



OTHER BUSINESS:

The Zoning Board of Appeals members had a discussion regarding threats aimed at the Board because of the handling of the Anellotech application.

Daniel Sullivan offered a motion for the Zoning Board of Appeals to adopt a Memorializing Resolution that: he has felt threatened, bullied and harassed by several individuals on social media that are associated with web sites, such as "Stop Anellotech", "Anellotech.blogspot.com" and an individual calling herself "Mary Teresa"; these threats were reported several times to the Supervisor and **no action** was taken; the entire Board shares these concerns, and they, as Land Use Board members, should be protected when making difficult and unpopular decisions; and are formally requesting a policy and procedure be put into place where the Town Board and the Police will act if any Board member is threatened; which motion was seconded by Joan Salomon and carried unanimously.

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: Merritt Re- Subdivision Plan, 390 Ehrhardt Road and 16 Merritt Drive, Pearl River, NY; 64.18 / 1 / 1 / & 64.18 / 1 / 78.3; 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 9:45 P.M.

Dated: February 4, 2015

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  
2015 FEB 23 PM 12 29  
TOWN OF ORANGETOWN

DECISION  
**FLOOR AREA RATIO VARIANCE APPROVED**

To: John Atzl (Deo Persaud)  
234 No. Main Street  
New City, New York 10956

ZBA #15-06  
Date: February 4, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-06: Application of Deo Persaud for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-40 District, Column 4, ( Floor Area Ratio: .15 permitted, .195 proposed) for a finished basement at an existing single-family residence. The premises are located at 1 Friar Tuck Court, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 69.08, Block 1, Lot 4.13; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 4, 2015 at which time the Board made the determination hereinafter set forth.

Deo Persaud, John Atzl, Land Surveyor and Michael Specht, Attorney, appeared and testified.

The following documents were presented:

1. Architectural plans and site plan dated December 1, 2014 not signed or sealed by A. Hennessy Architects, P.C.. (1 page)
2. A copy of a survey for lot 13 Nottingham Estates dated 5/31/2001 with the latest revision date of 06/06, 2011 by Jay A. Greenwell, PLS..

Mr. Sullivan, Chair, 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. Sullivan, aye; Mr. Quinn, aye; and Mr. Bosco, aye.

Michael Specht, Attorney, testified that the house was built eight years ago and the calculations for the basement were not included in the floor area ratio calculations for the house; that the permitted floor area ratio is 15% and the house with the finished basement needs a 19.5% floor area ratio; that there is a kitchen and full bath proposed for the finished basement but there are no bedrooms; that the basement opens to rear yard and pool; that Mr. Persaud has a business and will be using the basement space for entertaining and business parties; that they have no objection to a finding of fact that the space will not be used as a single-family conversion.

Deo Persaud testified that he also has a home in Garnerville, that there are five people in his family and that they intend to use both houses.

TOWN CLERKS OFFICE

2015 FEB 23 PM 12 29

TOWN OF ORANGETOWN

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. The applicant purchased the house with the basement that was not included in the floor area ratio calculation at the time; that he applied for a permit to finish the basement and needs the floor area ratio in order to finish it. Other houses in the neighborhood have finished basements.
2. This is neither a review, nor an approval, of a "single-family conversion" as per Orangetown Zoning Code Section 4.5.
3. 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. The applicant purchased the house with the basement that was not included in the floor area ratio calculation at the time; that he applied for a permit to finish the basement and needs the floor area ratio in order to finish it. Other houses in the neighborhood have finished basements.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance. The applicant purchased the house with the basement that was not included in the floor area ratio calculation at the time; that he applied for a permit to finish the basement and needs the floor area ratio in order to finish it.
5. 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.
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 floor area ratio variance is APPROVED with the Specific Condition that the basement space shall not be occupied as a separate dwelling unit; 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 FEB 23 PM 12 29


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio variance, with the specific condition that the basement space shall not be occupied as a separate dwelling unit, was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Salomon, aye.

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: February 4, 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 -G.M

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

TOWN OF ORANGETOWN  
2015 FEB 23 PM 12 29  
TOWN CLERKS OFFICE

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

To: Victor and Teresa D'Amico  
11 Klee Lane  
Blauvelt, New York 10913

ZBA #15-07  
Date: February 4, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-07: Application of Victor and Teresa D'Amico for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, Group M, R-15 District, Columns 4 (Floor Area Ratio: .20 permitted, .22 proposed), 9 (Side Yard: 20' permitted, 10' proposed), 10 (Total Side Yard: 50' required, 36' proposed) and 12 (Building Height: 10' permitted, 21' proposed) for an addition to an existing single-family residence.. The premises are located at 11 Klee Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 1, Lot 19; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 4, 2015 at which time the Board made the determination hereinafter set forth.

Victor D'Amico appeared and testified.

The following documents were presented:

1. Copies of architectural plans and site plan dated July 21, 2014 signed and sealed by Harry J. Goldstein, Architect. (1 page)
2. A copy of a survey for D'Amico dated May 25, 1971 by William Youngblood, PLS..
3. A letter dated January 13, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated February 4, 2014 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. 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: Mr. Bosco, aye; Ms. Castelli, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Quinn, aye.

Victor D'Amico testified that they have owned the house since 1967; that his daughter has been widowed recently and she and their three grandchildren have moved back home; that they are proposing to add a bedroom above the existing garage; that there have been similar additions constructed in the neighborhood; that the house behind them did an addition and there is another house up the street with a similar addition.

TOWN CLERKS OFFICE  
2015 FEB 23 PM 12 29  
TOWN OF ORANGETOWN



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, side yard, total side yard and building height variances 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, side yard, total side yard and building height variances 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 variances.
4. The requested floor area ratio, side yard, total side yard and building height 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.
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 FEB 23 PM 12 29  
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, side yard, total side yard and building height 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 FEB 23 PM 12 29  
TOWN OF ORANGETOWN

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

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: February 4, 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 FEB 23 PM 12 29  
TOWN CLERKS OFFICE

DECISION  
**FLOOR AREA RATIO, TOTAL SIDE YARD, REAR YARD, AND BUILDING  
HEIGHT VARIANCES APPROVED**

To: Daniel Doherty  
12 Sunrise Lane  
Pearl River, New York 10965

ZBA #15-08  
Date: February 4, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-08: Application of Daniel Doherty for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .249 proposed), 10 (Total Side Yard: 50' required, 44.4' proposed), 11 (Rear Yard: 35' required, 22' proposed) and 12 (Building Height: 20' permitted, 22' proposed) for an addition to an existing single-family residence. The premises are located at 12 Sunrise Lane, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.18, Block 3. Lot 21; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 4, 2015 at which time the Board made the determination hereinafter set forth.

Daniel Doherty and Douglas Siebenaler, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans and site plan dated December 11, 2014 signed and sealed by Paul Douglas Seibenaler, Architect. (2 pages)
2. A copy of a survey labeled "ZBA Appeal Proposed Addition Land Survey for Daniel J. Doherty", dated December 10, 2014 signed and sealed by Robert E. Sorace, PLS..
3. Three letters in support of the application from abutting property owners.

Mr. Sullivan, Chair, 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: Mr. Bosco, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye; and Mr. Quinn, aye.

Douglas Siebenaler, Architect, testified that the lot is undersized; that it is only 10,945 sq. ft.; that any addition to the house would require a variance; that they are proposing a second floor and a small addition to the left side of the kitchen because the existing kitchen is so small; that one of the existing bedrooms will become the staircase to the second floor; that one will remain as a guest bedroom and the other will become a study; and he submitted pictures of the existing house.

Daniel Doherty testified that he purchased the house 47 years ago and never made any improvements; and that it is time to update the house.

TOWN CLERKS OFFICE  
2015 FEB 23 PM 12 29  
TOWN OF ORANGETOWN

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, total side yard, rear yard and building height variances 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 floor area ratio, total side yard, rear yard and building height variances 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 variances.
4. The requested floor area ratio, total side yard, rear yard and building height 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.
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 CLERKS OFFICE  
2015 FEB 23 PM 12 29  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, total side yard, rear yard and building height 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 FEB 23 PM 12 29  
TOWN OF ORANGETOWN

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

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: February 4, 2015

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT	TOWN CLERK
ZBA MEMBERS	HIGHWAY DEPARTMENT
SUPERVISOR	ASSESSOR
TOWN BOARD MEMBERS	DEPT. of ENVIRONMENTAL
TOWN ATTORNEY	MGMT. and ENGINEERING
DEPUTY TOWN ATTORNEY	FILE,ZBA, PB
OBZPAE	CHAIRMAN, ZBA, PB, ACABOR
BUILDING INSPECTOR -B.vW. must be changed Bert retired changed to Glenn.	

TOWN OF ORANGETOWN  
2015 FEB 23 PM 12 29  
TOWN CLERKS OFFICE

DECISION  
**SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED**

To: Matthew and Aleyamma Geevarughese  
26 Fairview Lane  
Orangeburg, New York 10962

ZBA #15-09  
Date: February 4, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-09: Application of Matthew and Aleyamma Geevarughese for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, RG District, Group Q, Columns 9 (Side Yard: 10' required, 7'9" proposed), and 10 (Total Side Yard: 30' required, 25' 11" proposed) for a carport at an existing single-family residence. The premises are located at 26 Fairview Lane, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.13, Block 4, Lot 13; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 4, 2015 at which time the Board made the determination hereinafter set forth.

Mathew and Aleyamma Geevarughese appeared and testified.

The following documents were presented:

1. Architectural plans and site plan dated August 30, 2014 and revised December 27, 2014 signed and sealed by Armando Gasperin, Architect. (1 page)

Mr. Sullivan, Chair, 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: Mr. Bosco, aye; Ms. Castelli, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Quinn, aye.

Matthew Geevarughese testified that they had to convert the original carport into a bedroom; that the house is a split level; that they have owned the house for thirty one years; that it is easier access to the house from the rear of the proposed carport; and that the property is oddly shaped.

TOWN CLERKS OFFICE  
2015 FEB 23 PM 12 29  
TOWN OF ORANGETOWN



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 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. Other houses in the neighborhood have similar carports and the property is oddly shaped.
2. The requested 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. Other houses in the neighborhood have similar carports and the property is oddly shaped.
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 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. Other houses in the neighborhood have similar carports and the property is oddly shaped.
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 CLERKS OFFICE  
2015 FEB 23 PM 12 29  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested 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 FEB 23 PM 12 30  
TOWN OF ORANGETOWN

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

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: February 4, 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 CLERKS OFFICE  
2015 FEB 23 PM 12 30  
TOWN OF ORANGETOWN

DECISION  
**SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED**

To: Meg Fowler (Rielly/Orefice)  
688 Piermont Avenue  
Piermont, New York 10968

ZBA #15-10  
Date: February 4, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-10: Application of Rielly/ Orefice for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 5.21(Undersized lot applies), R-22 District, Group I, Columns 9 ( Side Yard: 20' required, 18.33' proposed) and 10 (Total Side Yard: 50' required, 47.83' proposed) for an addition to an existing single-family residence. The premises are located at 124 Washington Spring Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 31; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 4, 2015 at which time the Board made the determination hereinafter set forth.

Meg Fowler, Architect, and James Rielly appeared and testified.

The following documents were presented:

1. Architectural plans dated August 15, 2014, signed and sealed by Margaret L. Fowler, Architect. (6 pages)
2. A landscape site and planting plan dated 10/22/2014 signed and sealed by Daniel Sherman, Landscape Architect.

Mr. Sullivan, Chair, 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: Mr. Quinn, aye; Ms. Castelli, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Bosco, aye.

Meg Fowler, Architect, testified that Luke and Jim purchased the long neglected property and have been restoring it with respect to the historic value of the property; that they are proposing to convert a window on the side of the house to a door and to add a carport at the side of the house; that in order to do this, they need a side yard variance for 1 ½ feet.

Luke Orefice testified that they purchased the house on October 8<sup>th</sup> 2015; that they have done a lot of research for period details of the house, colors, restoring the center hall stairs and even the landscape.

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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. 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 and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant's request is minimal and it is a reasonable request to park on the side of the property instead of in front of the house.
2. The requested 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 applicant's request is minimal and it is a reasonable request to park on the side of the property instead of in front of the house.
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 and total side yard variances are 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 side yard and total side yard variances are APPROVED with the Specific Condition that the basement space shall not be occupied as a separate dwelling unit; 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 FEB 23 PM 12 30  
TOWN OF ORANGETOWN

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

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: February 4, 2015

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
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