

MINUTES
ZONING BOARD OF APPEALS
APRIL 6, 2016

MEMBERS PRESENT: DAN SULLIVAN
 THOMAS QUINN
 LEONARD FEROLDI, ALTERNATE
 PATRICIA CASTELLI
 JOAN SALOMON

ABSENT: 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:

YONDERHILL INTERPRETATION	DEFERRED	ZBA#16-05
1 Closter Road	DECISION	
Palisades, NY		
78.18 / 1 / 52; R-40 zone		

NEW ITEMS:

RUOCCO	FLOOR AREA	ZBA#16-21
248 Center Street	RATIO VARIANCE APPROVED	
Pearl River, N.Y.		
68.11 / 3 / 14; R-15 zone		

BARRETO	SIDE YARD, TOTAL	ZBA#16-22
28 Closter Road	SIDE YARD AND REAR YARD	
Palisades, NY	VARIANCES APPROVED	
78.18 / 2 / 24; R-40 zone		

GOLEMAN	STREET FRONTAGE,	ZBA#16-23
80 Ludlow Lane	AND § 3.11, COLUMN 5 #8	
Palisades, NY	VARIANCES APPROVED WITH	
80.06 / 1 / 20; R-80 zone	SPECIFIC CONDITIONS	

TOWN OF ORANGETOWN
2016 APR 21 PM 12 17
TOWN CLERKS OFFICE

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: 100 Corporate Drive, Bradley Corporate Park, Commercial Subdivision Plan, Internal Subdivision of an existing building, 100 Corporate Park Drive, Blauvelt, NY; 65.18 / 1 / 16; LI/LIO zone; 155 Corporate Drive Building Expansion and Parking Lot Addition Site Plan, 155 Corporate Drive, Orangeburg, NY; 73.19 / 1 / 1; LIO zone; Orangetown Commerce Center Site Plan and Commercial Subdivision Plan Review, 5 Greenbush Road, Orangeburg, NY; 74.15 / 1 / 2; LI zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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 6, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN
2016 APR 21 PM 12 17
TOWN CLERKS OFFICE

DECISION

FLOOR AREA RATIO VARIANCE APPROVED

To: Kevin and Maureen Ruocco
248 Center Street
Pearl River, New York 10965

ZBA #16-21
Date: April 6, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-21: Application of Kevin and Maureen Ruocco for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 4 (Floor Area Ratio: .20 permitted, .26 proposed) for an addition to an existing single-family residence. The premises are located at 248 Center Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.11, Block 3, Lot 14; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 6, 2016 at which time the Board made the determination hereinafter set forth.

Kevin Ruocco and Kier Levesque, Architect, appeared and testified.

The following documents were presented:

1. Copy of site plan based on a survey dated April 3, 2015 by W.E. James Associates signed and sealed by Kier B. Levesque, Architect, dated January 2, 2016(1 page).
2. Architectural plans labeled "Ruocco Renovation" dated January 2, 2016, signed and sealed by Kier B. Levesque, Registered Architect (2 pages).
3. A letter dated March 24, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli 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. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Kier Levesque, Architect, testified that the proposal is to add a one story addition at the rear of the house to expand the existing kitchen and add a family room with a basement below with outside access; that the basement level would have a staircase going down to a full door with a workshop; and that the only other access to the basement is through a bilco door.

Kevin Ruocco testified that they have owned the house for 28 years; that there are three people in the family; that the workshop is for his retirement; and that will be happening soon.

TOWN OF ORANGETOWN
2016 APR 21 PM 12 17
TOWN CLERKS OFFICE

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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested floor area ratio variance, although somewhat substantial, affords 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. Similar additions have been constructed in the neighborhood.
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
2016 APR 21 PM 12 18
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 variance is 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 OF ORANGETOWN
2016 APR 21 PM 12 18
TOWN CLERKS OFFICE

The foregoing resolution to approve the application for the requested floor area ratio variance was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was 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 6, 2016

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-G.M.

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

TOWN OF ORANGETOWN
2016 APR 21 PM 12 18
TOWN CLERKS OFFICE

DECISION

**SIDE YARD, TOTAL SIDE YARD, AND REAR YARD VARIANCES
APPROVED**

To: Nilsa Barreto
28 Closter Road
Palisades, New York 10964

ZBA #16-22
Date: April 6, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-22: Application of Nilsa Barreto for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Section 3.12, Group E, Columns 9 (Side Yard: 30' required, 26.75' proposed), 10 (Total Side Yard: 80' required, 68.45' proposed) and 11 (Rear Yard: 50' required, 24' proposed) for an existing playhouse at an existing single-family residence. The premises are located at 28 Closter Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 2, Lot 24; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 6, 2016 at which time the Board made the determination hereinafter set forth.

Nilsa Barreto appeared and testified.

The following documents were presented:

1. Copy of plot plan with playhouse drawn on it (1 page).
2. Architectural plans labeled As-Built Drawing of a Playhouse for Nilsa Barreto" dated September 25, 2015 , signed and sealed by Bart Rodi, Engineer (1 page).

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli 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. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

Nilsa Barreto testified that the playhouse was built a long time ago and that she recently found out that it needed variances when she had a fire in the house; that there was a 12' x 16' shed on the property when she moved in and it was in need a repair; that she removed it and built the 12'x 16' playhouse for her four young daughters at the time; that she has been in the house for 29 years; and would like to keep the structure.

TOWN OF ORANGETOWN
2016 APR 21 PM 12 18
TOWN CLERKS OFFICE

Public Comment:

Paul Papay, an abutting property owner, testified that the playhouse has existed for years and he is not opposed to the structure and questioned the site plan and asked if there is an additional structure in that area.

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 side yard, total side yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The playhouse was built many years ago and has existed without incident.
2. The requested side yard, total side yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The playhouse was built many years ago and has existed without incident.
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 side yard, total side yard 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 playhouse was built many years ago and has existed without incident.
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
2016 APR 21 PM 12 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 side yard, total side yard 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 OF ORANGETOWN
2016 APR 21 PM 12 18
TOWN CLERK'S OFFICE

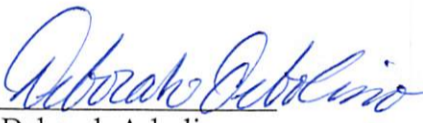
Barreto
ZBA#16-22
Page 4 of 4

The foregoing resolution to approve the application for the requested side yard, total side yard and rear yard variances was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye.
Mr. Bosco was 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 6, 2016

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-G.M.

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

TOWN CLERKS OFFICE
2016 APR 21 PM 12 18
TOWN OF ORANGETOWN

DECISION

**STREET FRONTAGE AND SECTION 3.11, COLUMN 5 #8 VARIANCES
APPROVED**

To: Daniel and Tara Goleman
80 Ludlow Lane
Palisades, New York 10964

ZBA #16-23
Date: April 6, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-23: Application of Daniel and Tara Goleman for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-80 District, Section 3.12, Group A, Column 7 (Street Frontage: 100' required, 40' existing) and from Section 3.11, Column 5 #8 (No animal shall be housed within 200' of any property line, 60' proposed) for an accessory structure to house two (2) horses at an existing single-family residence. The premises are located at 80 Ludlow Lane, Palisades, New York and are identified on the Orangetown Tax Map as Section 80.06, Block 1, Lot 20; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 6, 2016 at which time the Board made the determination hereinafter set forth.

Michael Esmay, Architect, Daniel and Tara Goleman appeared and testified.

The following documents were presented:

1. Copy of site plan based on a survey by Joseph T. Caruso, P.E., P.L.S., dated 12/21/1986 signed and sealed by Robert Michael Esmay, Architect, dated 2/29/2016 (1 page).
2. Architectural plans labeled "Accessory Structure for the Goleman Residence" dated 02/29/2016 signed and sealed by Robert Michael Esmay, Registered Architect (1 page).
3. A letter of explanation from Michael Esmay, Architect with e-mail attachments and pictures of the horses and the trailer

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli 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. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Michael Esmay, Architect, testified that Tara and Daniel Goleman are moving from their residence in Williamsburg Massachusetts to 80 Ludlow Lane in Palisades; that at their residence in Williamsburg they have two pet horses, a small Icelandic horse with its mini horse companion who are, like a pet dog or cat, a part of their family; that the Goleman's plan to bring the horses with them when they move to Palisades; that these horses are now housed in a small barn similar to the structure proposed in the application; that the proposed accessory structure is equivalent in size to a two car garage and is located on the south west side of the property abutting the Columbia University Lamont Doherty Earth Observatory; that it will, as part of the project, replace an existing two car garage that is being demolished and removed; that the accessory structure conforms in all respects to the bulk regulations of the R-80 zoning district except for the setback requirement of 200 feet from any lot line for accessory structures housing domesticated animals, such as horses; that the Golemans do conform to the regulation limiting the

TOWN OF ORANGETOWN
2016 APR 21 PM 12:18
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TOWN CLERK

number of horses on a property of one horse per acre; that the Golemans have been in email communications with all their neighbors in response to the neighbor's concerns about this project; that he concerns stated are: where are the horses going to walk?, will we run into them with our cars and therefore have to wait?, who cleans up the horse poop?, we don't want them on our properties, so where do they go? In response to the neighbor's concerns the Golemans have stated that the horses are housed and cared for in the following way:

1. The horses spend most of their time in the barn and adjacent paddock area; that they get hay in the morning and evening with snacks in between.
2. The horse area is kept very clean. To deal with the waste the Golemans have a covered cart on tires that gets hauled away when filled to a site where people can buy it for mulch. The waste is picked up morning and night and put in the cart.
3. The stall dirt floor is covered with rubber mats which are in turn covered with sawdust which is cleaned twice daily. The sawdust will be stored in the hay loft.
4. Primarily the horses are fed hay which is supplemented with grain that will be brought in by a truck and stored in the hay loft.
5. The horses are always kept within the fence-in area adjacent to the barn with gates secured by double latches. They do not roam freely. They have halters, if needed to control them, but this is rarely needed. If the horses leave the property they will be transported in a trailer.
6. Veterinarians and farriers care for the horses in the barn on regularly scheduled visits.
7. Unlike other horses these have dietary restrictions limiting their eating of grass. As a result they do not need and are restricted from open fields for grazing.

And Mr. Esmay continued to explain that the granting of the variances will not change the character of the neighborhood; and that the requirement for the accessory building to be located 200' from the property line is impossible in the R-80 District which does not require the property to be 425' x 425' at minimum.

Public Comment:

Gideon Panter, M.D., 99 Ludlow Lane, testified that he has lived in his for 45 years; that he lives next door to the applicant and is speaking in support of the application because there were always horses on the property.

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.

TOWN CLERK'S OFFICE

2016 APR 21 PM 12 18

TOWN OF ORANGE

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 street frontage and § 3.11, Column 5, #8 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is large and the requested accessory structure is proposed to be constructed on the southwest side of the property abutting the non-residential use of the Columbia University Lamont Doherty Campus that is not developed; and at the greatest distance from the other abutting residential properties.
2. The requested street frontage and § 3.11, Column 5, #8 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 the requested accessory structure is proposed to be constructed on the southwest side of the property abutting the non-residential use of the Columbia University Lamont Doherty Campus that is not developed; and at the greatest distance from the other abutting residential properties.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The 200 foot setback requirement for the housing of domesticated animals cannot be achieved in any location on the property. The planned use of the proposed accessory structure is located on the property so that it will have minimal impact on the adjoining residential properties.
4. The requested street frontage and § 3.11, Column 5, #8 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 property is large and the requested accessory structure is proposed to be constructed on the southwest side of the property abutting the non-residential use of the Columbia University Lamont Doherty Campus that is not developed; and at the greatest distance from the other abutting residential properties.
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 street frontage and § 3.11, Column 5, #8 variances are **APPROVED**; with the Specific Condition that the requested 60' minimum distance from the accessory structure housing the horses is granted only in relation to the southern lot line abutting the Columbia University Lamont Doherty property, as depicted on the Site Plan by Robert Michael Esmay, R.A., dated February 29, 2016; 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.

TOWN CLERKS OFFICE

2016 APR 21 PM 12 18

TOWN OF ORANGETOWN

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 OF ORANGETOWN
2016 APR 21 PM 12 18
TOWN CLERKS OFFICE

The foregoing resolution to approve the application for the requested street frontage and § 3.11, Column 5, #8 variances with the Specific Condition that the requested 60' minimum distance from the accessory structure housing the horses is granted only in relation to the southern lot line abutting the Columbia University Lamont Doherty property, as depicted on the Site Plan by Robert Michael Esmay, R.A., dated February 29, 2016; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was 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 6, 2016

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-G.M.

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

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