

MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER, 5 2007

MEMBERS PRESENT: DANIEL SULLIVAN
WILLIAM MOWERSON
NANETTE ALBANESE
PATRICIA CASTELLI
JOHN DOHERTY

ABSENT: NONE

ALSO PRESENT: Kevin Mulhearn, 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:

MORALES 77.06 / 3 / 24.1; R-15 zone	POSTPONED	ZBA#07-78
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MORALES 77.06 / 3 / 24.2; R-15 zone	FRONT YARD AND SIDE YARD VARIANCES APPROVED	ZBA#07-79
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NEW ITEMS:

HEFFERMAN 68.18 / 1 / 15; R-15 zone	FRONT YARD FENCE HEIGHT APPROVED	ZBA#07-82
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BURKE 68.16 / 2 / 19; RG zone	FLOOR AREA RATIO, SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#07-83
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OZANIAN 70.14 / 2 / 12; R-15 zone	FLOOR AREA RATIO AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#07-84
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50 RAMLAND LLC 73.20 / 1 / 30; LIO zone	PARTIALLY ENCLOSED LOADING BERTH VARIANCE APPROVED	ZBA#07-85
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HANLON SUBDIVISION 77.10 / 2 / 41; R-15 zone	LOT WIDTH, SIDE YARD AND TOTAL SIDE YARD VARIANCES FOR LOT #1; FLOOR AREA RATIO, LOT WIDTH, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES FOR LOT #2 APPROVED	ZBA#07-86
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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.

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Chairman executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for SEQRA coordinated environmental review of actions pursuant to the following applications: Student Bus Company Site Plan, North Greenbush Road, Orangeburg, NY 74.07/1/15; LI zone; Shadyside Avenue Site Plan, 19 Shadyside Avenue, Upper Grandview, NY, 66.17/1/9; R-22 zone; Hillside Commercial Park Subdivision Plan, Route 304, Pearl River, NY, 68.16/1/1 & 68.11/3/39 & 40; LI zone; Omnipoint Communications Inc. Wireless Plans, 348 Route 9W, Palisades, NY 78.09/1/26; LO zone; Skyview Plaza Development Internal space subdivision, 21 East Central Avenue, Pearl River, NY, 68.16/6/62; CS zone and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:40 P.M.

Dated: September 5, 2007

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

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: George and Leslie Morales
P.O. Box 586
Palisades, New York 10964

ZBA # 07-79
Date: 9 / 5 / 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-79: Application of George and Leslie Morales for variances from Chapter 43, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .21 proposed), 8 (Front Yard: 30' required, 16.7' existing and proposed for new front porch), and 9 (Side Yard: 15' required, 6.9' existing, 10' proposed), note, undersized lot Section 5.21 applies, for an addition to an existing single-family residence. Premises are located at 53 Schreiber Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 24.2; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 5, 2007 at which time the Board made the determination hereinafter set forth.

George Morales and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Architectural plans signed and sealed by Robert Hoene, Architect, dated April 18, 2007.
2. Survey dated March 7, 2007 by John Atzl, L.S.
3. Two pictures of the house and the proposal.
4. One letter in opposition to the application.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Ms. Albanese, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

George Morales testified that the house is under contract to a family with four little girls; that he is proposing to add a bedroom, bathroom and closet to the existing house; that the side yards are existing conditions; and that the front house was also an existing condition.

Donald Brenner, Attorney testified that Mr. Morales lives in Orangetown; that he is building this house for relatives; that the floor area ratio could be reduced to .20; that he is not a professional developer; that the other lot is withdrawn for now and he is waiting to see what he will do with it.

Public Comment:

Gaetana Restifo Stampone, 54 Schrieber Street, Tappan, testified that she lives directly across the street from this proposal and she wants the Board to know that she is opposed to the building of two houses on this lot; that she submitted a letter in opposition for the last meeting; that the area is getting over-developed; that it is just like New York City without the skyscrapers; that the Board should take a ride and see the property; that she is

not objecting to this house but she is objecting to two houses on this lot.

Jim Cody, 44 Schrieber Street, Tappan, testified that he thought this about the new house and that he objects to the second house; and that he will be back for that application when Mr. Morales puts it back in front of the Board.

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:

1. The requested front yard and side yard variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to reduce the house to the permitted .20 floor area ratio.
2. The requested front yard and side 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested front yard and side yard variances is APPROVED; and FURTHER RESOLVED, that the applicant has agreed to reduce the size of the house to the permitted .20 floor area ratio; 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 front yard and side yard variances was presented and moved by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: September 5, 2007

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

FRONT YARD FENCE HEIGHT VARIANCE APPROVED

To: Noel Heffernan
92 Old Pascack Road
Pearl River, New York 10965

ZBA # 07-82
Date: 9 / 5 / 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-82: Application of Noel Heffernan for a variance from Chapter 43, Section 5.226 (Front Yard Fence: 4' height permitted, 6' height proposed) for an existing six foot fence at a single-family residence. Premises are located at 92 Old Pascack Road, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.18, Block 1, Lot 15; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 5, 2007 at which time the Board made the determination hereinafter set forth.

Noel Heffernan appeared and testified.

The following documents were presented:

1. Site plan showing the placement of the fence.
2. Five pictures of the fence.
3. Four letters in support of the application.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Ms. Castelli, aye; Mr. Sullivan, aye; Ms. Albanese, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

Noel Heffernan testified that eight years ago he installed this six foot fence in his side yard; that since then he found out that this is considered a front yard and that he needs a variance for it; that the yard has a significant slope; that the fence is located about 29 feet from the inside edge of the sidewalk; that the road has a sharp turn there and items such as hubcaps, bottles and stones were always flying into the yard; that the fence protects his children from such debris; that there is a small park and brook on that side of his property and the fence does not intrude on any neighbors property; that he and his wife have three young children; that the fence helps to keep the deer from entering the rear yard; that he submitted letters from his neighbors in support of the fence and that they offered to come to the meeting with him but he told them that it was probably not necessary.

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:

4. The requested front yard fence height variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The fence is set back 29' from the edge of the sidewalk and the applicant has agreed to upkeep and maintain the property between the fence and the sidewalk.
5. The requested front yard fence height variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
6. The benefits sought cannot be achieved by other means feasible for the applicant

other than obtaining a variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested front yard fence height variance is APPROVED with the FOLLOWING CONDITION: the applicant shall maintain and keep free of litter the property between said fence and the edge of the sidewalk; 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 front yard fence height variance was presented and moved by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: September 5, 2007

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 -N.A.

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

DECISION

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

To: Brian and Kate Burke
102 Brightwood Avenue
Pearl River, New York 10965

ZBA # 07-83
Date: 9 / 5/ 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-83: Application of Brian Burke for variances from Chapter 43, RG District, Section 3.12, Group Q, Columns 4 (Floor Area Ratio: .30 permitted, .412 proposed), 9 (Side Yard: 10' required, 7.1' proposed), and 12 (Building Height: 20' permitted, 23' proposed) (Section 5.21 Undersized Lot applies) for an addition to an existing single-family residence. Premises are located at 102 Brightwood Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 2, Lot 19; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 5, 2007 at which time the Board made the determination hereinafter set forth.

Brian and Kate Burke appeared and testified.

The following documents were presented:

1. Architectural plans signed and sealed by Harold J. Goldstein, Architect, dated January 6, 2007.
2. Seven letters in support of the application.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Ms. Albanese, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

Brian Burke testified that he and his wife had triplet boys two years ago; that they had remodeled the house and existing detached garage before the boys were born; that they have owned the house for six years; that they are proposing to remove the existing detached garage and expand the house because they need more room to accommodate their family; that the garage is presently five feet from the property line and they are asking to expand that side of the house and have a seven foot side yard; that they love

Pearl River and want to stay in the house for the next 30 years; they could not afford to buy a bigger house in Pearl River because the prices of the houses have gone up so much; that they met with the architect many times and because of the area needed for doorway and their openings the house needs to be this size to accomplish four bedrooms and two bathrooms; and that they can't use the basement because it gets water.

Public Comment:

Catherine Corvo, 98 Brightwood, testified that she is against the proposal because it is much too large for the neighborhood; that the neighbors already have a six foot fence all around the property; and that the proposed structure would block light and air for her house.

Robert Corvo, 98 Brightwood, testified that he has objections to the airflow being blocked off to his back yard; that this huge structure would diminish the enjoyment of his yard; that when he sits outside now he looks up to see lots of trees but if this is approved all he will see is a huge structure; and that the other people in support of this application live across the street.

Anne Marie Mills, 107 Bogart, testified that she is in support of the application; that Kate and Brian are great neighbors and their children play well with her disabled daughter.

Peter Mills, 107 Bogart, testified that almost all of the houses in the area have had work done on them; that this Board granted him a variance for his house and he is grateful to be able to stay in such a great neighborhood.

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:

1. The requested floor area ratio, side yard and building height 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, side yard and building height 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.

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**; 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, side yard and building height variances was presented and moved by Mr. Doherty, seconded by Mr. Sullivan, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: September 5, 2007

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 TOTAL SIDE YARD VARIANCES APPROVED

To: Stephen Ozanian
21 E. Erie Street
Blauvelt, New York 10913

ZBA # 07-84
Date: 9 / 5 / 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-84: Application of Stephen Ozanian for variances from Chapter 43, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 required, .29 existing, .30 proposed) and 10 (Total Side Yard: 50' required, 39.6' and 37.6' proposed) for an addition to an existing single-family residence. Premises are located at 21 E. Erie Street, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.14, Block 2, Lot 12; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 5, 2007 at which time the Board made the determination hereinafter set forth.

Stephen and Cynthia Ozanian appeared and testified.

The following documents were presented:

1. Site Plan dated 6/7/07 based on a survey dated 1/2/80 by Dillon Sorace Associates
2. Architectural plans dated 5/17/07 signed and sealed by Vincent M. Acocella, Architect.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Mr. Doherty, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; and Mr. Mowerson, aye.

Stephen Ozanian testified that the project started out as fixing a problem with water in the basement; that in order to fix that problem the rear deck needed to be removed and since that was going to be replaced anyway they thought they would bump out three feet and put I French doors and then a media wall was added and when they finished they came up with a 51 square foot addition; that the lot is undersized; that in 1990 they did receive a variance and anything they do to the house requires a variance.

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:

1. The requested floor area ratio and total side 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 total side 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.

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 total side 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.

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

aye; Mr. Doherty, aye; and Ms. Albanese, 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: September 5, 2007

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

PARTIALLY ENCLOSED LOADING BERTHS VARIANCE APPROVED

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

ZBA # 07- 85
Date: 9 / 5/ 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-85: Application of 50 Ramland LLC for a variance from Chapter 43, Section 3.11, LIO District, Column 7 refers to LO District, Column 7 (Loading Berths shall be within completely enclosed buildings: Loading berths are partially enclosed) for an addition to an existing warehouse with offices. Located at 50 Ramland Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.20, Block 1, Lot 30; LIO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 5, 2007 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney and John Atzl, Land Surveyor, appeared and testified.

The following documents were presented:

1. Site Development Plan signed and sealed by John R. Atzl, N.Y.S. P. L.S., with the latest revision date of 5/30/07.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Ms. Albanese, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

Donald Brenner, Attorney, testified that this building has been vacant for quite a while;

that the owner has been able to rent it out but needs to add partially enclosed loading berths to the space because the existing inside space is spoken for; and that the requested variance is strictly for the addition of these partially enclosed loading berths.

John Atzl, Land Surveyor, testified that the enclosed loading berths are not large enough for some of the delivery trucks such as box trucks and tractor trailers; that the Fed Ex truck usually delivers to the front of the building; that there are three existing internal loading docks on the east side of the building that will remain; and that the applicant can remove the Nasa trailer, air conditioners and other debris on the property before the issuance of the building permit as the Board has requested.

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:

1. The requested partially enclosed loading dock would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. This building is not visible from the roadway.
2. The requested partially enclosed loading dock 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested partially enclosed loading berth variance is **APPROVED** with the following **CONDITION**: the applicant shall remove all debris (air conditioners, Nasa Trailer, etc.) prior to the issuance of a building permit; 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 partially enclosed loading berth variance was presented and moved by Ms. Albanese, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: September 5, 2007

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

DECISION

**LOT WIDTH, SIDE YARD, AND TOTAL SIDE YARD FOR LOT #1 AND
FLOOR AREA RATIO, LOT WIDTH, SIDE YARD, TOTAL SIDE YARD, AND
BUILDING HEIGHT FOR LOT #2 VARIANCES APPROVED**

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

ZBA # 07-86
Date: 9 / 5 / 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-86: Application of Hanlon Subdivision for variances from Chapter 43, R-15 District, Section 3.12, Group M, Columns 6 (Lot Width: 100' required, 75' proposed), 9 (Side Yard: 20' required, 15' proposed) 10 (Total side Yard: 50' required, 35' proposed) for lot #1 and Columns 4 (Floor Area Ratio: .20 permitted, .24 proposed), 6 (Lot Width: 100' required, 75' proposed), 9 (Side Yard: 20' required, 6.2' proposed), 10 (Total Side Yard: 50' required, 37.6' proposed), and 12 (Building Height:6.2' permitted, 25' existing) for lot #2 of a proposed two lot subdivision of single-family residence. Premises are located at 65 Western Highway, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.10, Block 2, Lot 41; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 5, 2007 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. A memorandum dated May 23, 2007 from John Giardiello, P.E., Director,
2. Planning Board Decision #07-36 dated May 23, 2007.
3. Subdivision plan dated 6/4/07 signed and sealed by Jay Greenwell, PLS.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Ms. Albanese, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

Donald Brenner testified that the Planning has looked at this plan and granted preliminary approval; that the applicant presented two other layouts and the Planning Liked this one the best; that one of the other layouts did not require variances but the Board thought the layout was too confusing; and that most of the variances are for the existing house on lot #2.

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:

1. The requested lot width, side yard and total side yard variances for lot #1 and floor area ratio, lot width, side yard, total side yard and building height variances for lot #2 would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant had submitted two other layouts for this subdivision; the Planning Board chose this layout as the best for the subdivision and the Zoning Board is in agreement. 2.
2. The requested lot width, side yard and total side yard variances for lot #1 and floor area ratio, lot width, side yard, total side yard and building height variances for lot #2 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the lot width, side yard and total side yard variances for lot #1 and floor area ratio, lot width, side yard, total side yard and building height variances for lot #2 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.

The foregoing resolution to approve the application for the requested lot width, side yard

and total side yard variances for lot #1 and floor area ratio, lot width, side yard, total side yard and building height variances for lot #2 was presented and moved by Ms. Castelli, seconded by Mr. Sullivan, and carried as follows: Ms. Albanese, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Mr. Mowerson, 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: September 5, 2007

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

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APPLICANT
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