

MINUTES
ZONING BOARD OF APPEALS
June 16, 2010

MEMBERS PRESENT: WILLIAM MOWERSON
 PATRICIA CASTELLI
 JOAN SALOMON
 NANETTE ALBANESE

ABSENT: DANIEL SULLIVAN

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. Mowerson, 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 ITEMS:

ALUF PLASTICS PERFORMANCE STANDARDS 70.18 / 2 / 16; LI zone	APPROVED WITH SPECIFIC CONDITIONS	ZBA#10-37
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ANDA REALTY LLC. 68.16 / 6 / 39; CS zone	CONTINUED	ZBA#10-26
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NEW ITEMS:

SPANO 74.13 / 4 / 39; RG zone	REAR YARD VARIANCE APPROVED	ZBA#10-38
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CAMBREA 77.07 / 3 / 11; R-15 zone	FRONT YARD, SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED AS MODIFIED	ZBA#10-39
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FENWICK 70.13 / 2 / 10; R-15 zone	CONTINUED	ZBA#10-40
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O'NEILL 68.16 / 2 / 51; RG zone	FLOOR AREA RATIO, TOTAL SIDE YARD VARIANCES APPROVED; ACCESSORY STRUCTURE VARIANCE APPROVED AS AMENDED	ZBA#10-41
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SALDANO 69.18 / 1 / 73; R-15 zone	SIDE YARD VARIANCE APPROVED AS MODIFIED	ZBA #10-42
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J.P. MORGAN CHASE 74.11 / 2 / 51 & 52; CC zone	SIGN VARIANCE APPROVED AS MODIFIED	ZBA#10-43
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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: Highland Mews at Sparkill Subdivision (4 lots) and Site plan, 653 Main Street, Sparkill, New York, 77.08 /5/49; CS zone; BNM Properties, LLC Internal Commercial Subdivision Plan Review, 37 Ramland Road, Orangeburg, New York, 76.08/ 1/ 6; LIO zone; Klesh Tree Remediation Plan, Critical Environmental Area, 246 B South Boulevard, Upper Grandview, New York, 66.17 / 1 / 3; R-22 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 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DECISION

PERFORMANCE STANDARDS AMENDMENT APPROVED WITH CONDITIONS

To: Donald Brenner (Aluf Plastics)

ZBA # 10-37

4 Independence Avenue
Tappan, New York 10983

Date: June 2, 2010
June 16, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-37: Application of Aluf Plastics for an Amendment to Performance Standards from Chapter 43 (Zoning) of the Code of the Town of Orangetown Section 4.12 for the installation of additional extruders. The premises is located at 3 Glenshaw Street, Orangeburg, New York, and are identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15; LI zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on the following Wednesdays, June 2, 2010 and June 16, 2010 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, and Bart Rodi, Engineer, appeared and testified.

The following documents were presented:

1. Partial floor plan dated November 5, 2009 with the latest revision date of January 14, 2010 signed and sealed by Bart Rodi, P.E.
2. Global High-Speed Winder Model 0330HSW (9 pages).
3. Global Drawtape System Model 1270GDS (6 pages).
4. Pilot Co-Extrusion Line (16 pages).
5. Material Data Safety sheets (400 pages).
6. Use Subject to Performance Standards and Fire Prevention Supplement.
7. A memorandum dated June 1, 2010 from the County of Rockland Department of Planning.
8. A letter dated May 27, 2010 from the County of Rockland Department of Health signed by Gregory Price, Air Pollution Engineer.
9. A letter dated May 21, 2010 from the County of Rockland Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
10. A memorandum dated 6/25/10 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.
11. A memorandum dated June 1, 2010 from Ron Delo, P.E., Director, Department of Environmental Management and Engineering, Town of Orangetown.

On June 2, 2010 Mr. Mowerson made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

At the June 2, 2010 Zoning Board meeting on the advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is exempt from the State Environmental Quality Review Act (SEQRA) pursuant to SEQRA Regulations §617.5 (c) (28) engaging in a review to determine compliance with technical requirements which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Salomon, aye; Ms. Castelli, aye; Ms. Albanese, aye; Mr. Sullivan, aye; and Mr. Mowerson, aye.

At the meeting of June 2, 2010 Donald Brenner, Attorney testified that 48 units were previously approved by the Board; that this is a new type operation unit; that it is state of the art technology; that he had a telephone conversation with Mr. Price and told him that they agree to testing of the eight new units; that they will work with the Health Department and the DEC; that they need approval from them before they can move forward; that the noise that the neighbor is referring to was due to a bearing that was broken on the air pollution equipment that runs all of the time and is located by the railroad tracks; that the bearing has been repaired; and that he is meeting with the Health Department on Friday and would like a continuance until the next meeting.

Bart Rodi, Engineer, testified that this process makes the plastic bags in a new combination; that the cylinder is already packages; and that there are no more pellets.

Public Comment:

Barry Seitles, 210 Greenbush Road, Orangeburg, testified that he lives east of Aluf; that he smells odors on occasion; that the letter from the Health Department sounds like there is a pattern of odor problems; that he has a problem with noise; that the Chiller makes terrible noise and sounds like there is a faulty piece of machinery that they are not fixing; that he has been in contact with Mr. Mc Phearson and he agrees that there is a problem; and that he would like to see these issues resolved.

At the meeting of June 16, 2010 Mr. Brenner, Attorney, and Mr. Rodi, Engineer appeared and testified.

Donald Brenner, Attorney, testified that there were two items left open at the last meeting; that one item was the requested data safety sheets that Mr. Rodi brought to the meeting; and the other was the Health Department letter; that they met with the Mr. Price, and Mr. Micelli from the Health Department and were waiting for a letter; that Mr. Price called and told him that the letter would not be ready for this evening because the attorney for the Health Department is not in to review it and it is their policy that all letters are reviewed before they are sent out; that the applicant needs a permit from the Health Department to proceed; and that they would be pleased with a conditional approval stating that they will meet all of the requirements of the County Health Department.

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were thereupon reviewed in detail.

The Board members made a personal inspection 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:

1. Based upon the information contained in applicants' Resume of Operations and Equipment, the Fire Prevention Supplement, the letter dated June 1, 2010 from the Director of the Orangetown Department of Environmental Management and Engineering concluding there is no reasonable doubt as to the likelihood of applicant's conformance to the Performance Standards (Zoning § 4.12); the memorandum dated 6/25/10 from Michael Bettman, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown; the letter dated May 21, 2010 from the County of Rockland Sewer District No.1; the letter dated May 27, 2010 from the County of Rockland Department of Health (unless overridden by a new letter); the other documents presented to the Board and the testimony of applicant's representatives, the Board finds and concludes that conformance with the Performance Standards set forth in Zoning Code Section 4.1 will result sufficient to warrant the issuance of a Building Permit and/or Certificate of Occupancy, subject to compliance with the orders, rules and regulations of the Building Department and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the amendment to the Performance Standards is **APPROVED** with the **SPECIFIC CONDITIONS** that the applicant adhere to all of the requirements set forth by the Orangetown Bureau of Fire Prevention and the County of Rockland Department of Health; and prior to the Zoning Board of Appeals clerk signing the map a letter of satisfaction from the County of Rockland Department of Health must be submitted to the Orangetown Department of Building, Zoning, Planning, Administration and Enforcement; **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.

The foregoing resolution to approve the application for the requested Performance Standards (Zoning Code § 4.12) was presented and moved by Mr. Mowerson , seconded by Ms. Castelli, and carried as follows: Mr. Mowerson, aye; Ms. Castelli, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Sullivan, aye.

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

DATED: June 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DECISION

REAR YARD VARIANCE APPROVED

To: Joseph Spano

ZBA # 10-38

16 Gary Lane
Orangeburg, New York 10962

Date: June 16, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-38: Application of Joseph Spano for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, RG District, Group Q, Column 11 (Rear Yard: 25' required, 11.1' proposed) for a deck at an existing single-family residence. The premises is located at 16 Gary Lane, Orangeburg, New York, and are identified on the Orangetown Tax Map as Section 74.13, Block 4, Lot 39; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 16, 2010 at which time the Board made the determination hereinafter set forth.

Joseph Spano appeared and testified.

The following documents were presented:

12. Architectural plans dated 4/28/10 (1 page) signed or sealed by Robert Hoene, Architect.

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

Joseph Spano testified that he purchased his house in 2001 and the original deck existed; that the deck is rotting and he would like to replace it and add onto it; that he would like to add 8' 4" onto the north side of the deck; that he is asking for 11.1' to the rear; that his neighbors house is another 20' from his property line; that his neighbor to the rear also has a deck but it is not close to his property; that he has a corner lot with two front yards; and that he has a shed on his property but he plans on removing it.

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

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if

the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar decks have been constructed in the area.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar decks have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear deck variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar decks 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.

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 with the SPECIFIC CONDITION that the applicant remove the existing shed; 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.

The foregoing resolution to approve the application (with said condition) for the requested rear yard variance was presented and moved by Ms. Albanese, seconded by Ms. Castelli, and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

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

DATED: June 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By _____
Deborah Arbolino

Administrative Aide

DECISION

**FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND BUILDING HEIGHT
VARIANCES APPROVED AS MODIFIED**

To: Rocky and Veronica Cambrea

ZBA #10-39

18 Windsor Brook Lane
Tappan, New York 10983

Date: June 16, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-39: Application of Rocky and Veronica Cambrea for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .29 proposed, .281 approved), 8 (Front Yard: 30' required, 20.1' proposed, 21.6' approved), 9 (Side Yard: 20' required, 13.5' proposed, 15.5' approved) and 12 (Building Height: 13.5' permitted, 17.2' proposed) for an addition to an existing single-family residence. The premises is located at 18 Windsor Brook Lane, Tappan, New York, and are identified on the Orangetown Tax Map as Section 77.07, Block 3, Lot 11; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 16, 2010 at which time the Board made the determination hereinafter set forth.

Veronica and Rocky Cambrea and Jonathan Hodosh, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 2/16/10 (9 pages) with the latest revision date of 5/3/ 10 signed and sealed by Jonathan B. Hodosh, Architect.
2. A letter dated June 14, 2010 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
3. A letter dated May 28, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
4. A letter dated May 10, 2010 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated May 24, 2010 from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
6. Seven pictures of houses in the neighborhood submitted by Jonathan Hodosh, Architect.

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

Jonathan Hodosh, Architect, testified that the existing house is a raised ranch that the family bought in 1996; that they are expanding it to accommodate the family; that they cannot go out over the existing garage; that they do not want to build the addition to the rear because it would take up the entire yard; that they went out front and to the side because it works with the existing floor plan; that because of the style of the house the addition must be two stories; that the existing height of the house is 16.2' that the existing front yard is 25.1' that they would like the portico to go out five feet further for aesthetic purposes and to give the house a foyer;; that the existing sunroom at the rear of the house is being removed; that they can take two feet off the side of the house to reduce the floor area ratio to .281 and that will increase the side yard to 15.5; that the front portico can be cut back by 18" and that would make the front yard 20.1 instead of the proposed 21.6'.

Rocky Cambrea testified that they have revised the plans many times; that there are four in the family; that they would love to get approval as submitted; that they have been in the house for 14 years; that they love the neighborhood, the school district and the street and want to stay where they are; that they are o-k with the changes offered but do not want to reduce the addition any more.

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, front yard, side yard, and building height variances as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio, front yard, side yard, and building height variances as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, front yard, side yard, and building height variances as modified, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. 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.

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 .281, front yard as modified to 21.6', side yard as modified to 15.5', 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.

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

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

DATED: June 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

DECISION

**FLOOR AREA RATIO, TOTAL SIDE YARD AND ACCESSORY STRUCTURE
DISTANCE VARIANCES APPROVED**

To: Shawn and Brigid O'Neill

ZBA # 10-41

69 Bogert Avenue

Date: June 16, 2010

Pearl River, New York 10965

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-41: Application of Shawn O'Neill for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, RG District, Group Q, Columns 4 (Floor Area Ratio: .30 permitted, .32 existing, .329 proposed), 10 (Total Side Yard: 30' required, 24.9' existing no change) and from Section 5.153 (Accessory Structure Distance: 15' required, 13' existing, 7' 2" proposed, 11' 6" approved as marked on plan) for an addition to an existing single-family residence. The premises is located at 69 Bogert Avenue, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.16, Block 2, Lot 51; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 16, 2010 at which time the Board made the determination hereinafter set forth.

Shawn O'Neill appeared and testified.

The following documents were presented:

1. Architectural plans dated March 23, 2010 (2 pages) signed and sealed by Sanford Lent, P.E..
2. Survey from subdivision of Fred L. Holt Bogert Ave. Development Lot #99 not dated or signed.

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

Shawn O'Neill testified that they own a Cape Cod style house; that they would like to square it off in the back with an 8x10' addition to use as a family room for the kids; that the proposed addition would be 11' 6" from the existing garage; and that the proposed addition would increase the floor area ratio slightly.

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, total side yard, and accessory structure distance variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio, total side yard, and accessory structure distance variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

4. The requested floor area ratio, total side yard, and accessory structure distance variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, total side yard, and accessory structure distance (of 11'6") 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.

The foregoing resolution to approve the application for the requested floor area ratio, total side yard, and accessory structure distance variances was presented and moved by Mr. Mowerson, seconded by Ms. Salomon, and carried as follows: Ms. Albanese, aye;

Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

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

DATED: June 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

DECISION

SIDE YARD VARIANCE AS MODIFIED APPROVED

To: Joseph and Margaret Soldano

ZBA # 10-42

24 Lark Street

Date: June 16, 2010

Pearl River, New York 10965

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-42: Application of Joe Soldano for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, R-15 District, Group M, Column 9 (Side Yard: 20' required, 5' proposed, 10 ½ ' approved) for the installation of an above-ground pool at an existing single-family residence. The premises is located at 24 Lark Street, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 69.18, Block 1, Lot 73; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 16, 2010 at which time the Board made the determination hereinafter set forth.

Joseph and Margaret Soldano appeared and testified.

The following documents were presented:

1. Copy of survey dated May 17, 2008 by Robert E. Sorace, L.S. with the proposed pool location drawn on it.
2. Pool specifications for the Hampton 52" pool measuring 14' x 25'.

Mr. Mowerson 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. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and /or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr.

Mowerson, aye. Mr. Sullivan was absent.

Joe Soldano testified that he received a call from the Building Department informing him that he had proposed to install the pool over an existing sewer easement and what that entailed and after discussing it with his wife they decided to move the pool further into the yard and are requesting a 10 ½ foot side yard.

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard variance as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar pools have been constructed in the area.
2. The requested side yard variance as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar pools have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard variance as modified, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar pools 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested side yard variance is **APPROVED** as **MODIFIED** to a 10 ½ ' side yard; 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.

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

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

DATED: June 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

DECISION

**SIGN AREA AMENDMENT (2.65 SQ. FT. ADDED) VARIANCES GRANTED IN
ZBA#09-16 APPROVED**

To: Jennifer M. Porter, Esq. (Chase sign)

ZBA # 10-43

One Pennsylvania Plaza
37th Floor
N.Y., N.Y. 10119-3701

Date: June 16, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-43: Application of J.P. Morgan Chase for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.11, CC District, Column 5 Accessory Use #3 Total Sign Area: 131.15 sq. ft. permitted (ZBA#09-16 dated April 1, 2009) Applicant is requesting 10.80 additional sq. ft. for a change to the proposed pylon sign. Applicant amended the requested increase to 2.65 sq. ft., which the Board approved. The property is located at 333 Route 303, Orangeburg., New York, and are identified on the Orangetown Tax Map as Section 74.11, Block 2, Lots 51 & 52; CC zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 16, 2010 at which time the Board made the determination hereinafter set forth.

Jennifer Porter, Attorney, Bane Vujinouic, Architect, Amy Bennett, sign vendor, Paul Anderson, P.E., Steve Clausell, Senior Project Manager, Chase Bank, and Chris Cesca, Vice President Marketing, Chase, appeared and testified.

The following documents were presented:

1. Architectural plans dated 3/01/07 (11 pages) with the latest revision date of 3/18/10 signed and sealed by Paul Anderson N.Y.P.E.
2. Subdivision plat dated 9/27/2005 signed and sealed by David H. Smith, P.L.S.
3. Sign drawings (3 pages) by NW Sign Industries.
4. Spec sheets for the proposed signs (4 pages) signed and sealed by Sean M. McFarland, P.E..
5. Project description dated may 10, 2010 (1 page).
6. A letter dated June 11, 2010 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
7. A letter dated June 15, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
8. A letter dated May 10, 2010 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.

Mr. Mowerson 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. Mowerson 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; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Jennifer Porter, Attorney, testified that they would like an amendment to the previously approved sign variance because the design of the signs that Chase is using at the new locations has changed since they appeared before the Board for the signs; that they were originally approved for 131.15 sq. ft with two walls signs and one blade style sign; that they would like to change the blade style sign to a lollipop style pylon sign that is 2.6' larger than the approved blade style sign; that the proposed sign is smaller than the existing sign that is on the site presently and it is larger than what was proposed and approved previously; that they can also remove the Chase logo from the directional signs; that they were told that the directional signs without the logo will not be included in the

signage for the site.

Paul Anderson, P.E., testified that the Blade style sign would not be erected and the new lollipop style pylon would be installed at the proper setback; that it would be less intrusive because it is a high sign instead of a long sign with the letters running down it; that the new sign would be 17 ½ ' tall and 2.65' larger than the proposed blasé style sign; that the existing pylon sign is 17' tall and is larger than the proposed new sign; and that the Holiday Inn sign will remain where it is presently. He also showed the Board pictures of other similar type signs that exist along the Route 303 corridor.

Amy Bennett, sign vendor, testified that there would be an additional cost if the size of the proposed sign was made 2.6' smaller; that these size signs are not custom but making that change would mean making a custom sign.

Bane Vujinovic, Architect, testified that they have not received final approval from the Planning Board yet; and that the project has been delayed to accommodate these changes.

Steve Clausell, Senior Project Manager, Real Estate Division, Chase Bank, testified that this is the design of the new Chase Bank sign; that all of the new buildings are using this sign layout.

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. Mowerson made a motion to close the Public Hearing which motion was seconded by Ms. Albanese 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 sign area amendment adding 2.65 additional sq. ft. to the sign, for a sign variance of 133.80 sq. ft., will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The change from the originally proposed blade style sign to the lollipop style sign, at a height of 17 ½' feet, is an improvement because the size of the sign is sufficient for passing motorists to view without causing a traffic hazard. The applicant has agreed to remove the Chase logo from all proposed directional signs, which further reduces the proposed increase in size requested for the amendment.
2. The requested sign area amendment adding 2.65 additional sq. ft. to the sign, for a sign variance of 133.80 sq. ft., will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The change from the originally proposed blade style sign to the lollipop style sign, at a height of 17 ½' feet, is an improvement because the size of the sign is sufficient for passing motorists to view without causing a traffic hazard. The applicant has agreed to remove the Chase logo from all proposed directional signs, which further reduces the proposed increase in size requested for the amendment.
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 sign area amendment adding 2.65 additional sq. ft. to the sign, for a sign variance of 133.80 sq. ft., although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The change from the originally proposed blade style sign to the lollipop style sign, at a height of 17 ½' feet, is an improvement because the size of the sign is sufficient for passing motorists to view without causing a traffic hazard. The applicant has agreed to remove the Chase logo from all proposed directional signs, which further reduces the proposed increase in size requested for the amendment.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, to Override the decision letter from Rockland County Planning dated June 15, 2010 because the new proposed sign's size and height are sufficient for easy viewing by passing motorists along the Route 303 corridor and that the application for the requested sign amendment variance is APPROVED for 133.80 sq. ft. of signage with the SPECIFIC CONDITION that the applicant remove the Chase Logo from all proposed directional signs; 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.

The foregoing resolution to approve the application (with conditions) for the requested sign area amendment for 133.80 sq. ft. of signage variance was presented and moved by Ms. Salomon, seconded by Ms. Castelli, and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

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

DATED: June 16, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
ENVIRONMENTAL
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR –

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

