

MINUTES
ZONING BOARD OF APPEALS

NOVEMBER 7, 2007

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

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 ITEM:

LAMONT DOHERTY SIGN 80.10 / 1 / 2; R-80 zone	SIGN VARIANCE APPROVED	ZBA#07-101
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NEW ITEMS:

SINNER 70.13 / 3 / 6; R-15 zone	FRONT YARD FENCE HEIGHT VARIANCE DENIED	ZBA#07-102
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BOSSMAN 68.16 / 5 / 40; R-15 zone	FRONT YARD. SIDE YARD TOTAL SIDE YARD VARIANCES APPROVED	ZBA#07-103
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U.S. INFORMATION SYSTEMS 68.20 / 1 / 1.1; LI zone	FRONT YARD AND SIDE YARD VARIANCES APPROVED	ZBA#07-104
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HYDE 78.18 / 2 / 8; R-22 zone	SIDE YARD AND REAR YARD VARIANCES APPROVED	ZBA#07-105
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BLAUVELT CAR WASH 70.10 / 3 / 16; CC zone	CONTINUED	ZBA#07-106
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ELEGANT MARBLE & GRANITE PERFORMANCE STANDARDS 74.11 / 1 / 27; LI zone	APPROVED WITH CONDITIONS	ZBA#07-107
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LERNER 77.12 / 1 / 52.1; R-15 zone	FRONT YARD VARIANCE APPROVED	ZBA#07-108
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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.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 11:45 P.M.

Dated: November 7, 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

SIGN VARIANCE APPROVED

To: Peter Vieira (Lamont Doherty)	ZBA # 07-101
Payette Associates, LLP.	Date: 11/ 7/ 07
285 Summer Street	
Boston, MA. 02210	

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-101: Application of Lamont Doherty Geochemistry Building for a variance from Chapter 43, R-80 District, Section 3.11., Column 5 #12 (Zoning Board of Appeals may permit 1 sign not over 20 sq. ft. and 34 sq. ft. is proposed) for the installation of a sign at the new geochemistry Building.. Premises are located at 61 Route 9W, Palisades, New York and are identified on the Orangetown Tax Map as Section 80.10, Block 1, Lot 2; R-80 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007 at which time the Board made the determination hereinafter set forth.

Peter Vieira, Architect and Patrick O'Reilly, Assistant Director of Facilities and Engineering, Lamont Doherty, appeared and testified.

The following documents were presented:

1. Architectural plan for sign and its location.
2. A cover letter from Payette Associates.

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.

Peter Vieira, Architect, testified that they are proposing a sign for the new Geochemistry Building that would exceed the 20 sq. ft. permitted by code; that the building is set back from the street and from any abutting property owners; that the sign was designed to compliment the exterior of the front of the building; that the design calls for reverse channel illumination of individual letters set on aluminum which compliments the building; that the donors name Gary C.Comer, would be larger, 14.625 inches and the Geochemistry Building would be 9.75 inches in height; that they would really like the donors name to be distinguished; that the lighting would not be intrusive because it is cool white LED illumination with 2” deep reverse channel letters mounted on aluminum; and that the letter size could be reduced but they would prefer to keep the size as proposed because it was designed to fit with the size and design of the building.

Patrick O’Reilly testified that other buildings on the campus have signs but this is the first sign illuminated on the building; that other signs are on the building and are illuminated by ground lights; that other designs were studied for this building but this design was chosen; that this building does not have outside lighting other than the illumination behind the letters; that there is a clear banding on the building at the area of the proposed sign and these size letters fit into that space; that the seismology building has a sign on the building and the geoscience building also has a sign on the building;

that these building were constructed years ago and the signs compliment those older buildings; and that honoring the donor for this building is important.

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 sign variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The building is not visible from any public road and the sign will only be seen by people intending to visit the geochemistry building or other similar buildings on the campus.
2. The requested sign 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 sign 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 sign variance was presented and moved by Mr. Mowerson, 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: November 7, 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

FRONT YARD FENCE HEIGHT VARIANCE DENIED

To: Cathy McVeigh Sinner
4 Theodore Roosevelt Drive
Blauvelt, New York 10913

ZBA # 07- 102
Date: 11/ 7/ 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-102: Application of Cathy McVeigh Sinner for a variance from Chapter 43, R-15 District, Group M, Section 5.226 (Front Yard Fence Height: 4 ½ ' permitted, 6' existing) for a front yard fence at an existing single-family residence. Premises are located at 4 Theodore Roosevelt Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.13, Block 3, Lot 6; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007 at which time the Board made the determination hereinafter set forth.

Cathy McVeigh Sinner and John Sinner appeared and testified.

The following documents were presented:

1. Survey of the property dated 9/23/93
2. Phase 4 Fencing estimate dated 10/24/07.
3. Thirteen pictures of the fence.
4. A letter of support signed by 18 neighbors.

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.

Cathy McVeigh Sinner testified that they needed a fence for privacy and security reasons; that they live one house down from a double yellow line road; that they had planned on landscaping by the fence but never got a chance because the day after the fence was installed they were told that it was in violation; that they had spoken to Rick Oliver and were told that a 4 ½ ' fence could be constructed in the front yard and a 6' fence was fine for the side and rear yard; that they thought the front yard meant across the front of the house and that this was their side yard; that their side yard meets the neighbors' rear yard and they installed this fence for privacy and security; that it is safer for the dogs and their daughter; that it cost \$1,200.00 to install and it would cost \$500.00 to have it cut down to a 4 ½ ' height; that the fence is tapered to a 4' height at the sidewalk; that one of her neighbors told her that they got a variance for their fence but it was over ten years ago so

there was paper work in the office; that their twelve year old daughter is scared of Mrs. Levy; that the fence provides some privacy from her and protects her daughter; that she has lived in her house for 14 years and the back yard has never looked like a junk yard; that she has asked for a mediator to help with the situation with Mrs. Levy; and that perhaps the Board can see why she wants to keep the fence.

John Sinner testified that the shed was moved 5' from the property line; and that they did try to do everything right and misunderstood Mr. Oliver.

Public Comment:

Sandra Swanson, 95 Blauvelt Road, testified that she bought her house 20 years ago; that she was told the rules and has abided by them; that she left Monsey because they were building additions everywhere and putting up fences; that the Sinners should have gotten a permit before they installed the fence instead of trying to get approval after the fact.

Audrey Domenick, 87 Blauvelt Road, testified that the fence looks fine; that if it were four foot you could see past it; and that putting up the fence did not ease any of tensions between the neighbors.

Angelina Levy, 91 Blauvelt Road, testified that she is the adjoining property owner; that she questions if the Sinner's did not know that the six foot fence could not be installed there because they tapered it at the sidewalk; that she told the fence company that a six foot fence could not be installed without a permit; that they have had problems with the Sinners' that there is twenty feet between her house and theirs; that she complained about an illegal shed that they had on their property and it took them one year to move it; that they put a stockade fence up that looks like a rollercoaster; that they have a trampoline and a new shed that looks like it fell out of the sky; that she lives in the corner house that faces the school; that they have the first house on Theodore Roosevelt Drive; that their fence is in the way when turning the corner; that she has a six year old that rides her bike on the sidewalk; that with the fence she can no longer see her daughter when she is riding her bike on the sidewalk; that the fence should be four foot high; that Mr. Oliver advised them that they could not install a six foot fence in the front yard; that it is a problem; and that her daughter cannot ride her bike on Blauvelt Road because the road is too busy.

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 fence height variance would produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested front yard fence height variance would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought can be achieved by other means feasible for the applicant other than obtaining a variance. Evergreen screening would provide the privacy that the applicant is seeking.

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 DENIED and Further Resolved that the applicant shall remove the fence or reduce the height of the fence to 4 ½' within 30 days of the date this Decision is stamped and filed; 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 deny the application for the requested front yard fence height variance was presented and moved by Mr. Doherty, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, nay.

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: November 7, 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 –J.P.

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

DECISION

**FRONT YARD, SIDE YARD AND TOTAL SIDE YARD VARIANCES
APPROVED**

To: Ralph and Evelyn Bossmann
48 Roosevelt Street
Pearl River, New York 10965

ZBA # 07- 103
Date: 11/ 7/ 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-103: Application of Ralph and Evelyn Bossmann for variances from Chapter 43, Section 3.12, R-15 District, Group M, Columns 8 (Front Yard: 25’ required, 22.1’ proposed), 9 (Side Yard: 10’ required, 8.5’ proposed), and 10 (Total Side Yard: 20’ required, 14.5’ proposed) for an addition to an existing single-family residence. Premises are located at 48 Roosevelt Street, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 5, Lot 40; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007 at which time the Board made the determination hereinafter set forth.

Ralph and Evelyn Bossmann appeared and testified.

The following documents were presented:

1. A copy of the property survey.
2. Two page plans for the proposed front porch.
3. A letter dated September 25, 2007 from the County of Rockland Department of Planning.

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.

Ralph Bossmann testified that he would like to add a front porch to his house; that he is proposing that the porch run the width of the house at the front and extending out eight feet; that the 6’ side yard is an existing condition at the rear of the house; that the side

yard would be 8.5' on the other side at the front of the house which causes the total side yard of 14.5; that the front porch will enhance the look of the house and the house does not sit straight on the property and the property has a very odd shape.

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 front yard, side yard 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 front yard, side yard 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 front yard, side yard 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 front yard, side yard and total side yard variances 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: November 7, 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

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: Joe and Chris Montana
200 East Erie Street
Blauvelt, New York 10913

ZBA # 07- 104
Date: 11/ 7/ 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-104: Application of U.S. Information Systems for variances from Chapter 43, Section 3.12, LI District, Group QQ, Columns 8 (Front Yard: 50’ required, 26.2’ existing, 7.3’ to patio, 16’ to roof canopy), 9 (Side Yard: 50’ required, 18’ 2” existing, 12’ 9 5/8” proposed) for a canopy at an existing commercial building. Premises are located at 35 West Jefferson Associates, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1.1; LI zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007 at which time the Board made the determination hereinafter set forth.

Joe Montana, Laura Weiss and Robert Lagana appeared and testified.

The following documents were presented:

1. Survey dated 10/12/2006 by Anthony Celentano.
2. Cover sheet, Site plan, Elevation & Partial Floor Plan dated August 20, 2007 signed and sealed by Daniel L. Henkel, Architect.
3. A letter dated September 26, 2007 from the County of Rockland Drainage Agency signed by Edward F. Devine, Executive Director.

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.

Joe Montana testified that they are proposing to add two canopies to the exiting building; that there was one canopy that is being replaced for the U.S. Information System entrance; that the proposed canopy is the same size as the previously approved canopy; that the east side canopy will be for Vision Fitness; that the wall is proposed for the patio and will be approximately 3' high; and is for decorative purposes around the proposed patio.

Laura Weiss testified that the property is surrounded by the muddy creek, railroad, and the parking lot; that the proposal does not negatively affect anyone; that the Town did a beautiful job on the sidewalk ; that they did a lot of research on the property before purchasing it and there are a lot of maps out there but no complete site plan of Dexter Park; that the Title Company was going crazy with this search; that this parcel was excluded from one of the maps found; that there are various kinds of maps but not one definitive site map; that there are separate owners for separate tax lots; that originally the property was owned by Johnson, Adler and Kirchner but was sold over and over again; and that they have a legal description of the property.

Robert Lagana testified that they are trying to direct people into the building via access by the walkway; and that the building is screened off center.

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 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 installation of a canopy at the building is causing the need for variances along with the installation of a patio with a decorative wall enclosing it.
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. There is no proposed ground disturbance at the site.
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 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. Sullivan, seconded by Ms. Castelli, and carried as follows: Mr. Mowerson, aye; Mr. Sullivan, 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: November 7, 2007

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

DECISION

FLOOR AREA RATIO AND FRONT YARD VARIANCES APPROVED

To: Tad and Amy Hyde
127 Washington Spring Road
Palisades, New York 10964

ZBA # 07-105
Date: 11/ 7/ 07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-105: Application of Tad and Amy Hyde for variances from Chapter 43, Section 3.12, R-22 District, Group I, Columns 9 (Side Yard: 25’ required, 18.67’ existing, 20.75’ proposed) and 11 (Rear Yard: 45’ required, 44’ proposed) for an addition to an existing single-family residence. Premises are located at 127 Washington Spring Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 2, Lot 8; R-22 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007 at which time the Board made the determination hereinafter set forth.

Henry Shradly appeared and testified.

The following documents were presented:

1. Architectural plans dated June 26, 2007 signed and sealed by Robert Strong, 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.

Henry Shrady testified that there is an open permit out on the house; that during construction a few changes were requested and that is why he is before the Board; that the applicant would like to add 139 sq. ft. to the front entry porch that will extend into the front yard set back; 136 sq. ft. onto the existing garage for storage which will extend into the rear yard set back; that the existing front yard is 18'8", which is a pre-existing condition and the new proposal will require a 20.75' front yard set back; that the square footage of the house is well under the permitted 6,805 sq. ft. permitted; that the house after the proposed addition will be 5,302 sq. ft.

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 side yard and rear 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 side yard and rear 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 side yard and rear 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 side yard and rear yard variances was presented and moved by Mr. Doherty, seconded by Mr. Sullivan, and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Mowerson, 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: November 7, 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

**PERFORMANCE STANDARDS CONFORMANCE APPROVED with
CONDITIONS.**

To: Elegant Marble & Granite
17 Greenbush Road
Orangeburg, New York 10962

ZBA#07-107
Date: 11/7/07

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA#07-107: Application of Elegant Marble and Granite pursuant to Section 4.1 and 10.334 for Use Subject to Performance Standards review with respect to tile, marble and granite warehouse and light manufacturing and showroom. Premises are located at 17 Greenbush Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.11, Block 1, Lot 27; LI zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007, at which time the Board made the determination hereinafter set forth.

Antonio Villalobos and Uri Sassone appeared and testified and the following documents were presented:

1. Site plan for Suite at 17 Greenbush Road, Orangeburg, NY unsigned and undated.
2. Resume of Operations and Equipment dated July 25, 2007, revised November 13, 2007.
3. Short Environmental Assessment Form dated 11/13/07.
4. Interdepartmental Memorandum from M.B. Bettmann, Chief, Bureau of Fire Prevention to the Zoning Board of Appeals dated 10/23/07 .
5. Correspondence from the Town of Orangetown Department of Environmental Management and Engineering to the Zoning Board of Appeals dated 10/10/07.
6. A letter dated October 10, 2007 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
7. Material Safety Data Sheets.

Antonio Villalobos testified that he would be storing and cutting and polishing marble; that the compressor could be moved inside the building; that he will bring brochures of the product; that the propane for the fork lift is stored outside nightly; that he will contract with a hazardous waste removal service for his rags; and that he will submit a list of quantity and type of container for lacquer, thinner, epoxy, adhesive and caulk.

The Resume of Operations and Equipment, Fire Prevention Supplement and Short Environmental Assessment form were thereupon reviewed in detail.

The Board members made a personal inspection of the premises the week the before the hearing 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.

At the hearing on November 7, 2007, the Board determined that the proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Zoning Board of Appeals will have any significant involvement in the Performance Standards Conformance Review process, pursuant to Section 617.6 of SEQRA. On motion by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Doherty, aye; Ms. Castelli, aye; Ms. Albanese, aye; and Mr. Mr. Mowerson, aye, the Board declared itself as Lead Agency for Performance Standards Conformance Review.

The Orangetown Zoning Board of Appeals, as Lead Agency, determined that the

proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns. In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed construction. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

On motion by Mr. Mowerson, seconded by Ms. Castelli and carried as follows: Mr. Doherty, aye; Mr. Mowerson, aye; Ms. Albanese, aye; Mr. Sullivan, aye; and Ms. Castelli, aye, the Board made a Negative Declaration.

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, Short Form Environmental Form, the letter of the Director of the Orangetown Department of Environmental Management and Engineering, the letter from Michael Bettmann, Orangetown Fire Inspector, the letter from Rockland County Department of Planning, concluding there is no reasonable doubt as to the likelihood of applicant's conformance, the other documents presented to the Board and the testimony of applicant's representative, the Board finds and concludes that conformance with the Performance Standards set forth in 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 is APPROVED with the Specific CONDITIONS that (a) the applicant adhere to all of the requirements set forth by the Town Fire Safety Bureau, and (b) the applicant furnish the Board with written information setting forth the quantity, weight, size and type of containers being utilized in the storage of the lacquer, thinner, epoxy, adhesive and caulk listed as utilized on the premises and the manner of their disposal; 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 these conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any buildings 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 the variances being requested.

ZBA#07-108: Application of Douglas Lerner for a variance from Chapter 43, Section 3.12, R-15 District, Group M, Column 8 (Front Yard: 30' required, 26.7' existing, and proposed) for an addition to an existing single-family residence. Premises are located at 357 Washington Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.12, Block 1, Lot 52.1; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2007 at which time the Board made the determination hereinafter set forth.

Jay Theise and Douglas Lerner appeared and testified.

The following documents were presented:

1. Plot plan for Subdivision of James revised with corrected tax lot numbers dated 11/8/07 signed and sealed by Jay A. Greenwell, L.S..
2. Architectural plans dated August 14, 2007 by Kier B. Levesque, 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 Ms. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

Jay Theise testified that the house is set back off the road; that the house is over 100 years old; that they are proposing a two-story addition of a family room bathroom and two bedrooms; that the total addition would be 900 sq. ft.; that the property was subdivided four years ago; and that the tax lot numbers would be corrected and new plans submitted.

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 front yard variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house is 100 years old and the front yard variance is an existing condition.
2. The requested front yard variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

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. 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: November 7, 2007

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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