

MINUTES
ZONING BOARD OF APPEALS
February 17, 2016

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

ABSENT: PATRICIA CASTELLI
THOMAS QUINN

ALSO PRESENT: Ann Marie Ambrose, Official Stenographer
Elizabeth Decort, Senior Clerk Typist

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

NEW ITEMS:

GREISBERG GARAGE 7 Sgt. Parker Road Blauvelt, N.Y. 70.06 / 1 / 59; R-40 zone	LOT AREA, STREET FRONTAGE, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#16-09
MORRISSEY 91 North Pearl Street Pearl River, NY 68.15 / 5 / 14; RG zone	SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#16-10
SLAVITT 41CLOSTER ROAD PALISADES, NY 78.17 / 2 / 39; R-40 zone	FRONT YARD, SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#16-11
GUARINO 34 CHESNUT OVAL ORANGEBURG, NY 74.06 / 1 / 6; RG zone	TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#16-12

TOWN CLERKS OFFICE

2016 MAR 3 PM 1 18

TOWN OF ORANGETOWN

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:00 P.M.

Dated: February 17, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Elizabeth M. Decort*
Elizabeth Decort, Senior Clerk-Typist for
Deborah Arbolino, Administrative Aide

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

TOWN CLERKS OFFICE
2016 MAR 3 PM 1 18
TOWN OF ORANGETOWN

DECISION

LOT AREA, STREET FRONTAGE, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Justin Greisberg
7 Sgt. Parker Road
Blauvelt, NY 10913

ZBA #16-09
Date: February 17, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-09: Application of Justin Greisberg for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Columns 5 (Lot Area; 40,000 sq. ft. required, 37,860 sq. ft. existing), 7 (Street Frontage: 100' required, 86.41' existing), 9 (Side Yard: 30' required, 4.65' proposed), 10 (Total Side Yard: 80' required, 51.54' proposed) and 12 (Building Height: 3.1' permitted, 18.67' proposed) for a new garage at an existing single-family residence. The premises are located at 7 Sgt. Parker Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.06, Block 1, Lot 59; 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 17, 2016 at which time the Board made the determination hereinafter set forth.

Justin Greisberg, owner and Robert Hoene, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 11/18/2015 signed and sealed by Robert Hoene, Registered Architect (2 pages).
2. Photos of similar projects within the vicinity of the Greisberg Residence; 430 Greenbush Road in Blauvelt and 8 and 9 Kopac Lane in Palisades.
3. A letter stating no objection to the proposed garage signed by Sankarn Krishnan, MD residing at 9 Sgt. Parker Road and Alfredo and Carmen Ramirez residing at 3 Sgt. Parker Road, Blauvelt.

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

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

Justin Greisberg testified that he would like to add an additional two-car garage to his property because he inherited classic cars from his dad; that these cars must be in a garage to maintain their value; that he proposed to add the garage on the side of the house because existing driveway is there and it is the least intrusive area for it. That it is not an industrial looking garage, that it has been designed to match the architecture of the existing house and will not look like an addition; that the placement of the garage also blocks his pool from his neighbor to the north; and because he is the R-40 zoning district, he would have to construct the garage in the middle of the back yard in order to meet the side yard and total side yard requirements and it would not be consistent with the neighborhood. Mr. Greisberg testified he has lived in the house for 14 years with his wife and three children. That he worked with his architect on different proposals but the easements on the property as well as the topography of the lot make alternate designs impractical. He also stated that there are pine trees lining the side of his property which serve as a buffer to his abutting neighbors.

Architect, Robert Hoene testified that the garage had to be situated at the end of the existing driveway because of the location of the existing pool. Mr. Hoene also stated that garage would provide a walkway to the existing house.

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 lot area, street frontage, 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. The lot area and street frontage are existing conditions and the side yard, total side yard and building height variances are created because of the proposed location of the new garage next to the existing garage with access to the existing driveway. It is the most sensible area to construct the additional garages.
2. The requested lot area, street frontage, 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. The lot area and street frontage are existing conditions and the side yard, total side yard and building height variances are created because of the proposed location of the new garage next to the existing garage with access to the existing driveway. It is the most sensible area to construct the additional garages.
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 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. The lot area and street frontage variances exist and are not changing.

2016 MAR 3 PM 1 19
TOWN OF ORANGETOWN

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 lot area, street frontage, 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

2016 MAR 3 PM 1 19

TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested lot area, street frontage, side yard, total side yard and building height variances was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Mr. Bosco, 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 17, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Elizabeth M. Decort*
Elizabeth Decort, Senior Clerk-Typist for
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 MAR 3 PM 1 19
TOWN OF ORANGETOWN

DECISION

**SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES
APPROVED**

To: Thomas and Tracey Morrissey
91 North Pearl Street
Pearl River, NY 10965

ZBA #16-10
Date: February 17, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-10: Application of Thomas and Tracey Morrissey for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Columns 9 (Side Yard: 10' required, 7,7' proposed), 10 (Total Side Yard: 30' required, 20.6' proposed) and 12 (Building Height: 1.4' permitted, 1'5.5" proposed) for an addition to an existing single-family residence. The premises are located at 91 North Pearl Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.15, Block 5, Lot 14; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 17, 2016 at which time the Board made the determination hereinafter set forth.

Thomas and Tracey Morrissey, owners and Dominick Caponigro, Contractor, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Morrissey Residence One-Story Addition" dated June 16, 2015 not signed or sealed by Harry J. Goldstein, Registered Architect (2 pages).
2. Copy of survey dated June 29, 1951 by Beckerle Brown, Inc. with the proposed addition drawn on it.

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

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

Tracey Morrissey testified that the house is currently 1500 square feet, the kitchen is 10'x10' and currently in the front of the house. That the kitchen will be moved to the back of the house and that they will be adding a family room and a den. She stated that they have lived in the house since 1998. She also testified that the house currently has no basement so it is difficult when their kids have friends over. That once the bedrooms and bathrooms are subtracted from the total living space they are restricted to only 600 square feet of living space. Mrs. Morrissey also testified that their lot is very narrow and that they worked with the architect on different layouts but the proposed floor plan is the only one that would improve the layout of the house. That the house on the corner of their street put up a modular addition similar to what they are proposing and another house on their street constructed an addition to the side of their house. The contractor, Dominic Caponigro, testified that the Morrissey's have worked with the architect on developing several drafts and it was challenging to get the addition to work within the small space provided. He also stated this proposal is the most effective layout for the family's needs.

2016 FEB 17 3 PM 19
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. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard, 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 area.
2. The requested 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 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 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. Similar additions have been constructed in the area.
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 MAR 3 PM 1 19
TOWN CLERKS 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 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 OF ORANGETOWN
2016 MAR 3 PM 1 19
TOWN CLERKS OFFICE

The foregoing resolution to approve the application for the requested side yard, total side yard and building height variances was presented and moved by Mrs. Bosco, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, 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 17, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Elizabeth Decort*
Elizabeth Decort, Senior Clerk-Typist for
Deborah Arbolino, Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE
2016 MAR 3 PM 1 19
TOWN OF ORANGETOWN

DECISION

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

To: Laraine Slavitt
41 Closter Road
Palisades, NY 10964

ZBA #16-11
Date: February 17, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-11: Application of Laraine Slavitt for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Columns 8 (Front Yard: 50' required, 37.6' existing, 28' proposed), 9 (Side Yard: 30' required, 18.3' existing), 10 (Total Side Yard: 80' required, 53.3' proposed) for an addition to an existing single-family residence. The premises are located at 41 Closter Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.17, Block 2, Lot 39; 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 17, 2016 at which time the Board made the determination hereinafter set forth.

Laraine and Ben Slavitt, owners and Douglas Radick, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Proposed Addition for Mr. & Mrs. Slavitt" dated 12/08/2015, signed and sealed by Douglas A. Radick, Registered Architect (2 pages).
2. 8 Photos of the existing Slavitt Residence.

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

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

Architect, Douglas Radick, testified that Mr. and Mrs. Slavitt have lived in their house for 27 years. That Mr. Slavitt has already had several knee replacements and cannot have any more surgeries and stairs have become problematic. That they love their house and their neighborhood and want to stay in it; that they are proposing a master bedroom and master bath addition to the first floor to the left of the existing house; to eliminate the need for Mr. Slavitt to use the stairs. Mrs. Slavitt testified that the house was built in 1927 at which time the front yard variance may have predated zoning laws. Douglas Radick stated he would like to make mention that the notation on his bulk table was meant to be consistent with the preexisting nonconforming setback as the house was built over 80 years ago in the required front yard setback. He also stated the addition is being done in a way that would make the house symmetrical on both sides and that the Slavitt's have already gotten approval from the Historic Board of Review. Mrs. Slavitt stated they are looking to maintain the look of the house as it exists now. Additionally, she stated the property has a down slope which is all rock which would make it difficult to properly secure footings for a layout that was designed further back.

2016 MAR 3 PM 1 19

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. 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, 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. Similar additions have been constructed in the area.
2. The requested front yard, side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. 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 front yard, side yard and total side yard variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the area.
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 MAR 3 PM 1 19
TOWN CLERKS OFFICE

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

General Conditions:

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

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

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

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

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

TOWN OF ORANGETOWN
2016 MAR 3 PM 1 19
TOWN CLERKS OFFICE

The foregoing resolution to approve the application for the requested front yard, side yard and total side yard variances was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Feroldi, 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 17, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By Elizabeth M. Decort
Elizabeth Decort, Senior Clerk-Typist for
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 FEB 17 3 PM 1 19
TOWN OF ORANGETOWN

DECISION

TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Jane Slavin (Guarino)
200 Erie Street East
Blauvelt, NY 10913

ZBA #16-12
Date: February 17, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-12: Application of Alan and Marisa Guarino for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Columns 10 (Total Side Yard: 30' required, 26.9' proposed) and 12 (Building Height: 15.2' permitted, 18.16' proposed) for an addition to an existing single-family residence. The premises are located at 34 Chestnut Oval, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.06, Block 1, Lot 6; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 17, 2016 at which time the Board made the determination hereinafter set forth.

Alan and Marisa Guarino, owners and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Renovation Guarino Residence" dated 10/01/2015, signed and sealed by Jane Slavin, Registered Architect (1 page).
2. Site plan based on survey prepared by Michael M. Burriss dated 10/24/1957 signed and sealed by Jane Slavin dated 12/11/2015.
3. Photo of Guarino Residence and areal image of surrounding neighborhood.

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

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

Jane Slavin, Architect, testified that the applicant would like to add a garage to the north side of the house, currently there is no garage, the house is a split level dwelling with the first floor being a slab on grade with the bedrooms above, that there is a living room with a half basement. That there is really not much storage at all, that the applicant would like to add a master bedroom and closet over the garage. The variances needed are for total side yard, with only 3 feet requested; the floor area ratio requirement is met and the side yard variance being requested is only 1 foot 4 inches more than what is required for the RG zone. Architect Jane Slavin also stated the lot is very narrow, only 80 feet in width, and that there are several similar additions in the neighborhood. Mrs. Guarino testified that they have lived in the house for 6 years in March.

TOWN CLERKS OFFICE
2016 MAR 3 PM 1 19
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. 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 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 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 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. 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 MAR 3 PM 1 19
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested 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
2016 MAR 3 PM 1 19
TOWN OF ORANGETOWN

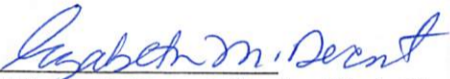
Guarino
ZBA#16-12
Page 4 of 4

The foregoing resolution to approve the application for the requested total side yard and building height variances was presented and moved by Ms. Salomon, seconded by Mr. Bosco and carried as follows: Mr. Feroldi, 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 17, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Elizabeth Decort, Senior Clerk-Typist for
Deborah Arbolino, Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE
2016 MAR 3 PM 1 19
TOWN OF ORANGETOWN