

ADDITIONAL 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: 31 Tweed Blvd. tree remediation plan, 31 Tweed Blvd, Nyack, , NY; 71.09 / 1 / 43; R-22 zone; Cerovene Inc. Plans: conditional use permit, 10 Corporate Drive, Orangeburg, NY 73.20 / 1 / 35; LJO zone; Dominik & White Site Plan, 21 Buchanan Street and 100 Old Pasack Road, Pearl River, NY 68.14 / . 2/ 21 & 23; R-15 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 11:15 P.M.

Dated: December 4, 2013

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 CLERKS OFFICE

2013 JAN 2 PM 12 58

TOWN OF ORANGETOWN

DECISION

STREET FRONTAGE VARIANCE APPROVED

To: Donald Brenner (Hayes)
4 Independence Avenue
Tappan, New York 10983

ZBA # 13-87

Date: December 4, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-87: Application of William Hayes for a variance from Chapter 43 (Zoning), R-15 District, Section 3.12, Group M, Column 7 (Street Frontage: 75' required, 20' proposed) for a new house. The premises are located at 626 Western Highway, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.09, Block 3, Lot 41.1; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 4, 2013 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Sarah Torrens, Attorney and William Hayes Jr. appeared and testified.

The following documents were presented:

1. Plot plan for William J. Hayes Jr. dated 07/10/2013 signed and sealed by Paul Gdanski, P.E. and Robert Sorace, PLS.
2. A letter dated November 20, 2013 from the County of Rockland Department of Highways signed by Sonny Lin, P.E.
3. A letter dated November 12, 2013 from the County of Rockland Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
4. A letter dated November 18, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
5. A letter dated December 3, 2013 (received by e-mail after 5:00 p.m. on December 4, 2013) from the County of Rockland Drainage Agency signed by Vincent Altieri.

Mr. Sullivan, Chair, 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. Castelli and carried as follows: Ms. Salomon, aye; Ms. Albanese, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Donald Brenner, Attorney testified that this application was before the Board before to merge a small strip of property on Burrows Lane to make one lot; that they have been before the Planning Board and the Planning Board sent them to the Zoning board for the street frontage variance; that they have a 20' wide strip on Burrows Lane; that emergency vehicles require 18' for access; that Mr. DeCicco has appeared each time the applicant was before the Planning Board; that Orangetown did not give his client any property; that the applicant cannot discharge water onto surrounding properties; that any new

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construction must have zero net increase; that the proposed floor area ratio of the new house is .15 and .20 permitted; that no floor area ratio variance is needed; and that the County Highway Department did not want the applicant to enter from Western highway; and the client does not own that strip of land.

Public Comment:

Frank DeCicco, 40 Burrows Lane, testified that he has not seen any surveyor stakes; that there is a serious water problem in the area; that he does not understand how the Town can give away that much property; that ever since the ball fields were built, there has been a water problem; that there are underground springs; that any more building is a serious problem; that he has lost about \$50,000.00 worth of concrete that has washed away; and that he has a petition that has signatures from the residents on Burrow Lane and would like to know who to give it to.

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 street frontage variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. There are other lots in the immediate area with similar street frontage.
2. The street frontage variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There are other lots in the immediate area with similar street frontage.
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 street frontage variance is not substantial.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested street frontage variance is **APPROVED** with the Specific Condition that the applicant submit a survey certified to the Town of Orangetown, signed and sealed by a NYS licensed land surveyor; 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.

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Hayes
ZBA#13-87
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The foregoing resolution to approve the application for the requested street frontage variance with the specific condition that the applicant submit a survey certified to the Town of Orangetown signed and sealed by NYS licensed land surveyor; was presented and moved by Ms. Albanese, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Albanese, 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: December 4, 2013

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 -N.A.

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

TOWN CLERKS OFFICE
2013 JAN 2 PM 12 59
TOWN OF ORANGETOWN

DECISION

LOT AREA VARIANCE APPROVED

To: Donald Brenner (Dominik & White) ZBA # 13-88
4 Independence Avenue Date: December 4, 2013
Tappan, New York 10983

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-88: Application of Dominik and White Subdivision for a variance from Chapter 43 (Zoning) Section 3.12, R-15 District, Group M, Column 5 (Lot Area: 15,000 sq. ft. required, 14,808 sq. ft. proposed for lot #1) for a subdivision. The property is located at 110 Old Pascack Road and 21 Buchanan Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.14, Block 2, Lots 21 & 23; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 4, 2013 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Sarah Torrens, attorney and Wojcieck Dominik appeared and testified.

The following documents were presented:

1. Minor Subdivision for Dominik & White dated June 28, 2013 with the latest revision date of October 2, 2013 signed and sealed by Robert Sorace, L.S..
2. A letter from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
3. A letter dated November 14, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning,
4. A letter dated November 18, 2013 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
5. A letter dated November 22, 2013 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
6. A letter dated December 3, 2013 (e-mailed Dec. 4, 2013 after 5:00 p.m.) from the County of Rockland Drainage Agency signed by Vincent Altieri.

Mr. Sullivan, Chair, 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 State Environmental Quality Review Act Regulation §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and, on September 18, 2013, 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. Castelli and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

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Donald Brenner testified that two oversized lots were cut up into three lots and one of the lots is short of the lot requirement by 192 sq. ft. that it is the lot on Buchanan Street with the existing house that requires this variance; that it is not a large variance; that the lot must come back before the Planning Board at the time that a house is proposed for the lot to have drainage approved; and that the applicant has no problem granting an easement for Rockland County Highway Department.

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 lot area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The request is minor and variances for side yards were previously granted on the lot.
2. The requested lot area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The request is minor and variances for side yards were previously granted on the lot.
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 lot area variance is not substantial.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested lot area 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.

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The foregoing resolution to approve the application for the requested lot area variance was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Ms. Albanese, aye; Mr. Feroldi, 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: December 4, 2013

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 -

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

DECISION
PERFORMANCE STANDARDS APPROVED

To: Antoinette DePierro (A.V.D. Cleaners)
9 Rheinlander Lane
New City, New York 10956

ZBA # 13-89
Date: December 4, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-89: Application of A.V.D. Cleaners for Performance Standards Review pursuant to Chapter 43 (Zoning), Section 4.12, for a dry cleaning facility. The property is located at 136 North Route 304, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.20, Block 5, Lot 72; CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 4, 2013 at which time the Board made the determination hereinafter set forth.

Antoinette DiPierro, Donald Nemcik, Attorney, Allen Spielvogel, Director Technical Services National Drycleaners Association, and Stephen Cummings, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Proposed Alteration for Touch of Elegance Dry Cleaners" with site plan dated 10/24/2013 signed and sealed by Jon Fellgraff, Architect.
2. Specification sheets for Dry-clean Press GMX-42, Fulton packaged automatic fuel fired steam boilers, HCS N2 Hydrocarbon Dry-cleaning system.
3. Material Data Safety sheets for components used in the machines for dry cleaning.
4. Performance standards resume of operation and equipment form dated October 25, 2013.
5. Fire prevention supplement form.
6. A letter dated November 13, 2013 from the Town of Orangetown, Department of Environmental Management and Engineering signed by Joseph J. Moran, P.E., Commissioner.
7. A letter dated December 2, 2013 from the Town of Orangetown, Bureau of Fire Prevention signed by Michael B. Bettmann, Chief Fire Inspector.
8. A letter dated November 19, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
9. A letter dated November 4, 2013 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
10. A letter dated January 3, 2013 (typo meant Dec 3) from the State of New York Department of Transportation signed by Mary Jo Russo, P.E.. Rockland County Permit Engineer.
11. A letter dated Dec. 4, 2013 from the County of Rockland Drainage Agency (e-mailed after 5:00 p.m.) signed by Vincent Altieri.

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

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On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since the application entails the ZBA engaging in a review to determine compliance with technical requirements, 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) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Castelli, aye; Ms. Albanese, aye; and r. Feroldi, aye. Mr. Bosco was absent.

Donald Nemcik, Attorney, testified that Antoinette has been in the dry-cleaning business in Montvale for 30 years; that she does not use perk or solvents; that she uses a green machine that has no admission at all; that she would like to relocate to the building on Route 304 in Pearl River; that the establishment would have all new equipment, racks tables presses; that she is the third generation in the business and has never had a violation.

Allen Spielvogel, Director Technical Services National Dry Cleaning Association, testified that the proposed dry cleaning establishment meets all of the federal environmental requirements; that the solvent used is hydrocarbon solvent that does not cause air pollution and is not hazardous; that the green machine is self-contained with its own fire suppression system; that goes to a pan and it has a refrigeration unit; that the solvent is contained within the machine; that there is valve injection suppresses any ignition; that the MDS sheets are always on the premises; that the boiler would be a gas boiler; that the solid waste is disposed by a private carter; and that the dry cleaning machine is not vented that the venting in the building is for air circulation only.

Stephen Cummings, Architect, testified that he has been preparing plans for drycleaners for 30 years; that the building will hold all of the equipment; that the racks will be supported from the ceiling, which will be improved; that the building did have some defects which are all be addressed and corrected; that they are installing a bathroom; that the public entrance will be in the front of the building and there will be a rear entrance also; and that there is plenty of parking.

Antoinette testified that the building is not in the flood zone and that she had wanted to own her own building for a long time.

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were thereupon reviewed in detail.

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.

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FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment, the Fire Prevention Supplement, the letter dated November 13, 2013 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.) concluding that there is no reasonable doubt as to the likelihood of applicant's conformance to Zoning Code § 4.1 Performance Standards, and the memorandum dated December 2, 2013 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the other documents presented to the Board and the testimony of applicant's representatives, the Board finds and concludes that conformance with the Performance Standards set forth in Zoning Code Section 4.1 will result sufficient to warrant the issuance of a Building Permit and/or Certificate of Occupancy, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, DEME, and Orangetown B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is **APPROVED** with the **SPECIFIC CONDITION** that the applicant adhere to all of the requirements set forth by the Chief Fire Inspector, Town of Orangetown B.F.P.; **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, Performance Standards, 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, performance Standards, 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, Performance Standards, 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.

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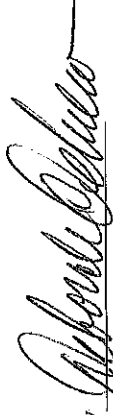
(v) Any foregoing variance, Performance Standards, or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board 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, with aforesaid conditions, the application for Zoning Code § 4.1 Performance Standards Conformance was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Feroldi; 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: December 4, 2013

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
OEZPAE
BUILDING INSPECTOR -M.M.

TOWN CLERK
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERKS OFFICE

2013 JAN 2 PM 12:59

TOWN OF ORANGETOWN

DECISION

FRONT YARD VARIANCE APPROVED

To: Michael Edwards
22 Washington Place
Pearl River, New York 10965

ZBA # 13-90
Date: December 4, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-90: Application of Michael Edwards for a variance from Chapter 43 (Zoning) Section 3.12, R-15 District, Group M, Column 8 (Front Yard: 30' required, 26.3' proposed) for an addition to an existing single-family residence . The property is located at 22 Washington Place, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.19, Block 1, Lot 13; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 4, 2013 at which time the Board made the determination hereinafter set forth.

Jonathan Hodash, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 10/23/2012 with the latest revision date of 07/24/ 2013 signed and sealed by Jonathan Hodash, Architect. (8 pages)
2. A letter dated November 19, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, Commissioner of Planning.
3. A letter dated November 20, 2013 from the County of Rockland Department of highways signed by Sonny Lin, P.E..

Mr. Sullivan, Chair, 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. Castelli and carried as follows: Ms. Salomon, aye; Ms. Albanese, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Jonathan Hodash testified that they were hired to do some work on the existing house; that they have a permit for the work that is being done and the applicant has added a small portico over the front entrance; that they are before the Board because this small covering prompts the need for a minor front yard variance; that he did not know that there was a shed on the property but he will add it to the site plan.

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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 front yard 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 area.
2. The requested front yard 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 area.
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 front yard variance is not substantial.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested Front Yard 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.

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The foregoing resolution to approve the application for the requested front yard variance was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Ms. Albanese, aye; Mr. Feroldi, 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: December 4, 2013

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
ORZPAE
BUILDING INSPECTOR -B.vw.

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

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