

MINUTES
ZONING BOARD OF APPEALS
JUNE 19, 2013

MEMBERS PRESENT:

DANIEL SULLIVAN, CHAIRMAN
JOAN SALOMON
NANETTE ALBANESE
PATRICIA CASTELLI
LEONARD FEROLDI, ALTERNATE

ABSENT:

MICHAEL BOSCO

ALSO PRESENT:

Dennis Michaels, Esq. Deputy Town Attorney
Ann Marie Ambrose, Official Stenographer
Elizabeth Decort, 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:

APPLICANTS
CONTINUED ITEMS:

TONKOSCHKER
77.08 / 2 / 30; RG zone

FLOOR AREA RATIO, ZBA#13-28
FRONT AYRD, BUILDING HEIGHT,
ACCESSORY STRUCTURE DISTANCE
VARIANCES APPROVED
SECTION 5.223 VARIANCE WITHDRAWN

115 ROUTE 303 PARKING
77.07 / 2 / 1; LO zone

TEMPORARY STORAGE ZBA#13-21
OF VEHICLES APPROVED
FOR TWO YEARS WITH CONDITIONS

NEW ITEMS:

PEAKS
77.08 / 5 / 7; R-G & CS zones

SIDE YARD AND ZBA#13-43
TOTAL SIDE YARD VARIANCES
APPROVED

CUOMO
AMENDMENT TO ZBA 311-79
69.16 / 1 / 59; R-15 zone

SIDE YARD VARIANCE ZBA#13-44
APPROVED

DIAZ
77.05 / 3 / 21; R-15 zone

FRONT YARD VARIANCE ZBA#13-45
APPROVED

O'SULLIVAN
69.09 / 2 / 3; R-15 zone

FLOOR AREA RATIO, ZBA#13-46
LOT AREA, FRONT YARD,
SIDE YARD, TOTAL SIDE YARD,
AND BUILDING HEIGHT VARIANCES
APPROVED

SWIFT
69.09 / 2 / 3; R-15 zone

SIDE YARD, TOTAL SIDE YARD ZBA#13-47
AND BUILDING HEIGHT VARIANCES

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 51

TOWN OF ORANGETOWN

APPROVED

IMPERIAL SPORTS
77.15 / 1 / 42; CS zone

SPECIAL PERMIT GRANTED ZBA#13-48
FOR TWO YEARS WITH CONDITIONS

MICHEL
74.13 / 4 / 26; RG zone

BUILDING HEIGHT VARIANCE ZBA#13-49
APPROVED

ADDITIONAL BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: One Ramland Road-Resubdivision Plan, One Ramland Road. Orangeburg, NY 73.20 / 1 / 23 & 24; LJO 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 10:45 P.M.

Dated: JUNE 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By: 

Deborah Arbolino
Administrative Aide

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

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 51

TOWN OF ORANGETOWN

DECISION

**FLOOR AREA RATIO, FRONT YARD, BUILDING HEIGHT, AND \$5.153
ACCESSORY STRUCTURE DISTANCE VARIANCES APPROVED**

To: Lana Tonkoschkur
43 Bauer Street
Tappan, New York 10983

ZBA # 13-28
Date: May 1, 2013
June 5, 2013
June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-28: Application of Lana Tonkoschkur for variances from Chapter 43 (Zoning) Town of Orangetown, Section 3.12, RG District, Group Q, Columns 4 (Floor Area Ratio: .30 permitted, .3154 proposed), 8 (Front Yard: 25' required, 24.6' existing & proposed), and 12 (Building Height: 23.25' permitted, 24.25' existing, and 29.33' proposed) and from Section 5.153 (Accessory structure distance: 15' required, 12' existing & proposed) and from Section 5.223 (Fire Escape may project 6' into required yard: 9 ½' proposed) for an addition to an existing single-family residence. The premises are located at 43 Bauer Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 2, Lot 30; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on the following Wednesdays, May 1, 2013 (postponed for no posting), June 5, 2013, and June 19, 2013 at which time the Board made the determination hereinafter set forth.

At the June 5, 2013 Meeka Asayag and Vincent Cioffi, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 4/15/2013 signed and sealed by Vincent J. Cioffi, Architect.
2. A memorandum dated 5/29/2013 from Michael Betman, Fire Inspector, Town of Orangetown, with 2 excerpts from the NYS Building Code in regard to a 3rd story addition/ renovation.

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

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

Meeka Asayag testified that she recently divorced and moved herself and three children into her mothers' house; that the house is small; that her mom and her aunt live in the house and that there are only three small bedrooms in the house; that they are planning to expand the existing small kitchen and add a two story addition to the side of the house and to make the existing attic space into an additional bedroom; that there will be dormers in the rear of the house; that she is a landscape designer and she plans to plant around the proposed fire escape to soften its effect; and that she would like to request a continuance until the next hearing to submit the difference in prices from adding sprinklers to the attic space along with the fire escape as opposed to adding sprinklers to the whole house.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 51

TOWN OF ORANGETOWN

Vincent Cioffi, Architect, testified that the existing house is 25 ½ feet wide and they are proposing a 17 foot addition to the side of the house; that the requested floor area ratio is 1 ½ % over the permitted floor area ratio; that visually from the front of the house there will not be much of a change; that the existing garage is 12 feet from the house and the one story addition to the rear of the house has been angled so that it does not encroach further; that he will meet with the fire inspector to see if the fire escape can be less wide and still meet the safety requirements; and that they will provide the Board with the information regarding the sprinkler system.

At the June 19, 2013 meeting Meeka Asayag and Vincent Cioffi, Architect, appeared.

Meeka Asayag testified that at the last meeting the major concern of the Board was the fire escape from the third floor additional living space proposed; that she has reviewed the options and they have decided to sprinkle the entire house instead of adding the fire escape; and in place of the proposed door that would have led to the fire escape they are proposing to add three windows; that this change eliminates the need for the variance from Section 5.223.

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 floor area ratio, front yard, building height, and §5.153 (accessory structure distance) variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested floor area ratio, front yard, building height, and §5.153 (accessory structure distance) variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

TOWN CLERKS OFFICE
2013 JUL 9 PM 12 51
TOWN OF ORANGETOWN

4. The requested floor area ratio, front yard, building height, and §5.153 (accessory structure distance)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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, front yard, building height, and §5.153 (accessory structure distance)variances are APPROVED with the SPECIFIC CONDITION that the fire escape, and door opening onto same, shall be removed from the plans and the whole house shall have a sprinkler system installed and signed and sealed revised plans shall be submitted reflecting the changes to the Building Department; 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.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 51

TOWN OF ORANGETOWN

(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.

The foregoing resolution to approve the application for the requested floor area ratio, front yard, building height, and §5.153 (accessory structure distance) variances, with the specific condition that the fire escape, and door opening onto same, shall be removed from the plans; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Albanese, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
O&ZPAE
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

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

DECISION

**TEMPORARY STORAGE OF VEHICLES APPROVED FOR TWO (2) YEARS
FROM THE DATE OF ISSUANCE OF CERTIFICATE OF OCCUPANCY WITH
SPECIFIC CONDITIONS**

To: Tom Kriz (115 Route 303)
250 Kisco Avenue
Mt. Kisco, New York

ZBA # 13-21
Date: April 3, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-21: Application of 115 Route 303 for variances from Chapter 43 (Zoning) Town of Orangetown, Section 3.11, LO District, Column 5, # 3 (Storage of goods or equipment accessory to uses permitted) for temporary storage of vehicles within existing building not accessory to business use. No sales or service of vehicles at this location. The business is located at 115 Route 303, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.07, Block 2, Lot 1; LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, April 3, 2013 and June 19, 2013 at which time the Board made the determination hereinafter set forth.

Tom Kriz appeared and testified.

The following documents were presented:

1. Auto Storage plan dated January 24, 2013 signed and sealed by Louis P. Ramunni, P.E..
2. A letter dated March 21, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, Commissioner of Planning.
3. A letter dated March 15, 2013 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.

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) (15); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Ms. Albanese, aye. Mr. Bosco was absent.

Tom Kriz testified that Palisades Audi needed space to park new cars and rented space in the building to store new cars in; that the new cars are unloaded at the dealer and driven over to the building; that they might move up to five cars per day; that they have met all the requirements of the Fire Inspector; that they did not know that they could not store the cars in the building without a permit; that they need a variance because they do not have an office in the building; that they would put up a partition on the level that the cars are stored and place a desk and key hanger there for the office space if that is permitted; and that they will request a continuance to get the information that the Board is asking for.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

Public Comment:

Ellen McCarthy, 331 Kings highway asked if there would be trucks unloading cars in the area and when the applicant explained the operation, she had no objections.

At the June 19, 2013 meeting Tom Kriz appeared and testified.

The following items were reviewed by the Board:

1. An e-mail dated Monday, may 20, 2013 from Mike Bettmann, Chief Fire Inspector, Town of Orangetown.
2. A letter dated May 3, 2013 from the Department of Environmental Management and Engineering, Town of Orangetown, signed by Joseph J. Moran, P.E., Commissioner.
3. A letter dated May 29, 2013 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.

Tom Kriz testified that he has addressed the concerns of the Board; that the trip impact has been answered; that there will be between five and ten cars in and out each day at the most; that there will not be any additional lighting installed and the cars will not be stored outside; that he would be fine with a two-year approval and willing to come back for renewals.

Public Comment:

Mary Cardenas, Pine Tree Lane, testified that her main concern is regarding lights and how they would affect the neighbors.

Christine Zinna, 3 Autumn Drive, testified that she is concerned about parking outside in the parking lot and about the gas in the cars.

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 variances 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 temporary storage of vehicles not accessory to a business use on the same lot will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed interior storage of vehicles is a permitted use if the business it relates to was located on the same lot; the office space not being located on the same lot is not a detriment because this is temporary storage. The applicant must return to the Board for any continuation of this use for more than 2 years from the issuance of the certificate of occupancy.
2. There shall be no outdoor storage of vehicles and no additional parking spaces installed in the parking lot.

TOWN OF ORANGETOWN

2013 JUN 20 9 58 AM 12 12 12

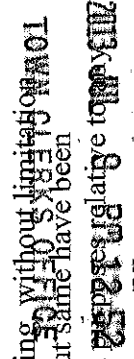
TOWN OF ORANGETOWN

3. The requested temporary storage of vehicles not accessory to a business on the same lot will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed interior storage of vehicles is a permitted use if the business it relates to was located on the same lot; the office space not being located on the same lot is not a detriment because this is temporary storage. The applicant must return to the Board for any continuation of this use for more than 2 years from the issuance of the certificate of occupancy.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested temporary storage of vehicles not accessory to a business use on the same lot, is not 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 interior storage of vehicles is a permitted use if the business it relates to was located on the same lot; the office space not being located on the same lot is not a detriment because this is temporary storage. The applicant must return to the Board for any continuation of this use for more than 2 years from the issuance of the certificate of occupancy.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested temporary storage of vehicles not accessory to a business use on the same lot is **APPROVED** for **TWO (2) YEARS** from the date of issuance of the certificate of occupancy, with the following specific conditions: (1) cars shall be stored inside the building only; (2) No exterior lighting shall be added to the site; 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 relating to any variances being requested.

APPROVED: 
DATE: 05-12-13

TOWN OF ORANGETOWN

115 Route 303 Parking

ZBA#13-21

Page 4 of 4

(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.

The foregoing resolution to approve the application for the requested variance for temporary storage of vehicles not accessory to a business use on the same lot, with specific conditions: 1) cars shall be stored inside the building only; (2) No exterior lighting shall be added to the site; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Albanese, 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: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OEBZPAE
BUILDING INSPECTOR B.VW.

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

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

DECISION
SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Judy Peaks
15 Union Street
Sparkill, New York 10976

ZBA # 13-43
Date: June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-43: Application of Judy Peaks for variances from Chapter 43 (Zoning) Town of Orangetown, Section 3.12, RG District, Group Q, Columns 9 (Side Yard: 10' required, 6.5' proposed), and 10 (Total Side Yard: 30' required, 15.2' proposed) for a deck at an existing two-family residence. The premises are located at 11 Union Street, Sparkill, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 5, Lot 7; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Judy Peaks and Glen Peaks appeared and testified.

The following documents were presented:

1. Site plan with proposed deck drawn on it.
2. Three pages of deck plans.

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

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

Judy Peaks testified that the deck was built without a permit; that she is in the process of selling the house and found out that the deck was not legal; that she is before the Board to legitimize the deck and obtain a certificate of occupancy in order to sell the house; and that she has a certificate of occupancy to the two-family house.

TOWN CLERKS OFFICE
2013 JUL 9 PM 12:52
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 and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The deck does not encroach any further into the side yard than the existing house and the lot is long and narrow.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The deck does not encroach any further into the side yard than the existing house and the lot is long and narrow.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and total side yard variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The deck does not encroach any further into the side yard than the existing house and the lot is long and narrow.
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
2013 JUL 9 PM 12 52
TOWN OF ORANGETOWN

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

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN OF ORANGETOWN

2013 JUL 9 PM 12 52

TOWN CLERK'S OFFICE

Peaks
ZBA#13-43
Page 4 of 4

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

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By: 
Deborah Arbolino

Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE
2013 JUL 9 PM 12 52
TOWN OF ORANGETOWN

DECISION

SIDE YARD VARIANCE APPROVED

To: Raffaele Cuomo
4 Truman Circle
Blauvelt, New York 10913

ZBA # 13-44
Date: June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-44: Application of Raffaele Cuomo for an amendment to ZBA#11-78 which granted a variance from Chapter 43 (Zoning) Town of Orangetown, R-15 District, Group M, Column 9 (Side Yard: 20' required, 13.27' granted and 12.7' existing) for an addition that has been constructed at an existing single-family residence. The premises are located at 4 Truman Circle, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.16, Block 1, Lot 59; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Raffaele Cuomo and Peter Cuomo appeared and testified.

The following documents were presented:

1. As built survey dated 11/17/2004 with the latest revision date of 9/18/2012 signed and sealed by Jay Greenwell, L.S..

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

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

Raffaele Cuomo testified that the foundation was pre-existing; that the architect that set the house on the plot plan made an oversight; that the footings were suppose to line up according the previous ZBA Decision but upon the final as built survey being done, they did not; that he is not sure if the architect or the builder made a mistake but the foundation was left in place.

TOWN CLERKS OFFICE
2013 JUL 9 PM 12 52
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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The as built survey changes the previously approved side yard by several inches.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The as built survey changes the previously approved side yard by several inches.
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 amendment to the previously approved side 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 CLERKS OFFICE

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested side yard 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

2013 JUL 9 PM 12 52


TOWN OF ORANGETOWN

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

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

DECISION
FRONT YARD VARIANCE APPROVED

To: Anthony Diaz
14 Liberty Road
Tappan, New York 10983

ZBA # 13-45
Date: June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-45: Application of Anthony Diaz for a variance from Chapter 43 (Zoning), Section 3.12, R-15 District, Group M, Column 8 (Front Yard: 30' required, 20.2' proposed) for the installation of an in-ground pool at an existing single-family residence. The premises are located at 14 Liberty Road, Tappan, New York and identified on the Orangetown Tax Map as Section 77.05, Block 3, Lot 21; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Anthony Diaz, Craig Bagin and Izzy Castiglia appeared and testified.

The following documents were presented:

1. Site plan labeled pool grading and SESC Plan dated 03/14/2013 signed and sealed by Thomas W. Skrable, P.E..

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

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

Craig Bagin, B & B Pool and Spa, testified that they are proposing to install an in-ground pool with a patio and they are replacing the wood on the deck with treks; that they are proposing a shed to house the pool supplies and to fence in the property because of the pool; that they comply with the setback for side yards but this property has two front yards; that the rear property backs up to Jackson Street and creates a unique situation.

Anthony Diaz testified that there are five members of the family, that he installed a generator; that they have owned the residence for 3 ½ years; that the construction is confined to one side of the property; that they are not bringing in any dirt; that they have a landscape plan designed to provide screening and privacy; and that he would install a PVC type of fence that would comply with zoning.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

Public Comment:

Joseph Kosofsky, 22 Liberty Street, Tappan, testified that he owns the lot to the south of the applicant; that he purchased his house in 1966; that his daughter owns the house now; that he has no objection to the pool but it is too close to where his bedrooms are; that there should be a 15' setback and the pool is too close to the property line; that the deck should be knocked down and the pool built there.

Chairman Sullivan explained to Mr. Kosofsky that the variance is for the rear of the property (considered a front yard because of Jackson Street) and not the 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. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is oddly shaped and the rear yard meets Jackson Street, creating two front yards according to the zoning code; however the property is clearly used a backyard.
2. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is oddly shaped and the rear yard meets Jackson Street, creating two front yards according to the zoning code; however the property is clearly used a backyard.
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 odd shaped property that fronts on two streets is the cause of the requested variance.
4. The requested front yard variance is although somewhat substantial, afford benefits to the applicants 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 variance.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12:52

TOWN OF ORANGETOWN

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

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52


TOWN OF ORANGETOWN

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

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbogino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OEZPAE
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

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO, LOT AREA, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Kathleen O'Sullivan
7 Durham Lane
Suffern, New York 10901

ZBA # 13-46
Date: June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-46: Application of Kathleen O'Sullivan for variances from Chapter 43 (Zoning) Town of Orangetown, Section 3.11, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .32 proposed), 5 (Lot Area: 15,000 sq. ft. required, 12, 365 sq. ft. exiting), 8 (Front Yard: 30' required, 27.5' proposed), 9 (Side Yard: 20' required, 15' proposed) 10 (Total Side Yard: 50' required, 45.3' proposed) and 12 (Building Height: 15' permitted, 27.5' proposed) for an addition to an existing single-family residence. The premises are located at 4 Wright Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.09, Block 3, Lot 32; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Kathleen O'Sullivan appeared and testified.

The following documents were presented:

1. Site plan dated 04/29/2013 signed and sealed by Paul Gdanski, P.E.
2. Architectural plans dated 04/21/2013 signed and sealed by Paul Gdanski, P.E.

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

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

Kathleen O'Sullivan testified that she has owned the house for about 20 years; that two years ago she married and moved to Suffern with her husband; that she has been renting the house but wants to move back to Pearl River; that they are proposing to remove the existing garage and add a two car garage with a master suite above it; that her son, husband and herself would be living in the house; that her parents come to visit from Ireland several times a year and she would like to have enough room for them to be comfortable; that the addition will allow everyone to be at home in the house; and that she has talked to her neighbors and none of them have objections to the proposal.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52

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 floor area ratio, lot area, front yard, side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio, lot area, front yard, 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. Similar additions have been constructed in the neighborhood.
4. The requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 52

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, lot area, front yard, 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

2013 JUL 9 PM 12 52

TOWN OF ORANGETOWN

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

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN



By Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE
2013 JUL 9 PM 12 52
TOWN OF ORANGETOWN

DECISION

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

To: Charlotte Swift
30 Cara Drive
Pearl River, New York 10965

ZBA # 13-47
Date: June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-47: Application of Charlotte Swift for variances from Chapter 43 (Zoning) Section 3.12, R-15District, Group M, Columns 9 (Side Yard: 15' required, 14' existing, 11.7' proposed), 10 (Total Side Yard: 30' required, 25.7' proposed) and 12 (Building Height: 11.7' permitted, 13.3' proposed) (Section 5.21 (c) Undersized lot applies) for an addition to an existing single-family residence. The premises are located at 30 Cara Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.06, Block 2, Lot 3; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Jonathan Hodash, Architect, and Charlotte Swift appeared and testified.

The following documents were presented:

1. Architectural plans dated March 6, 2013 signed and sealed by Jonathan Hodash, Architect.

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

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

Jonathan Hodash, Architect, testified that the existing single-family residence was built in 1963; that it is a Cape Cod style house with two bedrooms on the main level and two bedrooms upstairs; that Mrs. Swift is elderly and needs more accessible space on the first floor; that they are proposing to enlarge the kitchen and to add a handicap accessible bathroom; that the house is already non-conforming; that they area proposing to add a garage which would easily accommodate emergency access to the house; that the doors on the side of the garage would permit access to the rear yard for Mrs. Swift; and that similar additions have been constructed in the area.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12:53

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. The lot is undersized and the handicap accessibility is needed to accommodate Mrs. Swift.
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. The lot is undersized and the handicap accessibility is needed to accommodate Mrs. Swift.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The lot is undersized and the handicap accessibility is needed to accommodate Mrs. Swift.
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.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 53

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested side yard, 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 CLERK'S OFFICE

2013 JUL 9 PM 12 53

TOWN OF ORANGETOWN

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

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2013 JUL 9 PM 12:53
TOWN CLERKS OFFICE

DECISION

SPECIAL PERMIT GRANTED WITH CONDITIONS FOR TWO-YEARS FROM DATE OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY

To: Daniel Kim (Imperial Sports) ZBA # 13-48
1 University Plaza Drive Suite 118 Date: June 19, 2013
Hackensack, New Jersey 07601

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-48: Application of Imperial Sports for a Special Permit in accordance with Chapter 43 (Zoning) Section 3.11, CS District, Column 3 # 8 (Other Retail/services: Karaoke Room and kitchen proposed) The premises are located at 64 Route 303, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.15, Block 1, Lot 42; CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Daniel Kim, Attorney and Adrian Lee, owner, appeared and testified.

The following documents were presented:

1. Site plan and building information plan, Egress Plan, Proposed plan opt A, dated 10/25/2009 by Se Hwan Kim, Architect, not signed or sealed.
2. A letter dated June 4, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
3. A letter dated may 17, 2013 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
4. A letter dated May 20, 2013 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated June 10, 2013 from the State of New York Department of transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Daniel Kim, Attorney, testified that the premises is 2,000 sq. ft.; that currently there are 5-6 pool tables in a portion of the room; that there was an issue with the roof leaking that has been resolved with the landlord; that they would like to renovate and put in karaoke booths instead of the pool tables; that they are proposing to upgrade the kitchen to provide refreshments; that they have a liquor license that provides beer/wine/ sake; that they are proposing the same hours of operation that they were granted for the billiards which is 12 noon to 4 A.M.; that this is a adult entertainment for the people of Tappan; that they do not expect bar type behavior; that karaoke will provide better revenue, charging for the rental of the room; that one room would be for a party of about 8 people; that the rooms would have multiple TV's with pointers to make the person singing feel like they area star; and that they would like to renovate outside after this.

TOWN OF ORANGETOWN
2013 JUL 9 PM 12 53
CLERKS

Public Comment:

Janet Wheeler, 25 Livingston Street, Tappan, testified that she is a little perplexed by the application; that she has concerns about the hours of operation; that noise spills over to the parking lot; that there is a lot of graffiti on the building and that she has reported to the code enforcement and was told that since it does not face the public street, nothing can be done about it; that she had to go to the Board for a 4 season room that does not face the street; that commercial eyesores should not be overlooked.

Al Murphy, 19 Convent Road, Orangeburg, testified that he frequents the establishment 2 or 3 times a week; that graffiti is not from the customers but from kids; that he has never seen a fight in the establishment and the owners run a tight a ship.

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 Special Permit will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The special permit is being granted for two-years from the date of issuance of the certificate of occupancy with hours of operation limited until midnight weekdays and until 1 A.M. on the eve of holidays and Friday and Saturday nights.
2. The applicant must provide a parking table on the site plan and illustrate sufficient parking is being provided for the additional uses.
3. The requested Special Permit as conditioned will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The special permit is being granted for two-years from the date of issuance of the certificate of occupancy with hours of operation limited until midnight weekdays and until 1 A.M. on the eve of holidays and Friday and Saturday nights.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a special permit.
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 special permit.
6. The proposed use will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.

TOWN OF ORANGETOWN
2013 JUL 9 PM 12 53
TOWN CLERK'S OFFICE

7. The proposed use will not cause undue traffic congestion or create a traffic hazard and will not create at any point of determination set forth in §§4.16, 4.17 & 4.18 any more dangerous and objectionable elements referred to in §4.11 than is characteristic of the uses expressly permitted as of right in the same district.
8. The proposed use will not adversely affect the character of or property values in the area and it will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the town.
9. The proposed use will comply with all other regulations applicable to such use and the drainage for the site will not be affected by the issuance of the Special Permit.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested Special Permit is **APPROVED** for **TWO YEARS** from the date of issuance of the certificate of occupancy with the Specific Conditions that (1) the hours of operation are limited to 12:00 noon to midnight weekdays, and noon till 1:00 A.M. eves of holidays, and Friday and Saturday nights; and (2) a parking table must be provided on the site plan and illustrate sufficient parking is being provided for the additional uses; 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.

TOWN CLERKS OFFICE
2013 JUL 9 PM 12:53
TOWN OF ORANGETOWN

(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.

The foregoing resolution to approve the application for the requested Special Permit for TWO YEARS from the date of issuance of the certificate of occupancy with the Specific Conditions that (1) the hours of operation are limited to 12:00 noon to midnight weekdays, and noon till 1:00 A.M. eves of holidays, and Friday and Saturday nights; and (2) a parking table must be provided on the site plan and illustrate sufficient parking is being provided for the additional uses; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Albanese, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN


By *Deborah Arbolino*
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
2013 JUL 9 PM 12 53
TOWN OF ORANGETOWN

DECISION
BUILDING HEIGHT VARIANCE APPROVED

To: Scot and Christine Michel
13 Fairview Lane
Orangeburg, New York 10962

ZBA # 13-49
Date: June 19, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-49: Application of Scott and Christine Michel for a variance from Chapter 43 (Zoning), Section 3.12, RG District, Group Q, Column 12 (Building Height: 18' permitted, 19.9' proposed) for an addition to an existing single-family residence. The premises are located at 13 Fairview Lane, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.13, Block 4, Lot 26; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2013 at which time the Board made the determination hereinafter set forth.

Christine Michel appeared and testified.

The following documents were presented:

1. Architectural plans dated August 13, 2012 signed and sealed by John Perkins, Architect.

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

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

Christine Michel testified that they would like to add a master bedroom over the existing two-car garage; that the are one foot over the permitted height; that they are not changing the existing footprint; that they would like to keep the same roof pitch and is existing; that they have owned the house for eleven years; and that there is no opposition from neighbors.

TOWN CLERKS OFFICE

2013 JUL 9 PM 12 53

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 building height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition is not higher than the existing house and similar additions have been constructed in the neighborhood.
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. The proposed addition is not higher than the existing house and similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance. The proposed addition is not higher than the existing house and similar additions have been constructed in the neighborhood.
4. The requested building height 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 variance.

TOWN CLERKS OFFICE
2013 JUL 9 PM 12:53
TOWN OF ORANGETOWN

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.

TOWN CLERKS OFFICE
2013 JUL 9 PM 12:53
TOWN OF ORANGETOWN


Michel
ZBA#13-49
Page 4 of 4

The foregoing resolution to approve the application for the requested building height variance was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Albanese, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

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

DATED: June 19, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2013 JUL 9 PM 12:53
TOWN CLERKS OFFICE