENT: Dennis Michaels, Esq. Deputy Town Attorney
Ann Marie Ambrose, Official Stenographer
Deborah Arbolino, Administrative Aide

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

ROCKLAND CENTER FOR SPIRITUAL LIVING SIGN 30 Old Tappan Road, Tappan, NY 77.10 / 2 / 15; R-15 zone	SIGN SIZE AND LOCATION VARIENCES APPROVED FOR THREE SIGNS	ZBA#15-22
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NEW ITEMS:

ULTIMATE FITNESS STUDIOS PARKING VARIANCE 20G Mountainview Avenue, Orangeburg, NY 74.07 / 1 / 27; LI zone	PARKING SPACE, REAR YARD, VARIANCES APPROVED	ZBA#15-25
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JOANNOU 29 Washington Spring Road, Palisades, NY 78.19 / 1 / 8; R-22 zone	FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#15-26
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ROCKLAND GAELIC ATHLETIC ASSOCIATION CLUBHOUSE 160 Old Orangeburg Road, Orangeburg, NY 73.12 / 1 / 1; RPC-R zone	SIDE YARD VARIANCE APPROVED	ZBA#15-27
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BERSON 15 Lt. Crawford Court, Blauvelt, NY 69.16 / 3 / 1.5; R-40 zone	POSTPONED	
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ZBA#15-28
TOWN OF ORANGETOWN

THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 10:30 P.M.

Dated: April 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Deborah Arbolino*

Deborah Arbolino, Administrative Aide

DISTRIBUTION:
APPLICANT
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
TOWN BOARD MEMBERS
BUILDING INSPECTOR (Individual Decisions)
Rockland County Planning

TOWN CLERKS OFFICE
2015 APR 23 AM 9 47
TOWN OF ORANGETOWN

DECISION

SIGN SIZE AND LOCATION(TAPPAN CEMETERY SIGN: 7.5' SETBACK, CHILDRENS ENRICHMENT CENTER SIGN: 8.5' SETBACK, CENTER FOR SPIRITUAL LIVING SIGN: 8.5' SETBACK) VARIANCES APPROVED

To: Jennifer Berkeley
30 Old Tappan Road
Tappan, New York 10983

ZBA #15-22
Date: March 18, 2015
April 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-22: Application of Rockland Center for Spiritual Living for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.11, R-15 District refers to R-80 District, Group D, Column 5 #12 (one (1) sign not over 20 sq. ft. and located 25' from property line permitted: 2 signs exist and third is proposed within 25' from the property line: 35.6 total sq. ft. for all three signs) located at 30 Old Tappan Road, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.10, Block 2, Lot 15; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, March 18, 2015 and April 1, 2015 at which time the Board made the determination hereinafter set forth.

Janet Squilanti, Janice Shaheen, and Robin Foley appeared.

The following documents were presented:

1. Sign plans by Foley Signs (2pages).
2. HABR Decisions #09-04 Children's Enrichment Center and #08-05 Tappan Cemetery, both for signs on the same property.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

At the March 18, 2015 hearing and on advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Mr. Quinn and Mr. Bosco were absent.

At the March 18, 2015 meeting Janice Shaheen testified that they share space with the existing church and would like to put a sign up to give direction to their services and classes.

Robin Foley, Foley signs, testified that they no longer need the setback variance for the sign because they moved the proposed location to an existing berm on the property which is 25' from the property line.

At this time the clerk stated that the Zoning Board was looking at different plans than the Historic had reviewed and asked the applicant to continue the items until everyone, including the Building Inspector were looking at the same plans.

April 1, 2015

The following documents were presented:

1. A copy of the survey of the property with the three signs drawn on it.
2. Three computer generated pictures of the proposed sign, in its proposed location.
3. A computer generated picture of the sign and posts and small details of sign.

Janice Shaheen and Robin Foley, Foley Sign appeared.

Janice Shaheen testified that they appeared before the Historic Board and were approved for the sign and when they came to the Zoning Board at the last meeting they realized that the two Boards were reviewing different plans; that they are back now with clear cut plans and the location of all three signs; that the cemetery sign is 7.5' from the curb; that the Child care sign is 8.5' from the curb and they are proposing to place their sign 18.5' from the curb.

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested sign size and locations variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is large and several different uses are taking place on the property. The signs are necessary for the public to identify the occupants.
2. The Board is approving the location of the signs as follows:
 - (A) HABR# 08-05 Tappan Cemetery sign located at 7.5' from the curb
 - (B) HABR#09-04 Children's Enrichment Center sign located at 8.5' from the curb.
 - (C) Center for Spiritual Living Sign located at 18.5' from the curb.
3. The requested sign size and location variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is large and several different uses are taking place on the property. The signs are necessary for the public to identify the occupants.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The property is large and several different uses are taking place on the property. The signs are necessary for the public to identify the occupants.
5. The requested sign size and location variances, although somewhat substantial, afford benefits to the applicants that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.

TOWN CLERKS OFFICE

2015 APR 23 PM 9:48

TOWN OF ORANGE

6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested sign size and location variances are APPROVED as follows: 35.6 total sq. ft. for all three signs to be located (A)HABR# 08-05 Tappan Cemetery sign located at 7.5' from the curb; (B)HABR#09-04 Children's Enrichment Center sign located at 8.5' from the curb; and (C)Center for Spiritual Living Sign located at 18.5' from the curb; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


TOWN CLERK'S OFFICE
APR 23 3 48 PM '15
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested sign size and location variances as follows: 35.6 total sq. ft. for all three signs to be located (A) HABR# 08-05 Tappan Cemetery sign located at 7.5' from the curb; (B)HABR#09-04 Children's Enrichment Center sign located at 8.5' from the curb; and (C) Center for Spiritual Living Sign located at 18.5' from the curb; was presented and moved by Mr. Quinn, seconded by Mr. Sullivan and carried as follows: Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye ; and Mr. Feroldi, aye. Ms. Castelli and Mr. Bosco were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: April 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-R.A.O.

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
2015 APR 23 AM 9 48
TOWN CLERKS OFFICE

DECISION
**PARKING IN YARDS, PARKING SPACES AND REAR YARD VARIANCES
APPROVED**

To: Stephanie Pinto (Ultimate Fitness)
14 Woodlawn Terrace
Orangeburg, New York 10962

ZBA #15-25
Date: April 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-25: Application of Ultimate Fitness Studios Inc. for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.11, LI District Column 7 #8 Parking in yards requires Board approval; refer to CS District, Column 6 #4 & #5 (100 parking spaces required, 77 parking spaces existing) and from LI District, Group QQ, column 11 (Rear Yard: 50' required, 20' proposed) for parking spaces at an existing commercial building, located at 20G Mountainview Avenue, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.07, Block 1, Lot 27; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 1, 2015 at which time the Board made the determination hereinafter set forth.

Stephanie Pinto, Donald Brenner, Attorney, and Sarah Torrens appeared and testified.

The following documents were presented:

1. Copy of site plan dated November 10, 2014 for BCH Realty, LLC. signed and sealed by Steven Michael Sparaco, P.E. (1 page).
2. A computer drawing of the proposed space not to scale.
3. Planning Board Decision #89-184 dated November 8, 1989.
4. Architecture and Community Appearance Board of Review Decision #85-77 dated October 17, 1985.
5. Planning Board Decision #90-143 dated November 28, 1990.
6. Zoning Board Decision #91-68 dated July 17, 1991.
7. A letter dated March 25, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
8. A letter dated March 30, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
9. A letter dated March 11, 2015 from the County of Rockland Department of Health signed by Scott Mc Kane, P.E..

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Quinn, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Mr. Bosco and Ms. Castelli were absent

Donald Brenner, attorney, testified that the owner of the strip mall also owns Del Arte Restaurant; that this business compliments his restaurant business because they will be operational at different hours and will not be competing for parking spaces; that the restaurant sometimes has fundraisers or large parties but that is usually on the weekends evenings; and Ultimate Fitness will not be operating at the same time.

TOWN OF ORANGETOWN
APR 28 2015
BY: SULLIVAN

Stephanie Pinto testified that she starts her classes at 5:30 A. M. and is usually busy until around 9:30 A.M.; that she usually has between 3 and 8 people at a time; that she also has classes between 4:30 and 6:30 P.M. during the week; that she does not have classes on Friday or Saturday evenings; that she does have classes early Saturday mornings and she does not have any classes on Sunday.

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested parking in yards, parking spaces (77 requested and 100 are required) and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed business will not be in competition for parking with the existing businesses in the shopping center because the busiest hours for each business differ.
2. The requested parking in yards, parking spaces (77 requested and 100 are required) and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed business will not be in competition for parking with the existing businesses in the shopping center because the busiest hours for each business differ.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested parking in yards, parking spaces (77 requested and 100 are required) and rear yard variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The proposed business will not be in competition for parking with the existing businesses in the shopping center because the busiest hours for each business differ.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN OF ORANGETOWN
PLANNING DEPARTMENT
2015 APR 23 PM 5:18
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested parking in yards, parking spaces (77 requested and 100 are required) and rear yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


TOWN CLERKS OFFICE
2015 APR 23 AM 9:48
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested parking in yards, parking spaces (77 requested and 100 are required) and rear yard variances was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Ms. Salomon, aye. Mr. Bosco and Ms. Castelli were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: April, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-R.A.O.

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERKS OFFICE
2015 APR 23 AM 9 48
TOWN OF ORANGETOWN

DECISION
**FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND TOTAL SIDE YARD
VARIANCES APPROVED**

To: Margaret Fowler (Joannou)
688 Piermont Avenue
Piermont, New York 10968

ZBA #15-26
Date: April 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-26: Application of Carine Joannou for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-22 District, Group I, Columns 4 (Floor Area Ratio: .20 permitted, .26 proposed), 8 (Front Yard: 40' required, 0.8' existing no change) 9 (Side Yard: 25' required, 4.6' (right) and 21.7' (left) existing; 21.3' (left) proposed), and 10 (Total Side Yard: 60' required, 26.3' existing, 25.9' proposed) for an addition to an existing single-family residence. The premises are located at 29 Washington Spring Road, Palisades, New York and is identified on the Orangetown Tax Map as Section 78.19, Block 1, Lot 8; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 1, 2015 at which time the Board made the determination hereinafter set forth.

Carine Joannou and Tom Skrable, P.E., appeared and testified.

The following documents were presented:

1. Architectural plans dated December 12, 2014 (12 pages) labeled "Joannou Residence" signed and sealed by Margaret L. Fowler, Architect.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Quinn, aye, Mr. Bosco and Ms. Castelli were absent.

Carine Joannou testified that her mother is 87 years old; that she recently broke her hip and can no longer do stairs; that the two bedrooms in the house are up a steep set of stairs; that the proposal before the Board is to create a space for her mom; that Meg did the pool house two years ago and it is a replica of the existing house and compliments the house beautifully; that this house was built in 1860 and was the Laundry for the Ding Dong House; that the house never had a proper dining room and they are proposing to make the existing kitchen into the dining area and to add a new kitchen that her mom can easily access from her new bedroom.

Tom Skrable testified that the front yard, side yard and total side yard are pre-existing non-conforming conditions; that the only new variance is for the additional floor area ratio; that the existing house is only 18' wide and would be impossible to make it handicap accessible; that the proposed addition is built to adapt to the hillside and will not change any of the river views for the neighbors; and that there was a typo for the front yard variance it should be 0.8' and not 8'.

TOWN OF ORANGETOWN
APR 23 2015 9 48 AM

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested floor area ratio, front yard, side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition will make the house handicap accessible for Carine Joannou's 87 year old mother and will not impede any river views for neighbors.
2. The requested floor area ratio, front yard, side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed addition will make the house handicap accessible for Carine Joannou's 87 year old mother and will not impede any river views for neighbors.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area, front yard, side yard and total side yard variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The proposed addition will make the house handicap accessible for Carine Joannou's 87 year old mother and will not impede any river views for neighbors.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN OF ORANGETOWN
2015 APR 23 AM 9 48
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, front yard, side yard and total side yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE
2015 APR 23 AM 9 49
TOWN OF ORANGETOWN

Joannou
ZBA#15-26
Page 4 of 4

The foregoing resolution to approve the application for the requested floor area ratio, front yard, side yard and total side yard variances was presented and moved by Ms. Salomon, seconded by Mr. Feroldi and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Ms. Salomon, aye. Ms. Castelli and Mr. Bosco were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: April 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-M.M.

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
2015 APR 23 AM 9 49
TOWN CLERKS OFFICE

DECISION
SIDE YARD VARIANCE APPROVED WITH SPECIFIC CONDITIONS

To: Mike Healy (Rockland Gaelic)
40 West Lewis Avenue
Peal River, New York 10965

ZBA #15-27
Date: April 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15- 27: Application of Rockland Gaelic Athletic Association Clubhouse Site Plan for variances from the Orangetown Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, RPC-R District, Column 8 (Side Yard: 20' plus the equivalent height of the wall of the adjacent building in order to ensure appropriate Fire Department safety requirements: subject to Fire Department approval: 9.31' proposed) for a proposed clubhouse building. The premises shall be located at 160 Old Orangeburg Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.12, Block 1, Lot 1; in the RPC-R and R-80 zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 1, 2015 at which time the Board made the determination hereinafter set forth.

Jesse Cokeley, Maser Consulting, Mike Healy, and Paul Rowley, appeared and testified.

The following documents were presented:

1. Site plan dated June 21, 2014 with the latest revision date of January 17, 2015 (2 pages) signed and sealed by Jesse Barret Cokeley, P.E..
2. Architectural plans labeled GAA Rockland Clubhouse dated October 16, 2014 signed and sealed by Paul Osmolskis, Architect. (4 pages)
3. A cover letter dated February 19, 2015 from Jesse B. Cokeley, P.E., Maser Consulting P.A.
4. A memorandum dated February 11, 2015 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
5. A letter dated March 25, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated March 30, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
7. A memorandum dated April 1, 2015 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and on September 10, 2014, rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action (i.e., a "Negative Declaration" or "Neg. Dec"), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation § 617.6 (b)(3). The motion was seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco and Ms. Castell were absent.

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Jesse Cokeley, Engineer, testified that the application was before the Planning Board and received approval with the condition that they get the necessary side yard variance from the Zoning board; that the building is placed back this far so that the emergency access to the front of the building will not get blocked in any way; that they located building here because it makes the most sense because of the existing station fencing; that it fits here without replacing or cutting into the fencing which would be very expensive; that the setback sounds worse than it really is because there is still about 70 feet to the edge of the parking lot after the property line ; and that they will address all of the concerns of the Fire Inspector.

Paul Rowley testified that the Gaelic Athletic Association is a non for profit association that has existed since 1972, when the founders took mortgages on their own homes to purchase the property; that they are proposing the pavilion for several reasons, it will be a gathering area for the players and their families and it will provide a safe haven for the over 300 players in case of bad weather during a game; that the kids could gather under the pavilion during a storm.

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to meet all of the requests from the Orangetown Fire Inspector: (a) Install an access gate so emergency vehicles can drive on the gravel in front of (south side) the clubhouse, (b) stabilize the gravel road up to the end (west side) of the clubhouse, for up to 75,000 lbs. and (c) in the event of the state cutting off the supply to the nearest fire hydrant, the Fire Inspector would like a letter stating the GAA would provide a new United Water fire hydrant, connected to the Orangeburg Road main in the same or close to the present location.

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2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Emergency access to the building is still provided because the applicant has agreed to meet all of the requirements of the Orangetown Fire Inspector: (a) Install an access gate so emergency vehicles can drive on the gravel in front of (south side) the clubhouse, (b) stabilize the gravel road up to the end (west side) of the clubhouse, for up to 75,000 lbs. and (c) in the event of the state cutting off the supply to the nearest fire hydrant, the Fire Inspector would like a letter stating the GAA would provide a new United Water fire hydrant, connected to the Orangeburg Road main in the same or close to the present location.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. Emergency access to the building is still provided because the applicant has agreed to meet all of the requirements of the Orangetown Fire Inspector: (a) Install an access gate so emergency vehicles can drive on the gravel in front of (south side) the clubhouse, (b) stabilize the gravel road up to the end (west side) of the clubhouse, for up to 75,000 lbs. and (c) in the event of the state cutting off the supply to the nearest fire hydrant, the Fire Inspector would like a letter stating the GAA would provide a new United Water fire hydrant, connected to the Orangeburg Road main in the same or close to the present location.
4. The requested side yard variance, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested side yard variance is APPROVED with these Specific Conditions: the applicant shall (a) Install an access gate so emergency vehicles can drive on the gravel in front of (south side) the clubhouse, (b) stabilize the gravel road up to the end (west side) of the clubhouse, for up to 75,000 lbs. and (c) in the event of the state cutting off the supply to the nearest fire hydrant, the Fire Inspector would like a letter stating the GAA would provide a new United Water fire hydrant, connected to the Orangeburg Road main in the same or close to the present location; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

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(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application for the requested side yard variance, with the specific conditions set forth on the previous page, is presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Ms. Salomon, aye. Mr. Bosco and Ms. Castelli were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: April 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-R.O.

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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