

MINUTES
ZONING BOARD OF APPEALS
June 4, 2008

MEMBERS PRESENT: PATRICIA CASTELLI
 WILLIAM MOWERSON
 NANETTE ALBANESE
 DANIEL SULLIVAN

ABSENT: JOHN DOHERTY

ALSO PRESENT: Barbara Gionta, Esq. Deputy Town Attorney
 Anne Marie Ambrose, Official Stenographer
 Deborah Arbolino, Administrative Aide

This meeting was called to order at 7: 00 P.M. by Chairman William Mowerson.

Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEMS:

MC WILLIAMS 69.10 / 2 / 26; R-15 zone	FLOOR AREA ZBA#08-46 RATIO, BUILDING HEIGHT VARIANCES APPROVED AS MODIFIED Section 6.1 (a) GRANTED FOR ONE YEAR
--	--

NEW ITEMS:

KEANE 74.13 / 4 / 41; RG zone	FLOOR AREA RATIO ZBA#08-50 AND FRONT YARD VARIANCES APPROVED WITH CONDITION
FALKOWITZ/ GRYMES 68.15 / 4 / 47; RG zone	SIDE YARD AND REAR ZBA#08-51 YARD VARIANCES APPROVED
RIVERSIDE HOMES 78.18 / 1 / 47; R-80 zone	POSTPONED ZBA#08-52
KOVALL 77.11 / 2 / 14; R-15 zone	REAR YARD ZBA#08-53 VARIANCE APPROVED
BOWLER 68.19 / 3 / 8; R-15 zone	FLOOR AREA RATIO ZBA#08-54 SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED AS MODIFIED
KEY BANK SIGN 74.10 / 1/ 71; CO zone	SIGN VARIANCE ZBA#08-55 APPROVED AS MODIFIED

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 application: Dr. Fisher Site Plan; 4-6 Independence Avenue, Tappan NY 74.18 / 3 / 35; CS zone; Pre-School Playhouse Expansion Site Plan, 557 Western Highway, Blauvelt, NY 70.14 / 2 / 32; R-15 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 11:00 P.M.

Dated: June 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
ASSESSOR
HIGHWAY DEPARTMENT
SUPERVISOR
TOWN BOARD MEMBERS
BUILDING INSPECTOR (Individual Decisions)
DEPT. of ENVIRONMENTAL MGMT. and ENGINEERING
Rockland County Planning

DECISION

FLOOR AREA RATIO, BUILDING HEIGHT VARIANCES APPROVED AS MODIFIED; Section 6.1(a) VARIANCE GRANTED FOR ONE YEAR FROM THE DATE OF THE STAMPED DECISION

To: Daniel McWilliams

ZBA # 08-46

66 Avalon Gardens Drive
Nanuet , New York 10954

Date: 5 / 21 / 08
6 / 4 / 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-46: Application of Daniel McWilliams for variances from Chapter 43, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .329 proposed) and 12 (Building Height: 20' permitted, 24.5' proposed) for an addition to an existing single-family residence; and a variance from Section 6.1(a) One un-occupied trailer or recreational vehicle permitted: request to occupy such vehicle during house renovation) The premises are located at 28 Duhaime Road, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 69.10, Block 2, Lot 26; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, May 21, 2008 and June 4, 2008 at which time the Board made the determination hereinafter set forth.

At the May 21, 2008 meeting Daniel McWilliams and Eric Osborne, Architect, appeared and testified.

The following documents were presented:

1. Architectural plan with the latest revision date of April 3, 2008 signed and sealed by Eric Knute Osborne, Architect.
2. Survey dated March 19, 2008 signed and sealed by Robert Sorace, Land Surveyor.
3. A picture of the house located at 22 Duhaime Road.
4. Fourteen digital pictures of the existing house and property.
5. Nine pictures of houses in the area that have large additions.
6. The application of Vincente Cueva, 16 Duhaime Road for variances.
7. Zoning Board Decision #02-57 Vincente Cueva.

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

At the June 4, 2008 meeting on advice of Ms. Gionta, Acting Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) Regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; and Ms. Albanese, aye. Mr. Doherty was absent.

At the May 21, 2008 meeting Daniel McWilliams testified that he is a lifelong resident of Rockland County; that he left to go into the marines and returned in 1995; that he lived in Stony Point until recently getting a divorce and giving his wife the house; that he would like to stay close to family and his brother and parents live close by; that the Board can see from the pictures submitted that the existing house is not usable; that he would like to renovate the house for himself and his son; that the trend in the neighborhood has been to renovate these smaller houses making them larger and more aesthetically pleasing; that the floor area ratio is large because of the garage; that his 14 year old son lives with him; that the house will have two bedrooms, guest bedroom, study, dining room, dinette and great room and two car garage; and that if he has to cut back on the floor area ratio he would and requested a continuance.

Eric Osborne, Architect, testified that the house is about the same size as the house two houses up but with a two car garage; that if the garage was removed the floor area ratio could be reduced and requested a continuance.

At the meeting of June 4, 2008 the following items were submitted and reviewed:

1. Architectural plan with the latest revision date of May 27, 2008 signed and sealed by Eric Knute Osborne, Architect.
2. Survey dated March 19, 2008 with the latest revision date of June 2, 2008 signed and sealed by Robert Sorace, Land Surveyor.

Dan Williams and Eric Osborne, Architect, appeared and testified.

Eric Osborne, Architect, testified that the plans have been reduced in answer to the Board's concerns; that the two-car garage has been reduced to a one-car garage; that the space above that portion of the garage has been eliminated; and that the floor area ratio has been reduced to .284.

Dan Williams testified that he would like to use the recreational vehicle to live in while the house construction is being done; that it will be hooked up to the sewer system and that he hopes to have all of the house constructed quickly.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, 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 as modified, building height and Section 6.1A variances would 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 and the use of the recreational vehicle while the house is renovated is limited to one year.
2. The requested floor area ratio as modified, building height and Section 6.1A variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining variances.
4. The requested floor area ratio as modified, building height and Section 6.1A variances although substantial are in keeping with the character of the neighborhood.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily 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 as modified to .284, building height and Section 6.1A variances is **APPROVED** with the **SPECIFIC CONDITION** that the recreational vehicle be permitted as a temporary residence for a maximum of **ONE YEAR** from the stamped dated of said 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.

Mr. Mowerson made a motion to close the Public Hearing, which motion was seconded by Ms. Castelli and carried unanimously.

The foregoing resolution to approve the application for the requested floor area ratio as modified to .284, building height and Section 6.1A variances as conditioned (One Year of use as a temporary residence from the stamped date of this decision) was presented and moved by Mr. Sullivan, seconded by Ms. Castelli, and carried as follows: Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Albanese, aye. Mr. Doherty 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 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

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

DECISION

FLOOR AREA RATIO AND FRONT YARD VARIANCES APPROVED

To: Jane Slavin (Keane)

ZBA # 08-50

25 Greenbush Road

Date: 5 / 21 / 08

Orangeburg, New York 10962

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-50: Application of John and Maureen Keane for variances from Chapter 43, Section 3.12, RG District, Group Q, Columns 4 (Floor Area Ratio: .30 permitted, .34

proposed) and 8 (Front Yard: 25' required, 24' proposed) for an addition to an existing single-family residence. The premises are located at 36 Greywood Drive, Orangeburg, New York, and are identified on the Orangetown Tax Map as Section 74.13, Block 4, Lot 41; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 4, 2008 at which time the Board made the determination hereinafter set forth.

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

John and Maureen Keane and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Site plan dated 3/28/07 based on survey by Michael Burris, P.E. & L.S. dated September 18, 1963 signed and sealed by Jane Slavin, R.A.
2. Architectural plans dated 3/18/08 signed and sealed by Jane Slavin, R.A.
3. Six letters in support of the application.

On advice of Ms. Gionta, Acting Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) Regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; and Ms. Albanese, aye. Mr. Doherty was absent.

Maureen Keane testified that she and her husband purchased the house in 1992; that they have three girls ages 13, 10 and 8; that her Dad had triple bi-pass surgery last year and he and her Mom are coming to live with them; and that they are not adding a second kitchen to the house.

Jane Slavin, Architect testified that currently there are three small bedrooms on the second level; that they are proposing to add a master bedroom suite above the living room area and taking the existing den and making it a bathroom and bedroom extension that would meet the 8' existing extension of the kitchen; that the living area for Mrs. Keane's parents will be on slab with the existing garage; that this is an undersized lot and if it were conforming the requested floor area ratio would be .32 instead of .34; that the neighborhood is a mixture of split level, bi-level, ranches and colonials; that this proposal is minor in nature to achieve the applicants' request; that the existing garage is getting smaller and will be 15.3 feet because the rest of it is being converted into living space; that the front yard variance is needed to accommodate a covered entry because the entrance of the house is facing north and is icy in the winter; that the covered entry will be 8' by 3' and if the fence is not in conformance it will be brought into conformance.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the

documents presented, 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 would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio and front yard variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining variances.
4. The requested floor area ratio and front yard variances are not substantial.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily 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 and front yard variances is APPROVED with the SPECIFIC CONDITION that the existing fence along the street be in conformance with the zoning code of the Town of Orangetown.; 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.

A motion to close the Public Hearing was made by Mr. Mowerson, seconded by Mr. Sullivan and carried unanimously.

The foregoing resolution to approve the application for the requested floor area ratio and front yard variances with the specific condition that the existing fence be in conformance with the zoning code of the Town of Orangetown was presented and moved by Ms. Albanese, seconded by Ms. Castelli, and carried as follows: Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Albanese, aye. Mr. Doherty 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 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

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

DECISION

SIDE YARD AND REAR YARD VARIANCES APPROVED

To: Heather Grymes and Ian Falkowtiz

ZBA # 08-51

140 North Lincoln Street

Date: 6 / 4 / 08

Pearl River, New York 10965

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-51: Application of Ian Falkowitz and Heather Grymes for variances from Chapter 43, R-15 District, Section 3.12, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .224 proposed), 5 (Lot Area: 15,000 Sq. ft. required, 11,400 sq. ft. existing), 6 (Lot Width: 100’ required, 94.29’ existing) and 8 (Front Yard: 30’ required, 15.8’ proposed) and Section 5.21C (undersized Lot Applies) for an addition to an existing single-family residence. Premises located at 140 North Lincoln Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.15, Block 4, Lot 47; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 4, 2008 at which time the Board made the determination hereinafter set forth.

Heather Grymes and Ian Falkowitz appeared and testified.

The following documents were presented:

1. Plot plan based on survey by Robert Sorace L.S., dated 1/3/05.
2. Architectural plans dated 3/27/08 signed and sealed by Harry J. Goldstein, Architect.

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

On advice of Ms. Gionta, Acting Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) Regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; and Ms. Albanese, aye. Mr. Doherty was absent.

Heather Grymes testified that they purchased the house three years ago; that they would like to start a family and the house is very small; that they have 1 ½ bedrooms presently; that one room is so small they use it as a small office; that they would like to add three bedrooms, a master bathroom and a family room that the house was built in the early 1900's and all the rooms are very small; that they would need a variance to construct anything.

Ian Falkowitz testified that they are removing the existing shed.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, 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, lot width, and front yard variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio, lot area, lot width and front yard variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining variances.
4. The requested floor area ratio, lot area, lot width and front yard variances although substantial are the best feasible alternative to achieve the requested addition.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily 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, lot area, lot width and front yard variances 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.

Mr. Mowerson made a motion to close the Public Hearing, which motion was seconded by Mr. Sullivan and carried unanimously.

The foregoing resolution to approve the application for the requested floor area ratio, lot

width, lot area and front yard variances was presented and moved by Mr. Sullivan , seconded by Ms. Albanese, and carried as follows: Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Albanese, aye. Mr. Doherty 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 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

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

DECISION

REAR YARD VARIANCE APPROVED

To: Michael and Mary Jane Kovall

ZBA # 08-53

189 Pine Tree Lane

Date: 6 / 4 / 08

Tappan, New York 10983

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-53: Application of Michael and Mary Jane Kovall for a variance from Chapter 43, Section 3.12, R-15 District, Group M, Column 11 (Rear Yard: 35' required, 25' proposed) for a deck at an existing single-family residence. The premises are located at 189 Pine Tree Lane, Tappan, New York, and are identified on the Orangetown Tax Map as Section 77.11, Block 2, Lot 14; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 4, 2008 at which time the Board made the determination hereinafter set forth.

Michael and Mary Jane Kovall appeared and testified.

The following documents were presented:

1. Survey.
2. Three pages of the proposed deck plans.
3. A cover letter.

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

On advice of Ms. Gionta, Acting Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) Regulations

which does not require SEQRA environmental review. The motion was seconded by Ms. Catelli and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; and Ms. Albanese, aye. Mr. Doherty was absent.

Mary Jane Kovall testified that they would like to remove the existing deck and construct anew deck that would be 2' longer and 4' wider; that they have owned the house for 14 years and the family has grown; that they have a lot of relatives in the area, the existing deck is not large enough to accommodate many people; and that there is no other place to put the deck because its present location is right off of the kitchen.

Michael Kovall testified that the property is pie shaped and that even if the deck was moved they would need a variance; that the house closest to the proposed deck is at least 65 feet away; and the new deck is going to be constructed in the same location as the existing deck, which will be removed.

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.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested rear yard variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The closes house to the proposed deck is a least 65 feet away.
2. The requested rear yard variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.
4. The requested rear yard variance is not substantial.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

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

General Conditions:

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

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

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

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

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

A motion to close the Public Hearing was made by Mr. Mowerson, seconded by Mr. Sullivan and carried unanimously.

The foregoing resolution to approve the application for the requested rear yard variance was presented and moved by Mr. Sullivan, seconded by Ms. Albanese, and carried as follows: Mr. Mowerson, aye; Mr. Sullivan, aye; and Ms. Albanese, aye. Ms. Castelli was not present for this hearing. Mr. Doherty 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 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

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

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

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.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, side yard and building height variances as modified by removing the roof over the carport would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio, side yard and building height variances as modified by removing the roof over the carport would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining variances.
4. The requested floor area ratio, side yard and building height variances although substantial are not changing the character of the neighborhood.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily 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, side yard and building height variances is **APPROVED** with the **SPECIFIC CONDITION** that the roof over the existing carport be removed; 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.

Mr. Mowerson made a motion to close the Public Hearing, which motion was seconded by Mr. Sullivan and unanimously.

The foregoing resolution to approve the application for the requested floor area ratio, side yard and building height variances as modified by removing the roof over the carport area was presented and moved by Ms. Albanese, seconded by Mr. Mowerson, and carried as follows: Mr. Mowerson, aye; Mr. Sullivan, aye; and Ms. Albanese, aye. Ms. Castelli was not present for this hearing. Mr. Doherty 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 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

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

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

DECISION

SIGN VARIANCE APPROVED AS MODIFIED

To: Alberto Gaitan (Key Bank)
10-40 45th Avenue
Long Island City, New York 11101

ZBA # 08-55

Date: 6 / 4 / 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-55: Application of Key Bank for a variance from Chapter 43, Section 3.11, CO District, Column 5 # 6 (Signs: 12 sq. ft. permitted, 116.7 sq. ft. proposed) for the installation of a wall sign 52.1 sq. ft. and a monument sign 64.6 sq. ft. A variance was granted on April 7, 1993 in ZBA Decision #93-28. The premises are located at 100 Dutch Hill Road, Orangeburg , New York, and are identified on the Orangetown Tax Map as Section 74.10, Block 1, Lot 71; CO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 4, 2008 at which time the Board made the determination hereinafter set forth.

Alberto Gaitan appeared and testified.

The following documents were presented:

1. Exterior site plan not signed or sealed.
2. Drawing created by Brilliant signs dated 9/10/07.
3. Zoning Board Decision #93-28 dated April 7, 1993.

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

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

Alberto Gaitan testified that the wall sign is in place because that sign is permitted by right; that the monument sign in combination with the wall sign causes the need for a variance; that the monument sign would be 600' from the building in the parking lot; that the proposed sign is only 12.1' over the sign size that the Board approved in ZBA#93-28; that the words 24 hour banking are going to be removed from the sign; that this is a regional bank; that the wall sign is 52.1 sq. ft.; that in order to meet the previously approved 104,6 sq. ft. the monument sign would have to be reduced.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the

documents presented, 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 sign variance as modified would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to limit the signage to the previously approved 104.6 sq. ft..
2. The requested sign variance as modified would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.
4. The requested sign variance as modified although substantial is the same as the variance granted in ZBA#93-28.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested sign variance as modified to 104.6 sq. ft. 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.

Mr. Mowerson made a motion to close the Public Hearing, which motion was seconded by Mr. Sullivan and carried unanimously.

The foregoing resolution to approve the application for the requested sign variance as modified to 104.6 sq. ft. was presented and moved by Mr. Mowerson , seconded by Mr. Sullivan, and carried as follows: Mr. Mowerson, aye; Ms. Albanese, aye; and Mr. Sullivan, aye. Ms. Castelli was not present for this hearing. Mr. Doherty 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 4, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR –L.P.

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

