

MINUTES
ZONING BOARD OF APPEALS
JULY 1, 2015

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

ABSENT: MICHAEL BOSCO

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

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

POSTPONED ITEM:

BERSON
15 Lt. Crawford Court,
Blauvelt, NY
69.16 / 3 / 1.5; R-40 zone

§3.11, COLUMN 2 #7,
TOTAL SIDE YARD,
§§ 4.51 TWO FRONT DOORS
AND 4.52 NO EXTERIOR CHANGE
FOR LOCAL LAW #7 VARIANCES
APPROVED WITH COVENANT

ZBA#15-28

NEW ITEMS:

YOUNG
9 Summit Place
Nanuet, NY
64.18 / 1 / 48; R-15 zone

FRONT YARD VARIANCE
APPROVED

ZBA#15-54

CARTY
18 Lombardi Road
Pearl River, NY
69.09 / 1 / 7; R-15 zone

FLOOR AREA RATIO
VARIANCE APPROVED

ZBA#15-55

NEUBAUER
96 Lenape Road
Pearl River, NY
73.05 / 1 / 33; R-15 zone

FLOOR AREA RATIO
VARIANCE APPROVED

ZBA#15-56

ALBANESE
12 Green Hedges Lane
Blauvelt, NY
70.09 / 3 / 9; R-14 zone

REAR YARD VARIANCE
APPROVED

ZBA#15-57

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ANDREOZZI 126 E. Washington Avenue Pearl River, NY 68.16 / 6 / 23; RG zone	SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#15-58
DONOHUE 28 Liberty Road Tappan, NY 77.05 / 3 / 23; R-15 zone	POOL WAS MOVED 20' SIDE YARD 20' REAR YARD NO VARIANCE REQUIRED	ZBA#15-59
BNM PROPERTIES 37 Ramland Road Orangeburg, NY 76.08 / 1 / 6; LIO zone	BUILDING HEIGHT VARIANCE APPROVED	ZBA#15-60

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: One Ramland Road Site Plan Amendment -Generator, 1 Ramland Road, Orangeburg, NY; 73.20 / 1 / 24; LIO zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

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

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

Dated: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By Deborah Arbolino

Deborah Arbolino, Administrative Aide

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

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DECISION
**SECTION 3.11, R-80 COLUMN 2 #7 VARIANCE; TOTAL SIDE YARD,
SECTIONS 4.51 & 4.52 VARIANCES APPROVED**

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

ZBA #15-28
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-28: Application of Barry Berson for variances from Chapter 43, R-40 District, Group E, Column 10 (Total Side Yard: 80' required, 76.4' proposed); Section 3.11 refers to R-80 District, Column 2 #7 (Conversion of a detached, owner-occupied, single-family dwelling so as to add 1 additional dwelling unit clearly subordinate to the main 1-family use to occupy not more than 600 square feet of floor area: 844 sq. ft. proposed) and from Sections 4.51 (there shall be only one front door: two doors proposed) and 4.52 (there shall be no significant exterior change and no new structures built on the property within the past 10 years so as to create an additional dwelling unit; and addition is proposed) for Local Law #7 owner occupied for 2nd dwelling unit for in-laws. The premises are located at 15 Lt. Crawford Court, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.16, Block 3, Lot 1.5 in the R-40 zoning district.

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

Barry and Marsha Berson and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page).
2. Architectural plans labeled Berson dated April 7, 2014 with the latest revision date of May 8, 2015 signed and sealed by Jonathan Hodash, Registered Architect (6 pages).

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

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

Barry Berson testified that he and his wife have owned the house for 18 years; that they would like to use one of the existing garages and some space inside of the house to accommodate his mother-in-law; that he would like to add the additional garage onto the house because he has three cars and has always had the three car garage that his mother-in-law is 79 years old and cannot go up and down the stairs and this space would accommodate her and an aide; that they will file a covenant and that they have no problem removing the second kitchen when his mother-in-law no longer needs it.

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Donald Brenner, Attorney, testified that the neighbors do not have any objections to the addition; that there will be two front doors but one will not be visible from the street; that the proposed apartment will be 831 sq. ft. and the Bersons' have no problem filing the covenant.

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 Section 3.11, Column 2 #7, Total Side Yard and Sections 4.51 and 4.52 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition is in keeping with the character of the neighborhood and the applicant has agreed to remove the stove when Marilyn Seitles is no longer using it.
2. The requested Section 3.11, Column 2 #7, Total Side Yard and Sections 4.51 and 4.52 variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed addition is in keeping with the character of the neighborhood and the applicant has agreed to remove the stove when Marilyn Seitles is no longer using it.
3. The benefits sought by the applicant cannot be achieved by other means feasible to the applicant to pursue other than by obtaining variances.
4. The requested Section 3.11, Column 2 #7, Total Side Yard and Sections 4.51 and 4.52 variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The proposed addition is in keeping with the character of the neighborhood and the applicant has agreed to remove the stove when Marilyn Seitles is no longer using it.
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 Section 3.11, Column 2 #7, Total Side Yard and Sections 4.51 and 4.52 variances are APPROVED with the Specific Condition that the property owners must execute and record a covenant required by Zoning Code § 4.51 to be prepared by the Town Attorney with County Clerk recording fees to be paid by the applicants; the 831 sq. ft. dwelling is to be occupied only by the applicant's mother-in-law Marilyn S. Seitles (DOB-08/25/1935); 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 Section 3.11, Column 2 #7, Total Side Yard and Sections 4.51 and 4.52 variances was presented and moved by Mr. Sullivan, seconded by Ms. Castelli with the following specific conditions: and carried as follows: (1) that the property owners must execute and record a covenant required by Zoning Code § 4.51 to be prepared by the Town Attorney with County Clerk recording fees to be paid by the applicants; (2) the 831 sq. ft. dwelling is to be occupied only by the applicant's mother-in-law Marilyn S. Seitles (DOB-08/25/1935); (3) the stove shall be removed when the applicant's mother-in-law no longer resides in the space; and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; Ms. Salomon, nay; 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: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2015 JUL 10 AM 11 48
TOWN CLERKS OFFICE

DECISION
FLOOR AREA RATIO AND FRONT YARD VARIANCES APPROVED

To: William and Lois Young
9 Summit Place
Nanuet, New York 10954

ZBA #15-54
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-54: Application of William and Lois Young 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, .245 proposed) and 8 (Front Yard: 30' required, 20' proposed) for a front porch addition at an existing single-family residence. The premises are located at 9 Summit Place, Nanuet, New York and are identified on the Orangetown Tax Map as Section 64.18, Block 1, Lot 48; in the R-15 zoning district.

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

William Young appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed 60 sq. ft. Exterior Portico Addition for 9 Summit Place, Nanuet, NY. (10 pages).
2. A letter dated June 26, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated June 30, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
4. A letter dated June 18, 2015 from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.

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

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

William Young testified that he would like to add a front porch to the house; that it totals approximately 60 sq. ft.; that his existing floor area ratio is .239 and it will be .245 with the addition of the porch; that he also need a front yard variance because the existing house does not have a 30' front yard and with the porch the front yard will be 20' instead of the required 30'; and that the house across the street has a front porch and 11 and 13 Villa Drive both have similar front porches.

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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 floor area ratio and front 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 floor area ratio and front 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. Similar additions have been constructed in the area.
4. The requested floor area ratio and front 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 floor area ratio and front 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.

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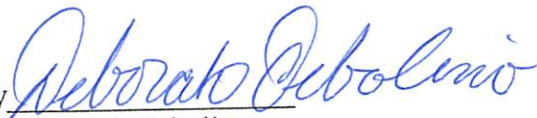
TOWN OF ORANGETOWN

The foregoing Resolution to approve the application for the requested floor area ratio and front yard variances was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, 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: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO VARIANCE APPROVED

To: Cliff and Kathy Carty
18 Lombardi Drive
Pearl River, New York 10965

ZBA #15-55
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-55: Application of Cliff and Kathy Carty for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 4 (Floor Area Ratio: .20 permitted, .218 proposed) for an addition to an existing single-family residence. The premises are located at 18 Lombardi Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.09, Block 1, and Lot 7; in the R-15 zoning district.

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

Cliff Carty appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page).
2. A hand drawing of the proposed addition.

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

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

Cliff Carty testified that they would like to enclose the existing deck for a sunroom; that the sunroom will be flush with the house and not wrap around; that there will be a small landing and steps down into the rear yard; and that they do not need a side yard variance.

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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 floor area ratio variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the 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 floor area ratio 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 floor area ratio variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


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The foregoing Resolution to approve the application for the requested floor area ratio variance was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, 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: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

FLOOR AREA RATIO VARIANCE APPROVED

To: Jonathan Hodash (Neubauer)
60 So. Main Street
New City, NY 10956

ZBA #15-56
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-56: Application of Ray and Regina Neubauer for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 4 (Floor Area Ratio: .20 permitted, .22 proposed) for an addition to an existing single-family residence. The premises are located at 96 Lenape Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 73.05, Block 1, Lot 33; in the R-15 zoning district.

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

Samantha Moscardelli from Jonathan Hodash Associates, and Ray Neubauer appeared and testified.

The following documents were presented:

1. Architectural plans labeled "The Neubauer Residence" dated March 21, 2015 with the latest revision date of March 26, 2015 signed and sealed by Jonathan Hodash, Registered Architect (7 pages).
2. Two letters in support of the application.

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

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

Ray Neubauer testified that they are proposing to add a second floor over the existing garage for a master bedroom and bath; and that they are expanding in the rear of the house to make the kitchen larger and they are moving the front door over and adding a portico over it; that there was a previous addition built for his dad because his dad has Alzheimer's and they need to watch over him; that there are several similar additions in the area, one on Ellis and two more on Lenape and five or six houses have pushed out in the back.

TOWN CLERKS OFFICE

2015 JUL 10 PM 11 49

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. Similar additions have been constructed in the area.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the 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 floor area ratio variance is not substantial. 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 CLERKS OFFICE

2015 JUL 10 AM 11 49

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 variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN


Neubauer
ZBA#15-56
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The foregoing Resolution to approve the application for the requested floor area ratio variance was presented and moved by Ms. Salomon, seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

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

DATED: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2015 JUL 10 AM 11 49
TOWN CLERKS OFFICE

DECISION

REAR YARD VARIANCE APPROVED

To: Anthony and Tracey Albanese
12 Green Hedges Lane
Blauvelt, New York 10913

ZBA #15-57
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15- 57: Application of Anthony and Tracey Albanese for a variance from (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-40 District, Group E, Column 11 (Rear Yard: 50' required, 39' proposed) for a deck at an existing single-family residence.. The premises are located at 12 Green Hedges Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.09, Block 3, Lot 9; in the R-40 zoning district.

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

Anthony Albanese appeared and testified.

The following documents were presented:

1. Survey plan with deck drawn on it. (1 page).
2. Deck plans (6 pages).
3. Four letters from abutting property owners in support of the application.

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

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

Anthony Albanese testified that he would like to build a deck off the rear of his house; that the house was built in 1968 and the existing patio and concrete steps are rotting away; that he would like to replace them with a deck that would go out to the existing pool; that the deck is 14' wide at the jog out and 16' wide after that; that it will run the width of the house; that the house is zoned R-40 but he has paper work showing that it was R-22 and was changed to R-40 in 1967; that the lot is very undersized for the R-40 zone; that the Erie Railroad is behind the house; and that the property is pie shaped.

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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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is undersized and oddly shaped.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is undersized and 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 a variance. The lot is undersized and oddly shaped.
4. The requested rear 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.

TOWN OF ORANGETOWN
2015 JUL 10 AM 11 49
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested rear 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 rear yard variance was presented and moved by Mr. Feroldi, seconded by Mr. Quinn and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, 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: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2015 JUL 10 AM 11 49
TOWN CLERKS OFFICE

DECISION

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

To: Terri Andreozzi
126 East Washington Avenue
Pearl River, New York 10965

ZBA #15-58
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15- 58: Application of Terri Andreozzi 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) 10 (Total Side Yard: 30' required, 19.4' proposed) and 12 (Building Height: 10.5' permitted, 21' proposed) for an addition to an existing single-family residence.. The premises are located at 126 East Washington Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 6, Lot 23; in the RG zoning district.

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

Terri Andreozzi and Andy McKeon, Contractor, appeared and testified.

The following documents were presented:

1. Architectural plans labeled 126 E. Washington Ave, Pearl River, NY dated May 8, 2015 signed and sealed by Clifford A. Herbst, P.E.. (2 pages).

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

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

Terri Andreozzi testified that the house is a small cottage that was built in 1938 and hasn't had any updates since then; that she had one child when she moved in and now she has two children; that they are proposing to bump out the dormer in the second floor and add two bedrooms and a bathroom; that the rest of the house would be updated at the same time; that the lot is undersized because it is only 50' wide and should be 75' wide; and that the lot is long and narrow.

TOWN CLERKS OFFICE

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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, 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 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 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.

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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, 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.


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The foregoing Resolution to approve the application for the requested 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; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan 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: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2015 JUL 10 AM 11 49
TOWN CLERKS OFFICE

DECISION

APPLICANT MOVED POOL -NO VARIANCE REQUIRED

To: Kathleen Donohue
28 Liberty Road
Tappan, New York 10983

ZBA #15-59
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-59: Application of Kathleen Donohue for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 9 (Side Yard: 20' required, 10' proposed) for the installation of an above-ground pool at an existing single-family residence. The premises are located at 28 Liberty Road, Tappan,, New York and are identified on the Orangetown Tax Map as Section 77.05, Block 3, Lot 23; in the R-15 zoning district.

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

Kathleen Donohue and her son Sean Donohue appeared and testified.

The following documents were presented:

1. Copy of site plan with pool drawn on it. (1 page)

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

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

Kathleen Donohue testified that she has five kids and would like to install the pool for their pleasure; that the property is hilly and she has a small deck 3' x 5' on her side entrance and would like to install the pool there; that her neighbor doesn't want the pool there; that the pool would be too expensive to install in the rear yard because of the slope of the property; that she would like to go home and measure to make sure that it would fit in that corner without too much digging because the kids are paying for the pool; that she and her son measured and it could move it into the corner of the property and meet the 20' side yard requirement and 20' rear yard.

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Public Comment:

Mr. Joseph Kosofsky testified that he has lived in his house for 46 years; that he objects to the pool being placed 10' from his side yard because it is intrusive; that it forces him to give up his privacy; that his bedroom is above his garage which is on that side of the property; that the building department file did not have certificate of occupancy for the sliding door or the deck; and that he would not object if the pool was moved into the rear yard with a twenty foot side yard.

Donald Brenner testified that he is representing Mr. Kosofsky, the abutting property owner and is objecting to the location of the pool in the side yard; that it should be installed in the rear of the house; that the Building Inspector should be asked to check if this can be done differently; and that his client has no objection to the new proposed location with the 20' side yard.

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:

1. The requested side yard variance will **not** be necessary because the applicant is relocating the pool to the rear side yard and it will be located with a 20' side yard and a 20' rear yard; therefore **no** variance is necessary.
2. There was discussion with the Deputy Town Attorney regarding the required rear yard for an above-ground pool, and he advised that a 20' rear yard was the regulation for an in-ground pool only; and since this is an above-ground pool, he suggested that the Board grant a rear yard variance, if they so choose.

TOWN OF ORANGE
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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 variance was **withdrawn** when the pool was relocated to a 20' side yard and, 20' rear yard, and, as advised, the Board acknowledged a 20' setback (which may or may not require a variance), and APPROVED it for the proposed above-ground pool; 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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TOWN OF ORANGETOWN


Donohue
ZBA#15-59
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The foregoing Resolution to approve the application for the requested side yard variance was **withdrawn** and the requested 20' rear yard setback and related variance (if required) was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

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

DATED: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2015 JUL 10 AM 11 49
TOWN CLERKS OFFICE

DECISION

BUILDING HEIGHT VARIANCE APPROVED

To: Jane Slavin (BNM Properties)
200 Erie Street
Blauvelt, New York 10913

ZBA #15-60
Date: July 1, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-60: Application of BNM Properties for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, LIO District, Group BB, Column 12 (Building Height: 22' permitted, 50' 4" proposed) for an amendment to ZBA#14-56. The premises are located at 37 Ramland Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 76.08, Block 1, Lot 6; in the LIO zoning district.

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

Jane Slavin, Architect and John Piccininni appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page) signed and sealed by Jane Slavin, Architect.
2. Architectural plans not dated signed and sealed by Jane Slavin, Registered Architect (1 page).
3. Zoning Board of Appeals Decision #14-56 dated July 16, 2014.
4. A memorandum from Jane Slavin explaining the need for the extra height.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning board acting as Lead Agency for this application, pursuant to coordinated review under the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.6 (b) (3); and since the Planning board conducted a SEQRA review and, on June 11, 2014, rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use (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. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Jane Slavin, Architect, testified that John Piccininni came before the Board previously for variances on July 14, 2014; that since then they realized that the structure that the previously designed addition's slab was below the existing slab of the building and that the previous design did not take into account the existing building floor elevation or the structural requirements for the proposed addition; that the existing proposed floor elevation is at 92'-0" the previously approved is at 88'-0", a four foot difference; that the previous floor to ceiling height was 24' and the applicant requires a 30' floor to ceiling clear height, a difference of six feet; that he previous design had a 1' structure for 2nd floor and roof framing and the actual design requires a 4'6" structural system for the 2nd floor, which means a three foot six inch difference; that the structural system for the roof framing is 3' 6", which means a two feet six inch difference; these differences total 16'

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difference due to the previous design deficiencies; and the they have reworked the grading to provide a gradual slope that helped to reduce the difference from 16' to 14' 10" with minimal impact on the site and reducing the extent of the required exterior stairs; and that the dedication of the road reduces the side yard from 82' 6" to 17' 6".

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 building height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Other buildings in the area are of a similar height.
2. The requested building height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Other buildings in the area are of a similar height.
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 building height variance, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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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 building height 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 building height variance was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye Ms. Salomon, aye; 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: July 1, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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