

MINUTES  
ZONING BOARD OF APPEALS  
May 20, 2020

MEMBERS PRESENT: DAN SULLIVAN  
MICHAEL BOSCO  
THOMAS QUINN  
PATRICIA CASTELLI  
ROB BONOMOLO, JR.  
BILLY VALENTINE

ABSENT: NONE

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
Denise Sullivan, Deputy Town Attorney

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan 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:

K.J ROCK 11 Goswick Court Sparkill, New York 77.08 / 5 / 36.4; RG zone	SECTION 5.221 VARIANCE APPROVED	ZBA#20-28
MORONEY 21 Duhaime Road Pearl River, NY 69.10 / 1 / 36; R-15 zone	FLOOR AREA RATIO, AND BUILDING HEIGHT VARIANCES APPROVED: UNDERSIZED LOT ACKNOWLEDGED	ZBA#20-29
MC ANDREW 43 Yale Terrace Blauvelt, NY 70.10 / 1 / 22; R-15 zone	FLOOR AREA RATIO, SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED WITH CONDITION	ZBA#20-30
WILEY 161 Old Middletown Road Pearl River, NY 69.17 / 1 / 26; R-15 zone	SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED: UNDERSIZED LOT ACKNOWLEDGED	ZBA#20-31
VALENTINE 9 Buttonwood Place Blauvelt, NY 69.20 / 1 / 47; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#20-32

TOWN OF ORANGETOWN  
2020 MAY 28 A 10: 14  
TOWN CLERK'S OFFICE

Page 2 Minutes

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 8:30 P.M.

Dated: May 20, 2020

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By Deborah Arbolino

Deborah Arbolino, Administrative Aide

DISTRIBUTION:  
APPLICANT  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
TOWN BOARD MEMBERS  
BUILDING INSPECTOR (Individual Decisions)  
Rockland County Planning

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:14  
TOWN CLERK'S OFFICE

DECISION

**SECTION 5.221 VARIANCE APPROVED**

To: Richard Ramsay  
572 Route 303  
Blauvelt, New York 10913

ZBA #20-28  
Date: May 20, 2020  
Permit #49390

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-28: Application of K.J. Rock for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, RG District, Section 5.221 (Steps over 16 sq. ft. over 2' above grade, requires a variance) for a wall and steps at an existing single-family residence. The premises are located at 11 Goswick Court, Sparkill, New York and is identified on the Orangetown Tax Map as Section 77.08, Block 5, Lot 36.4 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 20, 2020 at which time the Board made the determination hereinafter set forth.

Joseph Ruggiero appeared and testified.

The following documents were presented:

1. Plans labeled "The Ruggiero Family 13 Goswick Court" dated June 17, 2019 signed and sealed by Matthew Benedict Pecora, AIA. (15 pages)
2. A letter dated March 25, 2020 from the Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
3. A letter dated March 19, 2020 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A no comment at this time from Dyan Rajasingham, Rockland County Highway Department dated 2/25/2020.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Ms. Castelli, aye.

Joseph Ruggiero testified that this is a new home construction and because of the grade to the lot, the garage is built under the house; that there is a large retaining wall along the driveway and in order to get into the back yard without going through the house they are installing unroofed stairs that are over two feet above grade and that they need a variance for this.

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:14  
TOWN OF ORANGETOWN



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. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. Bosco 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 section 5.221 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is long and narrow and having access into the rear property without entering the house seems reasonable and will not adversely impact any surrounding properties.
2. The requested section 5.221 variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is long and narrow and having access into the rear property without entering the house seems reasonable and will not adversely impact any surrounding properties.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested section 5.221 variance, although somewhat 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 lot is long and narrow and having access into the rear property without entering the house seems reasonable and will not adversely impact any surrounding properties.
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.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:14  
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested section 5.221 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.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:14  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested section 5.221 variance is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, 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: May 20, 2020

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-D.M.

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

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:14  
TOWN CLERK'S OFFICE



DECISION

**UNDERSIZED LOT ACKNOWLEDGED, FLOOR AREA RATIO AND BUILDING HEIGHT VARIANCES APPROVED**

To: Mike Moroney  
5 Sunrise Lane  
Pearl River, New York 10965

ZBA #20-29  
Date: May 20, 2020  
Permit #49684

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-29: Application of Michael Moroney for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .26 proposed), and 12 (Building Height: 20' permitted, 27' proposed); Section 5.21 e undersized lot applies; for an addition to an existing single-family residence. The premises are located at 21 Duhaime Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.10, Block 1, Lot 36 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 20, 2020 at which time the Board made the determination hereinafter set forth.

Mike Maroney appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed New Residence for the Moroney's" not dated, not signed or sealed by Paul Douglas Sibenaler, Architect. ( 3pages)
2. Survey labeled "Dwelling Replacement Site Plan for Moroney" dated December 20, 2091 signed and sealed by Robert E. Sorace, PLS.
3. A memorandum dated March 2, 2020 from the Rockland County Department of Planning stating that the application is not within their jurisdiction.
4. A letter dated March 25, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
5. Nine color photos of houses in the area with similar additions.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Ms. Castelli, aye.

Mike Moroney testified that the existing house has a living room, kitchen, two bedrooms and a bathroom; that they also have an existing detached garage that is added to the floor area ratio, that he submitted these pictures of houses in the neighborhood with additions because they show that what he is proposing is in keeping with the character of the neighborhood; and that he

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:14  
TOWN OF ORANGETOWN

worked hard with the architect to honor the side yards and front yard setbacks for the undersized lot.

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

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

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:14  
TOWN CLERK'S OFFICE



5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio and building height variances are APPROVED; and the undersized lot is acknowledged; 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.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:14  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested floor area ratio and building height variances are APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, 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: May 20, 2020

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-G.M.

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

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE

DECISION

**FLOOR AREA RATIO, SIDE YARD AND TOTAL SIDE YARD VARIANCES  
APPROVED with SPECIFIC CONDITION TO BE SATISFIED PRIOR TO ISSUANCE  
OF CERTIFICATE OF OCCUPANCY**

To: Michael McAndrew  
43 Yale Terrace  
Blauvelt, New York 10913

ZBA #20-30  
Date: May 20, 2020  
Permit #49773

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-30: Application of Michael McAndrew for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 4 ( Floor Area Ratio: 20% permitted, 25.7% proposed), 9 (Side Yard: 20' required, 11.37' proposed) and 10 (Total Side Yard: 50' required, 36.55' proposed) for an addition to an existing single-family residence. The premises are located at 43 Yale Terrace, Blauvelt, New York and is identified on the Orangetown Tax Map as Section 70.10, Block 1, Lot 22 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 20, 2020 at which time the Board made the determination hereinafter set forth.

Michael McAndrew and Susan McAndrew appeared and testified.

The following documents were presented:

1. Plans labeled "McAndrew Residence Two Story Addition" dated July 31, 2019 signed and sealed by Harry J. Goldstein, Architect.
2. Survey dated August 4, 1959 by Michael M. Burris, P.E. & L.S..
3. An e-mail from Keith & Jessica Moore, 47 Yale Terrace, abutting property owners, with three pictures attached requesting a buffer.
4. A letter dated March 1, 2020 from Mr. and Mrs. McAndrew regarding their requested variances.
5. Four letters in support of the application.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Ms. Castelli, aye.

Mike McAndrew testified that they are proposing to expand the existing garage and add a second story above it that would include a master bedroom and bathroom; that they are also planning some other interior work on the house and adding windows and a front porch; that the

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:13  
TOWN OF ORANGETOWN



existing garage is 10' 8" wide and they are proposing to add a 13' 6" addition to it to make it a proper two car garage; that they have owned the house for seven years; that there are similar additions on Yale Terrace at #27, #38 and #37; and that there could be a few more; that they have no problem with any safety conditions imposed at the time of construction; that they are proposing the addition in this location because of the location of the existing garage and the existing water lines; and that they would have no problem adding a vegetative buffer or a fence for the length of the construction with the additional ten feet toward the street when the construction is complete; that they would not want to add it before construction because it could get damaged.

Mike Bosco questioned the need for the variances since the family is only two.

Tom Quinn stated that the previous additions that were constructed on the house limit where the applicant can add on presently; that other neighbors have done similar additions and that the proposal is in keeping with the character of the neighborhood.

Public Comment:

Sal Leopoldo, representing Jessica and Keith Moore, testified that he is Jessica's Dad; that their property is the most effected by the proposed addition; that because of the way their house sits on their lot, their rear yard meets the McAndrew's side yard; that they are not against the proposed addition but would like to ensure that the existing vegetative buffer and large trees are not damaged during construction and would like the buffer extended along the proposed addition, whether it be a fence or a vegetative buffer for privacy.

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

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood and the applicant has agreed to install either a vegetative buffer or fence for the length of the proposed addition and ten feet toward the front of the house when the construction is complete and before a certificate of occupancy issued for the addition.
2. The requested floor area ratio, side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood and the applicant has agreed to install either a vegetative buffer or fence for the length of the proposed addition and ten feet toward the front of the house when the construction is complete and before a certificate of occupancy issued for the addition.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, side yard, and total side yard variances, although somewhat 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. Similar additions have been constructed in the neighborhood and the applicant has agreed to install either a vegetative buffer or fence for the length of the proposed addition and ten feet toward the front of the house when the construction is complete and before a certificate of occupancy issued for the addition.
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.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE



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 total side yard variances are APPROVED with the **Specific Condition that the applicant install either a vegetative buffer or fence on the north side for the length of the proposed addition and ten feet toward the front of the house when the construction is complete and before a certificate of occupancy is issued for the addition;** 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.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE




The foregoing resolution to approve the application for the requested floor area ratio, side yard and total side yard variances are APPROVED with the **Specific Condition that the applicant install either a vegetative buffer or fence on the north side for the length of the proposed addition and ten feet toward the front of the house when the construction is complete and before a certificate of occupancy is issued for the addition;** was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, 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: May 20, 2020

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-D.M.

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

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:13  
TOWN OF ORANGETOWN

DECISION

**SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES  
APPROVED: SECTION 5.227 ACCESSORY STRUCTURE SIDE YARD 1.7'  
ACKNOWLEDGED; UNDERSIZE LOT ACKNOWLEDGED**

To: Ben & Stacy Wiley  
161 Old Middletown Road  
Pearl River, New York 10965

ZBA #20-31  
Date: May 20, 2020  
Permit #49596

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 20-31: Application of Ben Wiley for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Columns 9 (Side Yard: 15' required, 4.9' existing, 4.8' proposed), 10 (Total Side Yard: 30' required, 20.8' proposed) and 12 (Building Height: 20' permitted, 23.5' proposed) ( Section 5.227: Accessory Structure must be 5' from side and rear yard: 1.7' existing to side yard for existing Garage) (Section 5.21e undersized lot applies) The premises are located at 161 Old Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.17, Block 1, Lot 26 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 20, 2020 at which time the Board made the determination hereinafter set forth.

Ben Wiley appeared and testified.

The following documents were presented:

1. Plans labeled "Residential Addition & Renovations for Ben and Stacy Wiley" dated October 24, 2019 with the latest revision date of 12/20/2019 signed and sealed by John J. Gilchrist, Architect.
2. A memorandum dated March 12, 2020 from Arlene Miller, Principal Planner, Rockland County Department of Planning stating that the application is not within their jurisdiction.
3. A letter dated March 27, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
4. An e-mail dated March 3, 2020 from Joseph Arena, Rockland County Highway Department stating that this application is not within their jurisdiction.
5. A letter in support of the application from John J. Tormey III and Katherine Elizabeth Tormey, 157 Old Middletown Road, abutting property owners. (2pages with attachments).
6. An e-mailed letter in support of the application from 165 Old Middletown Road.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Bosco and carried as follows: Mr. Bonomolo, aye Mr. Bosco, aye; Mr. Valentine, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye.

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:13  
TOWN OF ORANGETOWN



Ben Wiley testified that they moved into their house in November 2017 because they wanted to live in Pearl River because of the great schools and community; that they have a two year old son and hope to have another child; that the house is 622 sq. ft.; that they have two bedrooms presently and would like to add a dining room and den on the first floor with a master bedroom above it; that they are also proposing a wrap-around porch; that they have submitted renderings of the proposal that were done by his brother, Seth Wiley, an Architect; and that they have the support of their two closest neighbors and they cannot achieve what they need without requesting variances; that they lot is long and narrow.

Public Comment:

John Tormey, 157 Old Middletown Road, Pearl River, testified that he is in agreement with everything that Ben Wiley said; and that he would like to thank the Board for time attention that they spend on each application.

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the undersize lot and that this is the smallest house in the neighborhood. The lot is only 50' wide and very long and narrow with an existing detached garage that is 1.7' from the side yard. Any addition to the house would trigger the need for variances and after the proposed addition the house is still under the floor area ratio requirements for floor area ratio by .03%
2. The requested side yard, total side yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the undersize lot and that this is the smallest house in the neighborhood. The lot is only 50' wide and very long and narrow with an existing detached garage that is 1.7' from the side yard. Any addition to the house would trigger the need for variances and after the proposed addition the house is still under the floor area ratio requirements for floor area ratio by .03%

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE



3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard, total side yard and building height variances, although somewhat 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 Board acknowledged the undersize lot and that this is the smallest house in the neighborhood. The lot is only 50' wide and very long and narrow with an existing detached garage that is 1.7' from the side yard. Any addition to the house would trigger the need for variances and after the proposed addition the house is still under the floor area ratio requirements for floor area ratio by .03%
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard, total side yard and building height variances are APPROVED; Undersize lot is acknowledged and 1.7' side yard for the existing detached garage is acknowledged; 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

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:13  
TOWN OF ORANGETOWN

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.

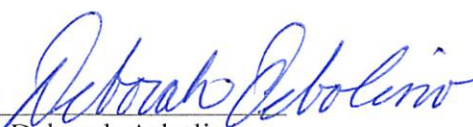
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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, total side yard and building height variances are APPROVED; Undersize lot is acknowledged and 1.7' side yard for the existing detached garage is acknowledged; was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, 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: May 20, 2020

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-Dom

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

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:13  
TOWN OF ORANGETOWN



DECISION

**REAR YARD VARIANCE APPROVED**

To: Billy and Meaghan Valentine  
9 Buttonwood Place  
Blauvelt, New York 10913

ZBA #20-32  
Date: May 20, 2020  
Permit #49705

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-32: Application of Billy and Meaghan Valentine for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Column 11 (Rear Yard: 35' required, 30.4' proposed) for a deck at an existing single-family residence. The premises are located at 9 Buttonwood Place, Blauvelt, New York and is identified on the Orangetown Tax Map as Section 69.20, Block 1, Lot 47 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 20, 2020 at which time the Board made the determination hereinafter set forth.

Kier Levesque, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Valentine Deck" dated January 3, 2020, signed or sealed by Kier Levesque Architect. (4 pages)

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye.

Kier Levesque, Architect, testified that the property is a corner lot with a sweeping curve; that the house was built on an angle because of that curve; that the house is angled closer to the rear of the property' that the requested variance is for 4.6' less than the required 35' rear yard; that the Building Inspector told him that the rear yard was already determined and that is why this is the rear yard and the other larger yard is a side yard; that this is because on the previous plans that were submitted for work already completed on the house he labeled this a rear yard.

TOWN CLERK'S OFFICE  
2020 MAY 28 A 10:13  
TOWN OF ORANGETOWN



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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is a corner lot and the rear yard was named in a previous building permit application so it cannot be changed. Similar decks have been constructed in the neighborhood.
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 property is a corner lot and the rear yard was named in a previous building permit application so it cannot be changed. Similar decks have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear yard variance is not 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 property is a corner lot and the rear yard was named in a previous building permit application so it cannot be changed. Similar decks have been constructed in the neighborhood.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE

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 variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance is APPROVED; and the undersized lot is acknowledged; 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.

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, 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: May 20, 2020

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-D.M...

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

TOWN OF ORANGETOWN  
2020 MAY 28 A 10:13  
TOWN CLERK'S OFFICE