

MINUTES
ZONING BOARD OF APPEALS
MARCH 2, 2016

MEMBERS PRESENT: DAN SULLIVAN
PATRICIA CASTELLI
THOMAS QUINN
LEONARD FEROLDI, ALTERNATE
MICHAEL BOSCO

ABSENT: JOAN SALOMON

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

CONTINUED ITEM:

YONDERHILL INTERPRETATION	POSTPONED	ZBA#16-05
1 Closter Road		
Palisades, NY		
78.18 / 1 / 52; R-40 zone		

NEW ITEMS:

GUARINO	LOT AREA, TOTAL SIDE YARD,	ZBA#16-13
152 E. Washington Ave.		
Pearl River, N.Y.		
68.16 / 6 / 29; RG zone		
APPROVED		

ST. THOMAS EVANGELICAL	FLOOR AREA RATIO &	ZBA#16-14
CHURCH OF INDIA		
530 Western Highway		
Blauvelt, NY		
70.18 / 1 / 13; CS zone		
APPROVED		

4 FRIENDS DEVELOPMENT	FRONT YARD &	ZBA#16-15
424 Valentine Avenue		
Sparkill, NY		
78.05 / 1 / 4; RG zone		
APPROVED		

DOMINICAN COLLEGE	EXTENSION IN TIME	ZBA#16-16
HENNESSEY CENTER		
EXTENSION OF TIME		
Western Highway		
Orangeburg, NY		
70.18 / 2 / 14; R-40 zone		
GRANTED		

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115 ROUTE 303
EXTENSION OF TIME
115 Route 303
Tappan, NY
77.07 / 2 / 1; LO zone

EXTENSION OF TIME GRANTED

ZBA#16-17

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: Georges Auto Body Site Plan, 579 Route 303, Blauvelt, NY; 70.15 / 1 / 47; CC zone; Pfizer, Inc. Site Plan: Addition to Existing Structure #222 & #222A, 401 North Middletown Road, Pearl River, N.Y., 68.08 / 1 / 5; LI 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 8:45 P.M.

Dated: March 2, 2016

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

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DECISION

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

To: Andy McKeon (Guarino)
3 Terrace Court
Pearl River, NY 10965

ZBA #16-13
Date: March 2, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-13: Application of Peter Guarino for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Section 3.12, Group Q, Column 6 (Lot Width: 75' required; 50' existing) 10 (Total Side Yard: 30' required, 24.30 existing, 23.49 proposed) and 12 (Building Height: 16.38 permitted, 23' existing and 22.3' proposed) for an addition to an existing single-family residence. The premises are located at 152 East Washington Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 2, Lot 29; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2016 at which time the Board made the determination hereinafter set forth.

Peter Guarino, Kelly Lerch and Andy McKeon, Contractor, appeared and testified.

The following documents were presented:

1. Copy of site plan with proposed addition signed and sealed by Clifford Herbst, Architect dated December 15, 2015. (1 page).
2. Architectural plans labeled "Guarino Residence" dated December 17, 2015 signed and sealed by Clifford A. Herbst, Registered Architect (2 pages).
3. A letter dated February 22, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated February 8, 2016 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; Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon was absent.

Peter Guarino testified that they are blending two families with five adult children and the house is small and located on an undersized lot; that they would like to expand the dormers to make the upstairs bedroom usable space.

Andy Mc Keon, contractor, testified that they are changing the height of the building from the existing 20' to 22.3' and this change to the dormers will make the upstairs bedroom space usable space.

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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 lot width, 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 similar additions have been constructed in the area.
2. The requested lot width, 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 similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested lot width, total side yard and building height variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The lot is undersized and 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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested lot width, 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 lot width, total side yard and building height variances was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Ms. Salomon 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: March 2, 2016

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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DECISION

FLOOR AREA RATIO AND FRONT YARD VARIANCES APPROVED

To: Abraham Abraham (St. Thomas)
530 Western Highway
Blauvelt, New York 10913

ZBA #16-14
Date: March 2, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-14: Application of St Thomas Evangelical Church of India for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Group FF, Section 3.12, Column 4 (Floor Area Ratio: 1.00 permitted, 1.25 existing, 1.5 proposed) and 8 (Front Yard: 0' of 45' permitted; 39.7' proposed) for a new façade and roof at an existing church. The church is located at 530 Western Highway, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 1, Lot 13; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2016 at which time the Board made the determination hereinafter set forth.

Nicholas Mascia, Architect, and Vicif Thomas appeared and testified.

The following documents were presented:

1. Copy of site plan based on survey dated December 22, 2004 with the latest revision date of November 4, 2009 by Anthony Celentano, P.L.S. signed sealed by Larry J. Nardecchia, P.E. (1 page).
2. Architectural plans dated 5/22/2015 with the latest revision date of 11/25/2015 signed and sealed by Larry J. Nardecchia, P.E.. (3 pages)
3. A letter dated February 22, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated January 26, 2016 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated March 3, 2016 from the County of Rockland Highway Department signed by Sonny Lin, P.E..

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

Nicholas Mascia, Architect, testified that they are raising the roof of the building and adding a small addition to the front of the church with a peak and cross to make the building look more like a church.

Vicif Thomas testified that they are not changing the footprint of the building; that they are changing the look of the front of the building to make it look more like a church instead of the doctors' office that it was; that he roof needed fixing also; and that they are not adding any more outdoor lighting.

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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. The changes to the building are minimal and the variances are not intrusive.
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. The changes to the building are minimal and the variances are not intrusive.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio and front 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 changes to the building are minimal and the variances are not intrusive.
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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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. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Mr. Sullivan, aye. Ms. Salomon 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: March 2, 2016

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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DECISION

FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Jay Singer (4 Friends)
275 Treetop Circle
Nanuet, NY 10954

ZBA #16-15
Date: March 2, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-15: Application of 4 Friends Development LLC for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Columns 8 (Front Yard: 25' required; 22.2' existing & proposed) and 12 (Building Height: 14' permitted, 21.7' existing, 27.8' proposed) for an addition to an existing single-family residence. The premises are located at 424 Valentine Avenue, Sparkill, New York and are identified on the Orangetown Tax Map as Section 78.05, Block 1, Lot 4; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2016 at which time the Board made the determination hereinafter set forth.

Jay Singer and Gene Hamberger appeared and testified.

The following documents were presented:

1. Copy of site plan based on survey done by Robert E. Sorace, dated 11/23/2015, signed and sealed by Margaret L. Fowler, Architect (1 page).
2. Architectural plans labeled "Additions and Renovations to 4 Friends Development LLC dated 12/24/2015, signed and sealed by Margaret Fowler, Registered Architect (8 pages).
3. A letter dated February 22, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated February 17, 2016 from the County of Rockland Highway Department signed by Sonny Lin, P.E..
5. A letter dated January 29, 2016 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
6. A letter dated February 9, 2016 from the County of Rockland Drainage Agency signed by Vincent Altieri, Executive Director.

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; Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon was absent.

Jay Singer testified that they are planning to renovate the existing house and they are raising the roof and expanding the front porch to wrap around the corner of the house without going further into the front yard; that the side yard is 10.5' and because of that the height is restricted to 14' and the existing building is 21.6' and they are going up to 27.8' to allow for attic storage; and that the new proposed garage does not require any variances.

Public Comment:

Andy Kohlbrenner, 426 Valentine Avenue, testified that he has concerns regarding drainage; that his house sits lower than this house and he would like the developers to be considerate of the drainage because there have been problems with flooding and he sits below.

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 front yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area, and the applicant must comply with all requirements of the Rockland County Drainage Agency.
2. The requested front yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area, and the applicant must comply with all requirements of the Rockland County Drainage Agency.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard and building height variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the area, and the applicant must comply with all requirements of the Rockland County Drainage Agency.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested front yard 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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4 Friends Development LLC
ZBA#16-15
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The foregoing resolution to approve the application for the requested front yard and building height variances was presented and moved by Mr. Feroldi, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Mr. Sullivan, aye. Ms. Salomon 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: March 2, 2016

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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DECISION

EXTENSION OF TIME TO IMPLEMENT THE FLOOR AREA RATIO AND BUILDING HEIGHT VARIANCES GRANTED IN ZBA DECISION#11-96 GRANTED FOR ONE YEAR FROM THE DATE OF THIS STAMPED DECISION

To: Michael Dempsey (Dominican College)
470 Western Highway
Orangeburg, New York 10962

ZBA #16-16
Date: March 2, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-16: Application of Dominican College Hennessy Center for an extension of time to implement the variances that were granted in ZBA Decision#11-96: variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group H, Section 3.12, Columns 4 (Floor Area Ratio: .15 permitted, .172 proposed) and 12 (Building Height: 25' permitted, 41' proposed) for an addition to an existing Student Health Center. The building is located on the east side of Western Highway, 600 feet north of the intersection of Mountainview Avenue, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 14; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2016 at which time the Board made the determination hereinafter set forth.

Michael Dempsey, Facilities Director, and Brian Quinn, Attorney, appeared and testified.

The following documents were presented:

1. Amended Site Plan dated 1/31/2013 with the latest revision date of 12/14/2016 signed and sealed by P. Joseph Corless, P.E.
2. Architectural plans labeled "Gymnasium Addition Hennessy Student Center" dated January 31, 2013 with the latest revision date of 12/14/2016 signed and sealed by P. Joseph Corless, P.E. (4 pages).
3. Zoning Board of Appeals Decision # 11-96 dated November 16, 2011.

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 State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and, on September 14, 2011, rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e., a "Negative Declaration" or "Neg Dec"), the ZBA is bound by the Planning board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation §617.6 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon was absent.

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Brian Quinn, Attorney, testified that they were previously approved to the expansion to the Student Health Center and offices and they did not build because of lack of funds; that they have the funds now and would like to renew or extend the approval to proceed with the project; that they are planning to start construction and very soon and would appreciate a one year extension of time.

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 extension of time to implement the variances granted in ZBA Decision #11-96 is 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. No significant change in circumstances has occurred since the variances were granted which would warrant Board reconsideration of its approval.
2. Applicants stated that they expect construction to begin in the near future.

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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 extension of time to implement the variances granted in ZBA Decision#11-96 is GRANTED FOR ONE YEAR FROM THE DATE OF THIS STAMPED DECISION; 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


Dominican College Hennessey Center
ZBA#16-16
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The foregoing resolution to approve the application for the requested extension of time of One-year (1) from the date of this stamped decision to implement the variances granted in ZBA Decision #11-96 dated November 16, 2011 was presented and moved by Ms. Castelli, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Mr. Sullivan, aye. Ms. Salomon 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: March 2, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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TOWN OF ORANGETOWN

DECISION

EXTENSION OF TIME TO IMPLEMENT THE VARIANCES GRANTED IN ZBA DECISION #13-21 GRANTED FOR 18 MONTHS FROM THE DATE OF THIS STAMPED DECISION

To: Johathan Hodash (115 Route 303)
60 South Main Street
New City, NY 10956

ZBA #16-17
Date: March 2, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-17: Application of 115 Route 303 for an extension of time to implement the variances that were granted in ZBA Decision #13-21: variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LO District, Section 3.11, 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; in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2016 at which time the Board made the determination hereinafter set forth.

Jonathan Hodash, Architect and Greg Verrilli, Attorney, 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.
4. Zoning Board Decision #13-21 dated June 19, 2013.

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 application requires a minor temporary use of land having negligible, or no permanent, impact on the environment; this application is 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: Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon was absent.

Jonathan Hodash, Architect, testified that the applicant received approval for the storage of vehicles in the building in ZBA Decision #13-21 and would like to continue to do while the sale of the property is pending to cover the gap in time and 18 months would be a sufficient amount of time.

Linda Kuperschmid testified that she owns the property and that her husband was taking care of this business when he passed away; that she would like to continue this use until they start the storage facility.

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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 extension of time to implement the variances granted in ZBA Decision #13-21 is 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. No significant change in circumstances has occurred since the variances were granted which would warrant the Board's reconsideration of its approval.
2. Applicant stated that they expect construction to begin within 18 months.

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TOWN OF CHANGESTOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested extension of time to implement the variances that were granted in ZBA Decision #13-21 dated April 3, 2013 is GRANTED for EIGHTEEN MONTHS (18) from the date of this stamped Decision; 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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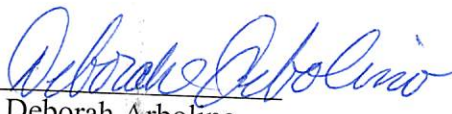
115 Route 303
ZBA#16-17
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The foregoing resolution to approve the application for the requested extension of time to implement the variances granted in ZBA Decision#13-21 dated April 3, 2013 for eighteen months (18) from the date of this stamped decision; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Ms. Salomon 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: March 2, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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