

MINUTES
ZONING BOARD OF APPEALS
MAY 16, 2012

MEMBERS PRESENT: WILLIAM MOWERSON
 JOAN SALOMON
 PATRICIA CASTELLI
 NANETTE ALBANESE

ABSENT: DANIEL SULLIVAN
 MICHAEL BOSCO, ALTERNATE

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

NEW ITEMS:

MONZON 77.08 / 5 / 21; RG zone	REAR YARD VARIANCE APPROVED	ZBA#12-30
RITCHIE 73.16 / 2 /12; R-22 zone	FRONT YARD VARIANCE APPROVED	ZBA#12-31
CRESTRON SIGN 77.05 / 1 / 36; LIO zone	SIGNAGE VARIANCES APPROVED	ZBA#12-32

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:05 P.M.

DECISION

REAR YARD VARIANCE APPROVED

To: Abel Monzon

ZBA # 12-30

16 William Street
Sparkill, New York 10976

Date: May 16, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#12-30: Application of Abel Monzon for a variance from Chapter 43 (Zoning), Section 3.12, RG District, Group Q, Column 11 (Rear Yard: 25' required, 11' existing) for an existing deck at an existing single-family residence. The premises are located at 16 William Street, Sparkill, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 5, Lot 21 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 16, 2012 at which time the Board made the determination hereinafter set forth.

Abel Monzon appeared and testified.

The following documents were presented:

1. Site plan with the pool and deck drawn on it.
2. Deck plans with pool (2 pages)

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. 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. Salomon and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Abel Monzon testified that he got a permit to extend the existing deck around his pool; that when the inspector came to do the inspection, he was told that the existing deck needs a variance; that he has owned the house for seven years and lives there with his wife and three children; that he has a very odd shaped lot and the deck has existed for sometime.

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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant is seeking to legalize a deck that existed when he purchased the property. The lot is very oddly shaped and almost anything done in the rear yard would require a variance.
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. The applicant is seeking to legalize a deck that existed when he purchased the property. The lot is very oddly shaped and almost anything done in the rear yard would require a variance.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance. The applicant is seeking to legalize a deck that existed when he purchased the property. The lot is very oddly shaped and almost anything done in the rear yard would require a variance.
4. The requested rear yard variance is not substantial.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) but I not proposing a new addition and/or improvements, so the alleged difficulty is not entirely 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; 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 rear yard variance was presented and moved by Ms. Salomon, seconded by Ms. Castelli 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.

DECISION

FRONT YARD VARIANCE APPROVED (UNDERSIZED LOT APPLIES)

To: Chris and Laura Ritchie

ZBA # 12-31

236 Betsy Ross Drive
Orangeburg, New York 10962

Date: May 2, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 12-31: Application of Chris and Laura Ritchie for a variance from Chapter 43 (Zoning), R-22 District, Group I, Section 3.12, Column 8 (Front Yard: 40' required, .25.3' proposed) [Section 5.21 undersized lot applies] for an addition to an existing single-family residence. The premises are located at 236 Betsy Ross Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.16, Block 2, Lot 12; R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 2, 2012 at which time the Board made the determination hereinafter set forth.

Chris Ritchie and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Site plan dated 2/15/2012 based on survey by Robert Rahnefeld, L.S. dated May 6, 2006, signed and sealed by Jane Slavin, Architect.
2. Architectural plans dated 4/12/2012 signed and sealed by Jane Slavin, Architect.
3. A letter in support of the application from Frances and Peter Jacobs.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of

Appeals, Mr. 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. Salomon and carried as follows: Ms. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Christopher Ritchie testified that they would like to add a front foyer to the house; that presently you must go back down the front steps to open the front door; that they also proposing to bump out the front of his son's bedroom two feet; that he house was built in 1973; that they owned the house since 2001 and there are five members of the family.

Jane Slavin testified that the lot is undersized; that it looks as if the development was done under average density zoning; that the existing front yard is 33.1 feet and they are Requesting 25.3 feet; that the existing front yard does not comply with the zoning; that they are proposing a four foot bump-out for the foyer, a two-foot bump-out for the bedroom and a four foot covered roof area over the front door; that there is one other house, closer to Blaisdale that has a similar addition; that there is a thirty foot wide sewer easement in the rear yard; that the shed is in the easement but is not on a permanent foundation.

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 front yard variance 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 front yard variance 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 a variance. The existing front yard does not meet the requirements of the R-22 zoning district, therefore any work done to the front of the residence would require a variance.
4. The requested front yard variance is not substantial.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area

variances.

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

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested front yard variance was presented and moved by Ms. Albanese, seconded by Ms. Salomon 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.

DECISION

SIGN VARIANCE APPROVED

To: Steven Grogg (Crestron Sign)

ZBA # 12-32

McLaren Engineering Group
100 Snake Hill Road
West Nyack, New York 10994

Date: May 16, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#12-32: Application of Crestron Electronics Inc. for a variance from Chapter 43 (Zoning). LIO District, Section 3.11, Column 5, #11 (Sign: 30' sq. ft., 20' from lot line permitted; 97 sq. ft. proposed to be located in the Town R.O.W.) The business is located at 38 Ramland Road, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.05, Block 1, Lot 37; LIO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 16, 2012 at which time the Board made the determination hereinafter set forth.

Steve Grogg, P.E., and Dan Feldstein appeared and testified.

The following documents were presented:

1. Signage plan dated 02/09/2012 signed and sealed by Steven Grogg, P.E., McLaren Engineering Group.
2. Architectural drawings of the proposed signs, (2 pages) signed and sealed by Michael A. Elkin, Architect.
3. Cover letter dated March 19, 2012 from McLaren Engineering.
4. Planning board Decision #10-23 dated June 9, 2010.
5. Zoning Board Decision #'s 10-21 & 10-22.
6. Planning Board Decision # 09-11 dated January 27, 2010.
7. A letter dated May 1, 2012 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
8. A letter dated May 14, 2012 from the County of Rockland Department of Planning signed by Thomas Vanderbeek, Commissioner of Planning.
9. Copy of a "Covenant, Hold Harmless and Indemnification Agreement dated February 2, 2012.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application seeks to construct or expand a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is 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. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Steve Grogg testified that the project is in the first phase of development and has a certificate of occupancy for the building; that at the time of Planning Board approval the applicant offered the bridge and turn-around to the Town; that the identification sign is proposed for the entrance in the dedicated Town right-of way and a hold harmless agreement has been filed; that they have been working with Mr. Dean to get the hold harmless filed; that presently there is a mock sign in the proposed location because Mr. Dean requested that be done; that the next sign will be located within the Crestron property and is a directional sign with the company logo on it; and the third sign is the lettering CRESTRON on the building entrance over the canopy;; that the sign

calculations were done to include all of the solid blue area on the bottom portion of the signs but the actual signage is smaller; that the actual text area of the signs is 29.73 square feet; and that the signs are a branding mechanism for the company.

Dan Feldstein, Crestron testified that the site is quite large and they are requesting the directional sign with their logo on it so that there is no confusion that the building is not a multi-tenant building; that the building sign and the directional sign will not be visible from the road; that they are only visible from the interior of the site; that they are a corporate branding mechanism for the business; and that the residential neighbors are 200 feet away.

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 signage variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has filed a covenant, hold harmless and indemnification agreement for the sign that will be placed in the Town right-of-way. The other signs are interior on the lot and will not be easily seen from outside the large lot.
2. The requested signage variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has filed a covenant, hold harmless and indemnification agreement for the sign that will be placed in the Town right-of-way. The other signs are interior on the lot and will not be easily seen from outside the large lot.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The applicant has filed a covenant, hold harmless and indemnification agreement for the sign that will be placed in the Town right-of-way. The other signs are interior on the lot and will not be easily seen from outside the large lot.
4. The requested signage variances, although substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The majority of the signage is proposed for the interior of the large site.
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 signage 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 signage variances was presented and moved by Mr. Mowerson, 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.

