

MINUTES  
ZONING BOARD OF APPEALS  
July 7, 2021

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN  
BILLY VALENTINE  
THOMAS QUINN  
ROB BONOMOLO, JR  
PATRICIA CASTELLI

ABSENT: MICHAEL BOSCO

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
Katlyn Bettmann, Senior Clerk Typist  
Denise Sullivan, Deputy Town Attorney  
Anne Marie Ambrose Official Stenographer

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

GREEN  
160 South main Street  
Pearl River, New York  
72.08 / 1 / 29; RG zone

FRONT YARD, SIDE YARD VARIANCES APPROVED ZBA#21-59

CULLEN  
2 Cara Drive  
Nanuet, New York  
64.18 / 1 / 11; R-15 zone

SIDE YARD VARIANCE APPROVED ZBA#21-60

JOHNSTON  
155 Tweed Boulevard  
Orangeburg, New York  
Nyack Post Office  
75.05 / 1 / 16; R-22 zone

FRONT YARD, SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED ZBA#21-61

TARABOULOS/ FOSTER  
6 Lexington Road  
Tappan, New York  
77.11 / 3 / 13; R-15 zone

REAR YARD VARIANCE APPROVED ZBA#21-62

MC ELLIGOTT  
3 Nicole Terrace  
Pearl River, New York  
68.11 / 2 / 50; R-15 zone

SIDE YARD VARIANCE APPROVED ZBA#21-63

TOWN OF ORANGEBURG  
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TOWN CLERK'S OFFICE

CANCRO  
90 Greenbush Road  
Tappan, New York  
77.10 / 2 / 12; R-15 zone

FRONT YARD FENCE  
HEIGHT VARIANCE APPROVED

ZBA#21-64

REYNOLDS  
21 Musket Road  
Tappan, New York  
77.05 / 3 / 31; R-15 zone

REAR YARD, SIDE YARD  
VARIANCES APPROVED

ZBA#21-65

AG-OE GARAGE  
100 Corporate Drive  
Blauvelt, New York  
65.18 / 1 / 16; LI/LIO zones

PERFORMANCE STANDARD  
GRANTED WITH CONDITIONS

ZBA#21-66

ALATSAS  
11 Bergen Avenue  
Palisades, New York  
77.20 / 2 / 85 & 86; R-15 zone

FLOOR AREA RATIO, LOT AREA,  
REAR YARD VARIANCES APPROVED  
NY STATE TOWN LAW SECTION 280-a  
EXCEPTION GRANTED

ZBA#21-67

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following application; 248 South Boulevard Site Plan, 248 South Boulevard, Nyack, NY , 66.17 / 1 / 1; R-22 zone; Hawks View Estates-Lot#2, 1 Tweed Boulevard, Upper Grandview, NY, 71.05 / 1 / 22.3; R-22 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings

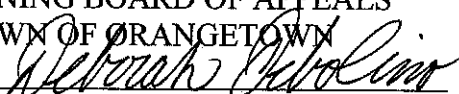
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 9:30 P.M.

Dated: July 7, 2021

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

**FRONT YARD AND SIDE YARD VARIANCES APPROVED; PRE-EXISTING NON-CONFORMING FRONT YARDS ACKNOWLEDGED: 10.3' 9.1' AND 8.6 TO CARDELL STREET; 5.3' AND 5.4 TO SOUTH MAIN STREET**

To: James and Carol Green  
160 South Main Street  
Pearl River, New York 10965

ZBA #21-59  
Date: July 7, 2021  
Permit #51278

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-59: Application of James and Carol Green for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Columns 8 (Front Yard: 25' required, 10.3', 9.1, 8.6' 5.3' & 5.4' existing), 9 (Side Yard: 10' required, 0.3', 0.6' & 4/7 existing) for a rear deck at an existing single-family residence. (Pre-existing non-conforming front yard exists) The property is located at 160 South Main Street, Pearl River, New York and is identified on the Orangetown Tax Map as Section 72.08, Block 1, Lot 29 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

James Green appeared and testified.

The following documents were presented:

1. Survey dated April 26, 2021 with a revision date of May 9, 2021 signed and sealed by James E. Drumm, N.Y.S.L.S..
2. Seven pictures submitted at the hearing by the applicant.

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. Valentine, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

James Green testified that he is selling his property and found out that the deck is in violation; that the house was built in the 1930's that the deck was modified in 1989 without a permit; that the house was sold and refinanced 4 times since then; that he purchased the house 13 years ago; that he has a new survey; that he has two front yards; that his neighbor told him that the deck has been there since 1976; and that he wants to clean this up in order to sell the house.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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 front yard and side yard 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, the two front yards and the pre-existing non-conforming set backs for both front yards and side yard. The deck has existed for many years without incident.
2. The requested front yard and side yard 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, the two front yards and the pre-existing non-conforming set backs for both front yards and side yard. The deck has existed for many years without incident.
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 front yard and side yard variances although substantial, and affords 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, the two front yards and the pre-existing non-conforming set backs for both front yards and side yard. The deck has existed for many years without incident.
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.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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 are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:02

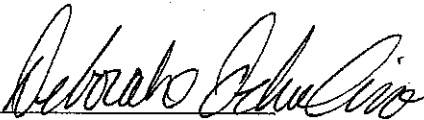
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard set-backs of 10.3', 9.1 and 8.6 on Cardell Street and 5.4' and 5.3 on South Main Street and side yard variances of 0.3' 0.9' and 4.7' are APPROVED and the Undersized lot is acknowledged; was presented and moved by Mr. Bonomolo, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye, Mr. Bosco was absent.

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

DATED: July 7, 2021

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 CLERK'S OFFICE  
2021 JUL 14 A 11:02  
TOWN OF ORANGETOWN

**SIDE YARD VARIANCE APPROVED**

To: Andrew Cullen  
2 Cara Drive  
Nanuet, New York 10954

ZBA #21-60  
Date: July 7, 2021  
Permit #51395

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-60: Application of Andrew Cullen for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15, Group M, Section 3.12, Column 9 (Side Yard: 20' required, 15.5' proposed) for a deck at a single-family residence. The premises are located at 2 Cara Drive, Nanuet, New York and are identified on the Orangetown Tax Map as Section 64.18, Block 1, Lot 11; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Andrew Cullen and Manuel Andrade, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed New Deck for Existing Residence Mr. and Mrs. Cullen 2 Cara Drive" dated April 11, 2021 signed and sealed by Manuel Antonio Andrade, Architect. (2 pages).
2. A letter dated June 8, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated June 29, 2021 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
4. A letter dated June 10, 2021 from the Town of Clarkstown Planning Board signed by Gilbert J. Hein, Chairman.
5. A sign off sheet stating no comments at this time from Rockland County Highway Department signed by Dyan Rajasingham, 05/21/2021.

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. Valentine, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

Manuel Andrade, Architect, testified that they are proposing to remove the existing deck and install a new extended deck; that the new extended deck will line up with the existing house but the property line is not perfectly straight; that the existing dwelling has a 14.9' side yard but the extended deck will have a 15' 6" and 15' 11" side yard.

TO: ANDREW CULLEN

2021 JUL 14 11:02

MANUEL ANDRADE

Andrew Cullen testified that he purchased the house in 2009 with the existing deck; that he bought the house with the 14.9' existing side yard; that the existing garage does not need a front yard variance; and that this is the first time he is doing any work to the outside of the house.

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 side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the 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 side yard variance although somewhat substantial, and affords 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.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard variance is APPROVED; 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

2021 JUL 14 A 11:02

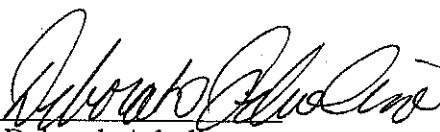
RECEIVED

The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Bonomolo and carried as follows: Ms. Castelli, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye and Mr. Valentine, aye. Mr. Bosco was absent.

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

DATED: July 7, 2021

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 CLERK'S OFFICE

2021 JUL 14 A 11:02

TOWN OF ORANGETOWN

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

To: Susan Johnston  
155 Tweed Boulevard  
Orangeburg, New York 10962

ZBA #21-61  
Date: July 7, 2021  
Permit #50481

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-61: Application of Johnston Plan for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Columns 8 (Front Yard: 40' required, 1.2' proposed), 9 (Side Yard: 25 required, 17.8' proposed) and 10 (Total Side Yard: 60' required, 51' proposed) for deck at an existing single-family residence. The premises are located at 155 Tweed Boulevard, Upper Grandview, New York and are identified on the Orangetown Tax Map as Section 75.05, Block 1, Lot 16; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Jeff and Susan Johnston and Cole Ruby, Contractor, appeared and testified.

The following documents were presented:

1. Site plan dated January 22, 2021 from Anthony Celentano (1 page).
2. A cover letter dated May 17, 2021 from Jeff and Susie Johnston.
3. Nine pictures submitted by applicant.

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. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. Bosco was absent.

Susan Johnston testified that the project covers a 300 square foot portion of the concrete driveway with trex decking; that the driveway remains under the frame with no excavation; that in addition there is a 6' x 12' extension at the same elevation that is supported by an existing concrete retaining wall; that the extension covers the natural slope that is undisturbed other than two concrete footings supporting two 4 x 4 posts; that they were trying to beautify the front of the property and have an area that the grandchildren could be safe and play; and she showed the Board pictures on the computer that she stated she would send to the clerk. (received by the clerk)

Public Comment:

No public comment.

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

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. Quinn and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested front yard, 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 decks have been constructed in the neighborhood. The front yard setback is not close to the road because of the slope of the property and the 1.2' setback will not interfere with traffic because this lot is unconventional and the driveway is large.
2. The requested front yard, 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 decks have been constructed in the neighborhood. The front yard setback is not close to the road because of the slope of the property and the 1.2' setback will not interfere with traffic because this lot is unconventional and the driveway is large.
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 front yard, side yard and total side yard variances although somewhat substantial, and affords 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 decks have been constructed in the neighborhood. The front yard setback is not close to the road because of the slope of the property and the 1.2' setback will not interfere with traffic because this lot is unconventional and the driveway is large.
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 CLERK'S OFFICE

2021 JUL 14 A 11:02

ORANGETOWN

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 are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE

2021 JUL 14 A 11: 02


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard, side yard and total side yard variances APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye;. Mr. Quinn, aye. Mr. Bosco was absent.

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

DATED: July 7, 2021

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. M.

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

TOWN OF ORANGETOWN  
2021 JUL 14 A 11:02  
TOWN CLERK'S OFFICE

**REAR YARD VARIANCE APPROVED**

To: John Ferraro (Taraboulos Foster)  
37 Maple Avenue  
New City, New York 10956

ZBA #21-62  
Date: July 7, 2021  
Permit #51180

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-62: Application of Taraboulos/Foster for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 6.9' existing, 13' proposed) for an addition to a single-family residence. The property is located at 6 Lexington Road, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.11, Block 3, Lot 13 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Michael Taraboulos and Jack Foster, property owners, John Ferraro, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Taraboulos/Foster Residence" dated 3/1/2021 signed and sealed by John Anthony Ferraro, Architect. (5 pages).
2. Copy of survey by Anthony Sorace dated June 9, 2005.
3. A letter dated June 8, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated May 27, 2021 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Quinn 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. Valentine, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

John Ferraro, Architect, testified that the applicants need more space in the house; that they are proposing to add an additional bathroom and storage space for a total of an additional 144 sq. ft.; that the house does not sit straight on the lot and has an existing rear yard of 6.9'; that the dormer addition will be set back 13' from the rear property line without any change to the foot print of the house; that the building envelope does not change and this is a small corner lot with two front yards; that the proposed change not create an undesirable change to the character of the neighborhood; that the applicant cannot achieve this without the request for a variance; that the request is not substantial; and it will not have any adverse physical or environmental effects on the neighborhood.

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:02

TOWN OF ORANGETOWN

Michael Taraboulos testified that the house was purchased in 2014; that there are two people living in the house and the detached garage is 7.3' from the side yard.

Public Comment:  
No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. 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 Board acknowledged the existing rear yard is 6.9' and noted that similar dormer additions 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 Board acknowledged the existing rear yard is 6.9' and noted that similar dormer additions 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 although substantial, and affords 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 existing rear yard is 6.9' and noted that similar dormer additions have been constructed in the neighborhood.
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.

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:02

TOWN OF ORANGETOWN



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

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:02

TOWN OF ORANGETOWN

Taraboulos/Foster  
ZBA#21-62  
Page 4 of 4


Permit #51180

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

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

DATED: July 7, 2021

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. M.

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

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:02

TOWN OF ORANGETOWN

**SIDE YARD VARIANCE APPROVED**

To: Sean McElligott  
3 Nicole Terrace  
Pearl River, New York 10965

ZBA #21-63  
Date: July 7, 2021  
Permit #51475

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-63: Application of Sean McElligott for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 9 (Side Yard: 20' required, 11.2' proposed) for the installation of an above-ground pool at a single-family residence. The property is located at 3 Nicole Terrace, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.11, Block 2, Lot 50 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Sean McElligott appeared and testified.

The following documents were presented:

1. Survey dated May 20, 1985 by Robert Sorace with the pool drawn on it.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Quinn 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. Quinn, aye; Mr. Sullivan, aye; Mr. Valentine, aye; Ms. Castelli, aye; and Mr. Bonomolo, aye. Mr. Bosco was absent.

Sean McElligott testified that he would like to install an 18' round above-ground pool in the side yard; that he has a corner lot and that this is the only area that would accommodate a pool; that there was a huge aluminum pool and deck there when he purchased the house but it was a mess and they removed it; and that he has owned the house since 2010.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE

2021 JUL 14 AM 11:02

TOWN OF ORANGETOWN

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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the lot has two front yards and similar pools have been constructed in the neighborhood.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the lot has two front yards and similar pools 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 side yard variance although somewhat substantial, and affords 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 lot has two front yards and noted that similar pools have been constructed in the neighborhood.
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.

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:01

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard variance is APPROVED; 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 CLERK'S OFFICE

2021 JUL 14 A 11:01


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Bonomlo, seconded by Mr. Valentine and carried as follows: Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. Bosco was absent.

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

DATED: July 7, 2021

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  
2021 JUL 14 A 11:01  
TOWN CLERK'S OFFICE

**FRONT YARD FENCE HEIGHT VARIANCE APPROVED**

To: Jennifer Cancro  
90 Greenbush Road  
Tappan, New York 10983

ZBA #21-64  
Date: July 7, 2021  
Permit #51478

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 21-64: Application of Jennifer Cancro for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.226 (Front Yard Fence Height: 4 ½' permitted, 6 existing) for an existing fence at a single-family residence. The property is located at 90 Greenbush Road, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.10, Block 2, Lot 12 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Jennifer Cancro and Pauline Woods appeared and testified.

The following documents were presented:

1. Site plan showing the location of the fence.
2. A letter in support of the fence signed by three neighbors.

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. Valentine, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

Jennifer Cancro testified that she was replacing the four foot fence that was on the property with the six foot fence when she was told to stop because she needed a permit; that the side of the property with the new fence is her side yard but according to law it is a front yard; that she found out that she has two front yards; that she needed the higher fence to keep her dog in the yard; and that she has a sweet pit bull that does not like other dogs.

Pauline Woods testified that the shed is 8' x 8'.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE  
2021 JUL 14 A 11:01  
TOWN OF ORANGETOWN

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 front yard fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the lot has two front yards and it is a busy a road and other properties in the area have constructed six- foot fences.
2. The requested front yard fence height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the lot has two front yards and it is a busy a road and other properties in the area have constructed six- foot fences.
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 front yard fence height variance although somewhat substantial, and affords 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 lot has two front yards and it is a busy a road and other properties in the area have constructed six- foot fences.
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.

TOWN OF ORANGETOWN  
2021 JUL 14 A 11:01  
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 front yard fence height 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 CLERK'S OFFICE

2021 JUN 14 11:01

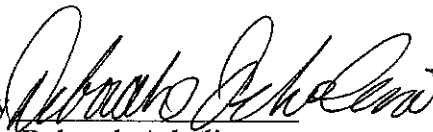
TOWN OF ORANGETOWN

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

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

DATED: July 7, 2021

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. M.

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

TOWN OF ORANGETOWN  
2021 JUL 14 A 11:01  
TOWN CLERK'S OFFICE

**REAR YARD AND SIDE YARD VARIANCE APPROVED**

To: Michael and Claudia Reynolds  
21 Musket Road  
Tappan, New York 10983

ZBA #21-65  
Date: July 7, 2021  
Permit #51355

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 21-65: Application of Michael Reynolds for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.227 (Rear Yard for a swimming pool: 20' required, 15' proposed), and from Section 3.12, Column 9 (Side Yard: 20' required, 15' proposed) for the installation of an in-ground pool at a single-family residence. The property is located at 21 Musket Road, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.05, Block 3, Lot 31 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Michael Reynolds appeared and testified.

The following documents were presented:

1. Site plan with the proposed pool drawn on it.

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 Ms. Castelli and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

Michael Reynolds testified that he is proposing to install a 12' x 24' in-ground pool in the rear corner of the property behind his driveway; that he is requesting a 15' side yard and a 15' rear yard because if he moves the pool to have a 20' side yard it will be too close to the house and if he moves it forward to have a 20' rear yard it will almost be on the driveway; and that he has a free form patio directly behind the house that he does not want to rip up because it is really nice.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE

2021 JUL 14 A 11:01

TOWN OF ORANGETOWN

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. Quinn 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 and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar pools have been constructed in the neighborhood.
2. The requested side yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar pools have been constructed in the neighborhood.
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 and rear yard variances although somewhat substantial, and affords 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 pools have been constructed in the neighborhood.
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.

TOWN OF ORANGETOWN  
2021 JUL 14 A 11:01  
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 side yard and rear yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

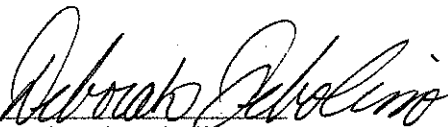
TOWN OF ORANGETOWN  
2021 JUL 14 A 11: 01  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested side yard and rear yard variances are APPROVED; was presented and moved by Mr. Quinn, seconded by MR. Valentine, and carried as follows: Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Mr. Bosco was absent.

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

DATED: July 7, 2021

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.M.

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

TOWN OF ORANGETOWN  
2021 JUL 14 A 11:01  
TOWN CLERK'S OFFICE

DECISION

**CONFORMANCE TO PERFORMANCE STANDARDS APPROVED WITH SPECIFIC CONDITIONS**

To: Nicole Vasquez (100 Corporate Drive)  
900 Route 9 North Suite 400  
Woodbridge, New Jersey 07095

ZBA #21-66  
Date: July 7, 2021  
Permit #51115

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-66: Application of AG-OE Garage Activation requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1 Performance Standards specified in Section 10.334: review of interior accessory parking for businesses in the building. The building is located at 100 Corporate Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

Seth Mandelbaum, Attorney, Nicole Vasquez, Onyx Equities, Lance Smith, P.E., and Franz Laki, P.E. appeared and testified.

The following documents were presented:

1. Plans signed and sealed by David Joseph Mantone, P.E., dated October 5, 2020 with the revision date of 01/28/2021. (13 pages).
2. Survey dated 01/12/2021 with the last revision date of 03/15/2021 signed and sealed by James D. Sens Land Surveyor. (2 pages)
3. Use Subject to Performance Standards Resume of Operations and Equipment dated May 12, 2021.
4. Short Environmental Assessment Form.
5. A cover letter dated May 14, 2021 signed by Seth M. Mandelbaum, , Attorney.
6. A cover letter dated May 19, 2021 from Morgan H. Stanley, Attorney.
7. A copy of the presentation by Onyx Management Group dated July 7, 2021 ( 9 pages).
8. A letter dated June 8, 2021 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
9. Memorandum dated June 8, 2021 from Dylan Hofsis, Public Health Engineer, Department of Environmental Management and Engineering, Town of Orangetown.
10. Memorandum dated June 3, 2021 from Michael Weber, Industrial Pretreatment Officer, Department of Environmental Management and Engineering, Town of Orangetown.
11. Memorandum dated June 3, 2021 from Bruce Peters, Engineer IV, Department of Environmental Management and Engineering, Town of Orangetown.
12. A memorandum dated July 1, 2021 from the Town of Orangetown Bureau of Fire Prevention from David Majewski, Chief Fire Inspector.
13. A letter dated June 8, 2021 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
14. A letter dated May 27, 2021 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.

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

Seth Mandelbaum, Attorney for the applicant stated that they are before the Board to activate an existing garage level that was never activated since the building was constructed and he turned it over to Nicole Vasquez, Onyx Management Group.

Nicole Vasquez, Onyx Management testified that this building is three stories; that the building was built in 2008 and never completed; that the first tenant of the building was Restaurant Depot who received the C of O in 2009; that the middle level was intended to be used as a garage; that the second tenant was Michael Schrom, receiving a C of O in 2019; that the balance of the rentable building is vacant; that garage activation is needed for the parking requirement; that they are proposing to activate the garage by installing Town Code required sand-oil interceptors, trench drains at entrances, proper exhaust ventilation via exhaust fans and louvers, permanent lighting fixtures and access control equipment; that there are three staircases on the garage level going up to the office floor; that the garage operation will be by key fob for tenants of the building 24 hours a day seven days a week; that the ventilation will be working seven days a week 24 hours a day; that Restaurant Depot has its own parking on that level; and that no washing stations will be available in the garage.

Seth Mandelbaum, Attorney, testified that they understand that they will need to submit detail survey work for satisfy the comments from the Department of Environmental Management and Engineering and ask that the Board give their approval based on answering all the comments and concerns from that department prior to receiving the building permit.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Mr. Valentine, aye. Mr. Bosco was absent.

The Board reviewed the Performance Standards and Fire Supplement forms.

Public Comment:

No public comment.

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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. Valentine and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

After personal observation of the property, hearing all the testimony and reviewing all of the documents submitted, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment; the report dated June 8, 2021 from Eamon Reilly, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated June 8, 2021 from Dylan Hofsis, Public Health Engineer, Orangetown Department of Environmental Management and Engineering, (DEME); the report dated June 3, 2021 from Michael Weber, Industrial Pretreatment Officer, Orangetown Department of Environmental Management and Engineering, (DEME); the report dated June 3, 2021 from Bruce Peters, P.E., Engineer IV, Department of Environmental Management and Engineering, (DEME); the report dated July 1, 2021 from David Majewski, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated June 8, 2021 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; and by direct request from the Zoning Board of Appeals at the hearing of July 7, 2021 the applicant shall submit a revised plans, for review and approval by Eamon Reilly, P.E., Commissioner, DEME, Town of Orangetown, detailing the following information:

- 1) The location of the existing storm structures that are proposed to be altered/modified shall be shown on the Land Title Survey drawing (sheet 1 of 2).
- 2) Sizing calculations, prepared, signed and sealed, by a NYS P.E., for the proposed oil/water separator and stormwater piping, shall be submitted to the DEME for review and approval. The calculations shall include details, installation details, maintenance requirements and catalogue cuts for the specific soil/water separator being proposed.
- 3) Details for the proposed oil/water separator shall be added to the plans.
- 4) The size, length, slope and material of all proposed drainage mains changing direction before and after the proposed oil/water separator with no manholes or cleanouts. The designer is reminded that manholes/cleanouts must be proposed at all changes in direction of the external drainage piping.
- 5) Drawing P-100 shows the proposed drainage mains changing direction before and after the proposed oil/water separator with no manholes or cleanouts. The designer is reminded that manholes/cleanouts must be proposed at all changes in direction of the external drainage piping.

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- 6) A typical drainage manhole detail shall be added to the plans, including a frame and cover detail. As a reminder, the manhole opening shall be minimum of 30 inch diameter. Also , a cleanout detail shall be added to the plans if necessary.
- 7) A profile for the proposed /modified external drainage mains-oil/water separator installation shall be added to the plans.
- 8) Soil erosion and sediment control plans and details shall be submitted to the DEME for review and approval.
- 9) A post construction stormwater maintenance agreement for the proposed stormwater systems (oil/water separator system) shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and a management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to the DEME.
- 10) No car washing or wash down operations can occur on this floor.

All of the above to be reviewed and accepted by Eamon Reilly , P.E., Commissioner, DEME, Town of Orangetown.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED, that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: the report dated June 8, 2021 from Eamon Reilly, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated June 8, 2021 from Dylan Hofsis, Public Health Engineer, Orangetown Department of Environmental Management and Engineering, (DEME); the report dated June 3, 2021 from Michael Weber, Industrial Pretreatment Officer, Orangetown Department of Environmental Management and Engineering, (DEME); the report dated June 3, 2021 from Bruce Peters, P.E., Engineer IV, Department of Environmental Management and Engineering, (DEME); the report dated July 1, 2021 from David Majewski, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated June 8, 2021 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; and by direct request from the Zoning Board of Appeals at the hearing of July 7, 2021 the applicant shall submit a revised plans, for review and approval by Eamon Reilly, P.E., Commissioner, DEME, Town of Orangetown, detailing the following information:

- 1) The location of the existing storm structures that are proposed to be altered/modified shall be shown on the Land Title Survey drawing (sheet 1 of 2).
- 2) Sizing calculations, prepared, signed and sealed, by a NYS P.E., for the proposed oil/water separator and stormwater piping, shall be submitted to the DEME for review and approval. The calculations shall include details, installation details, maintenance requirements and catalogue cuts for the specific soil/water separator being proposed.
- 3) Details for the proposed oil/water separator shall be added to the plans.
- 4) The size , length , slope and material of all proposed drainage mains changing direction before and after the proposed oil/water separator with no manholes or cleanouts. The designer is reminded that manholes/cleanouts must be proposed at all changes in direction of the external drainage piping.

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- 5) Drawing P-100 shows the proposed drainage mains changing direction before and after the proposed oil/water separator with no manholes or cleanouts. The designer is reminded that manholes/cleanouts must be proposed at all changes in direction of the external drainage piping.
- 6) A typical drainage manhole detail shall be added to the plans, including a frame and cover detail. As a reminder, the manhole opening shall be minimum of 30 inch diameter. Also, a cleanout detail shall be added to the plans if necessary.
- 7) A profile for the proposed /modified external drainage mains-oil/water separator installation shall be added to the plans.
- 8) Soil erosion and sediment control plans and details shall be submitted to the DEME for review and approval.
- 9) A post construction stormwater maintenance agreement for the proposed stormwater systems (oil/water separator system) shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and a management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to the DEME.
- 10) No car washing or wash down operations can occur on this floor.

All of the above to be reviewed and accepted by Eamon Reilly, P.E., Commissioner, DEME, Town of Orangetown.

**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.

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(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 conformance to Performance Standards with the following conditions: : the report dated June 8, 2021 from Eamon Reilly, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated June 8, 2021 from Dylan Hofsis, Public Health Engineer, Orangetown Department of Environmental Management and Engineering, (DEME); the report dated June 3, 2021 from Michael Weber, Industrial Pretreatment Officer, Orangetown Department of Environmental Management and Engineering, (DEME); the report dated June 3, 2021 from Bruce Peters, P.E., Engineer IV, Department of Environmental Management and Engineering, (DEME); the report dated July 1, 2021 from David Majewski, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated June 8, 2021 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; and by direct request from the Zoning Board of Appeals at the hearing of July 7, 2021 the applicant shall submit a revised plans, for review and approval by Eamon Reilly, P.E., Commissioner, DEME, Town of Orangetown, detailing the following information:

- 1) The location of the existing storm structures that are proposed to be altered/modified shall be shown on the Land Title Survey drawing (sheet 1 of 2).
- 2) Sizing calculations, prepared, signed and sealed, by a NYS P.E., for the proposed oil/water separator and stormwater piping, shall be submitted to the DEME for review and approval. The calculations shall include details, installation details, maintenance requirements and catalogue cuts for the specific soil/water separator being proposed.
- 3) Details for the proposed oil/water separator shall be added to the plans.
- 4) The size, length, slope and material of all proposed drainage mains changing direction before and after the proposed oil/water separator with no manholes or cleanouts. The designer is reminded that manholes/cleanouts must be proposed at all changes in direction of the external drainage piping.
- 5) Drawing P-100 shows the proposed drainage mains changing direction before and after the proposed oil/water separator with no manholes or cleanouts. The designer is reminded that manholes/cleanouts must be proposed at all changes in direction of the external drainage piping.
- 6) A typical drainage manhole detail shall be added to the plans, including a frame and cover detail. As a reminder, the manhole opening shall be minimum of 30 inch diameter. Also, a cleanout detail shall be added to the plans if necessary.
- 7) A profile for the proposed /modified external drainage mains-oil/water separator installation shall be added to the plans.
- 8) Soil erosion and sediment control plans and details shall be submitted to the DEME for review and approval.

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- 9) A post construction stormwater maintenance agreement for the proposed stormwater systems (oil/water separator system) shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and a management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to the DEME.
- 10) No car washing or wash down operations can occur on this floor.

All of the above to be reviewed and accepted by Eamon Reilly, P.E., Commissioner, DEME, Town of Orangetown.

Based upon the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and B.F.P., and all other departments having jurisdiction of the premises; 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; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bonomolo, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. Bosco was absent.

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

DATED: July 7, 2021

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-M.M.

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

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**FLOOR AREA RATIO, LOT AREA, REAR YARD VARIANCES APPROVED;  
UNDERSIZED LOT ACKNOWLEDGED: NEW YORK STATE TOWN LAW 280-a  
EXCEPTION GRANTED**

To: George Alatsas  
17 Bluefields Lane  
Blauvelt, New York 10913

ZBA #21-67  
Date: July 7, 2021  
Permit # N.A.

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 21-67: Application of George Alatsas 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, .30 proposed), 5 ( Lot Area: 15,000 sq. ft. required, 10,000 sq. ft. proposed) and 11 (Rear Yard: 35' required, 26.5' proposed) and for an exception pursuant to New York State Town Law, Section 280-a ( Relation of structure to streets or highways) for the construction a new single-family residence.. The property is located at 9 & 11 Bergen Avenue, Palisades, New York and is identified on the Orangetown Tax Map as Section 77.20, Block 2, Lots 85 & 86 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 7, 2021 at which time the Board made the determination hereinafter set forth.

George Alatsas and Jay Greenwell, Land Surveyor, appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed single family home for BBB Construction" dated November 16, 2020 with the latest revision date of April 3, 2021 not signed or sealed by John Perkins, Architect. (2 pages).
2. Site plan for Alatsas dated 04/21/2021 signed and sealed by Jay A. Greenwell, L.S. and Stuart Strow, P.E.
3. Draft Planning Board Decision dated May 26, 2021 PB#21-33 Alatsas Site Plan.
4. Area exhibit for underside lots for Alatsas by Jay Greenwell PLS ( 1 page).
5. One 11" x 17" color rendering of the proposed house submitted at the hearing by the applicant.
6. Seven 11" x 17" color pictures of houses in the immediate area that have approximately the same or larger floor area ratio's, submitted at the hearing by the applicant.
7. One e-mail dated July 5, 2021 in opposition to the project from Terry Foxe and Helena Power.
8. Eight ZBA Decisions for variances granted in the immediate neighborhood.

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 since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and,

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on May 26, 2021 (as set forth in PB#21-33) rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Valentine, aye; Ms. Castelli, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye. Mr. Bosco was absent.

Jay Greenwell, Land Surveyor, testified that Mr. Alatsas is a reputable builder in the Town; that he purchased two 5,000 sq. ft. buildable lots from sisters Sheila Prisco and Lauren Lucenera and applied to the Planning board for approval to merge the two lots to build one house ; that this lot is surrounded by similar undersized lots with similar size houses; that they would like to rebut the letter that was read into the record that used such inflammatory language as gigantic, excessive, and severe; that this proposed 3,000 sq. ft. bi-level house is in keeping with the character of the neighborhood; that he would like to show his photo exhibit of houses on the same block(Bergen Avenue) and also on the nearby streets such as, Scotti Avenue, Muroney Avenue, and Park Avenue that have similar floor area ratios; that the house immediately next to the proposed house to the right (alleged owner named Gensel) has a .50 floor area; the house to the left has a .29 floor area ratio (alleged owner named Driscoll); that the house on the corner of Muroney and Bergen Avenues has a floor area ratio of .354 (alleged owner named Turner); that the property located to the rear of the proposed new house (alleged owner named Power) has a floor are ratio of .46; and the F.A.R. of the other houses in the area range from .12 to .28; that this proposal is not changing the character of the neighborhood; that the Power house has a garage that is very close to the property line; that the proposed house meets the rear yard setback requirement; that the proposed deck needs a rear yard variance of 26 ½ ' ;that they are proposing French drains for the driveway and two drywells; and that they are being respectful of the neighborhood because the former owners (sisters Ms. Prisco and Ms. Lucanera) grew up in the neighborhood.

George Alatsas submitted pictures of the houses in the area and talked about their sizes in comparison to what he is proposing on his lot; and submitted a rendering of the proposed house.

Public Comment:

Sheila Prisco-Case, testified that her mom and dad bought their house in 1956 and her mom bought these lots in 1956; that she and her sister grew up in the house until they went off to college; that they watched people build around them; that they saw other people get variances to build onto the existing small houses; that this property is a gift from her parents and they want the build to be part of their father's legacy.

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.

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**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, lot area and rear yard 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 and noted that similar sized houses have been constructed in the neighborhood as evidenced by the applicant's submissions. The requested New York State Law 280-a exception is necessary because the lot is located on a private road without direct access to a public street.
2. The requested 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 and noted that similar sized houses have been constructed in the neighborhood as evidenced by the applicant's submissions. The requested New York State Law 280-a exception is necessary because the lot is located on a private road without direct access to a public street.
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 variance is not substantial, and affords 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 and noted that similar sized houses have been constructed in the neighborhood as evidenced by the applicant's submissions. The requested New York State Law 280-a exception is necessary because the lot is located on a private road without direct access to a public street.
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 floor area ratio, lot area and rear yard variances are **APPROVED**; and the undersized lot is acknowledged; and the exception pursuant to New York State Town Law Section 280-a is **GRANTED**; 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.

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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.

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Alatsas  
ZBA#21-67  
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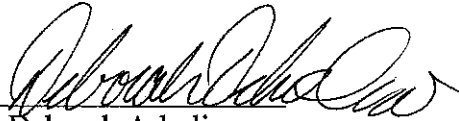
Permit #N.A.

The foregoing resolution to approve the application for the requested floor area ratio, lot area and rear yard variances are APPROVED and the undersized lot is acknowledged; and the exception pursuant to New York State Town Law Section 280-a is GRANTED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Quinn; aye. Mr. Bosco was absent.

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

DATED: July 7, 2021

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-N.A.

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

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