

MINUTES  
ZONING BOARD OF APPEALS  
September 1, 2021

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN  
MICHAEL BOSCO  
THOMAS QUINN  
ROB BONOMOLO, JR  
BILLY VALENTINE

ABSENT: PATRICIA CASTELLI

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
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

CONTINUED ITEM:

MADERA 116 Lawrence Street Tappan, New York 77.15 / 3 / 23; R-15 zone	FLOOR AREA RATIO, SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#21-69
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NEW ITEMS:

MAURO 1079 Route 9W South Nyack, New York 71.09 / 1 / 8; R-22 zone	POSTPONED BY APPLICANT	ZBA#21-74
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GORDON 2 Post Lane Palisades, New York 78.17 / 2 / 46; R-40 zone	SIDE YARD VARIANCE APPROVED	ZBA#21-75
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WU 51 Theodore Roosevelt Drive Blauvelt, New York 70.17 / 2 / 18; R-15 zone	CONTINUED	ZBA#21-76
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GOLDBERG 1 Prior Court Palisades, New York 80.06 / 1 / 7; R-40 zone	REAR YARD VARIANCE APPROVED	ZBA#21-77
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TOWN OF ORANGETOWN  
2021 SEP - 8 P 12 01  
TOWN OF ORANGETOWN

MC CULLOUGH  
22 Closter Road  
Palisades, New York  
78.18 / 2 25; R-40 zone

FRONT YARD, SIDE YARD  
AND SECTION 5.21 (a) VARIANCES  
APPROVED

ZBA#21-78

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; 1111 Route 9W, Nyack, NY, 71.05 / 2 / 20; R-22 zone; Sparkill-Palisades Fire District, Amendment to Filed Site Plan-Parking and Landscaping; 520 Route 340, Sparkill, NY; 78.05 / 2 / 60 & 61; RG & R-15 zones; 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 9:00 P.M.

Dated: September 1, 2021

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By *Deborah Arbolino*

Deborah Arbolino, Administrative Aide

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

SEP 1 2021  
TOWN OF ORANGETOWN

**FLOOR AREA RATIO, SIDE YARD AND TOTAL SIDE YARD VARIANCES  
APPROVED**

To: Gustavo Madera  
116 Lawrence Street  
Tappan, New York  
10983

ZBA #21-69  
Date: July 21, and September 1, 2021  
Permit #51343

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-69: Application of Gustavo Madera for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15, Group M, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .275 existing, .42 proposed), 9 (Side Yard: 20' required, 14.1' proposed), and 10 (Total Side Yard: 50' required, 31.56' proposed) for an addition to an existing single-family residence. The premises are located at 116 Lawrence Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.15, Block 3, Lot 23; 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 21, 2021 at which time the Board made the determination hereinafter set forth.

Gustavo Madera appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Addition & Alterations for Mr. and Mrs. Madera" dated 2/5/21 signed and sealed by Jorge L. Lopez, Architect. (3 pages).
2. Site plan dated 4/26/ 2021 by Jorge Lopez.
3. Cover letter dated May 18, 2021 signed by Gustavo Madera.
4. A letter in support of the project from John McNiff, 110 Lawrence Street, Tappan, NY.
5. Four pictures.

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

At the September 1, 2021 Hearing, on advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Mr. Quinn, aye and Mr. Valentine; aye. Ms. Castelli was absent.

At the July 21, 2021 hearing Gustavo Madera testified that he is planning to retire in five or six years; that his two boys are done with college and are in and out of the house; that they have owned the house for 20 years;

TOWN OF ORANGETOWN  
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TOWN OF ORANGETOWN

that they would like to make the house more comfortable; that they plan on adding a master bedroom, walk in closet and master bath; that the lot is undersized; that they converted the garage to living space last time they were before the Board; that they extended the porch to the end of the house and there is no other way to add the space they need; that the natural structure of the house extends to where it is and the bedroom space would be cantilevered; that he does not know the total square footage of the house; that he does not know why the floor area ratio numbers do not match; that he did add plastic material to the trellis on his rear deck; and that he will ask the architect to figure the numbers and would like a continuance.

No Public Comment

The Board granted the applicant a continuance to the September 1, 2021 hearing.

September 1, 2021

ITEMS SUBMITTED FOR BOARD REVIEW:

1. Revised bulk table dated 7/26/2021 signed and sealed by Jorge L. Lopez, Architect,
2. A letter of explanation dated July 28, 2021 signed by Jorge L. Lopez, RA.

Gustavo Madera testified that he would like to thank the board for allowing him time to clarify the floor area ratio numbers on his application; that the numbers were not consistent with the proposed plans; that he went back to his architect and the numbers have been clarified; that his architect told him that these things are usually done by an engineer; that it looks like the first variance that was granted was for higher than needed; that he has lived in the town for 25 years and raised three kids here; that he would like to add a master bedroom suite over the existing garage with no change to the footprint; that he wants to retire in this house; that his three children live locally; and the proposal is for an additional 475 sq. ft..

Public Comment:

No public comment.

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

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

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

TOWN OF ORANGE  
SEP 8 2021  
10:30 AM

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested floor area ratio, side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood . The floor area ratio numbers have been clarified and the proposed 475 sq. ft. addition is not changing the footprint of the house. The change to the side yard and total side yard are because the addition will be cantilevered.
2. The requested floor area ratio, side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood. . The floor area ratio numbers have been clarified and the proposed 475 sq. ft. addition is not changing the footprint of the house. The change to the side yard and total side yard are because the addition will be cantilevered.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, side yard and total side yard variances although 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. . The floor area ratio numbers have been clarified and the proposed 475 sq. ft. addition is not changing the footprint of the house. The change to the side yard and total side yard are because the addition will be cantilevered.
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.

APPROVED  
2021 SEP - 9 - 10 50  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio, side yard, and total side yard variances are APPROVED; 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.


RECEIVED  
ZBA #21-69  
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio, side yard and total side yard variances are APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Bonomolo, aye; Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Bosco, aye, Ms. Castelli 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: September 1, 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

SEP 01 2021 9:45 AM  
TOWN OF ORANGETOWN

**SIDE YARD VARIANCE APPROVED**

To: Amy Gordon  
2 Post Lane  
Palisades, New York 10964

ZBA #21-75  
Date: September 1, 2021  
Permit #51569

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-75: Application of Amy Gordon for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Column 9 (Side Yard: 30' required, 24' existing) for two existing decks at an existing single-family residence. The premises are located at 2 Post Lane, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.17, Block 2, Lot 46; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 1, 2021 at which time the Board made the determination hereinafter set forth.

Amy Gordon and Phil Greenberg appeared and testified.

The following documents were presented:

1. Plans with deck drawn on it by Amy Gordon-Greenberg dated 6/2/21 ( 1 page).
2. A letter dated August 20, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. Memorandums with "No Comment at this time" from Rockland County Health Department, Palisades Interstate Park Commission, and Rockland County Highway Department.

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

Amy Gordon testified that the deck(#1) was changed from three tiers to two tiers and made a bit wider; that she has pictures to show the Board; that they had an engineer certify the deck; that the second deck(#2) was there when they purchased the house; that she did not know there was an issue with that deck; that they did change the board on that deck (#2) and that it is 12 feet wide across the house and juts out 6 feet.

SEP 01 2021  
TOWN OF ORANGETOWN



Public Comment:

No public comment.

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

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

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. 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 variance 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.
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 decks have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested side yard 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. Similar decks 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.

APPROVED BY THE BOARD OF APPEALS  
DATE: 08-18-2021  
BY: [Signature]

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.


2021 SEP 23 10:51 AM  
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye and Mr. Valentine; aye. Ms. Castelli 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: September 1, 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

SEP 1 2021  
SEP 1 2021  
SEP 1 2021

**REAR YARD VARIANCE APPROVED**

To: Allen D. Ross (Goldberg)  
153 Main Street (first floor)  
New Paltz, New York 12561

ZBA #21-77  
Date: September 1, 2021  
Permit #51533

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-77: Application of Ryan and Jennifer Goldberg for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Column 11 (Rear Yard: 50' required, 42' proposed), for an addition to an existing single-family residence. The property is located at 1 Prior Court, Palisades, New York and is identified on the Orangetown Tax Map as Section 80.06, Block 1, Lot 7 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 1, 2021 at which time the Board made the determination hereinafter set forth.

Allen Ross, Architect, and Caitlyn Burck, Designer, appeared and testified.

The following documents were presented:

1. Plans labeled "Goldberg Residence" dated 05/14/2021 with the latest revision date of 06/15/2021 signed and sealed by Allen Douglas Ross, Architect. (11 pages).
2. Copy of survey dated 3/18/1987 Adler & Young, P.C..
3. A letter dated August 18, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated August 24, 2021 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
5. A letter dated August 6, 2021 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
6. A memorandum with No comments at this time from Rockland County Department of Health.

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

Allen Ross, Architect, testified that the proposal is to add a garage bay with storage above and a small portion of it bumps into the rear yard set-back; that Dan Sherman, Landscape Architect, did a drainage design and he is submitting a letter from him to the Board; that the neighbor to

SEP 1 2021 10:01 AM  
ZBA #21-77  
PERMIT #51533

the North is in favor of the application; that they appeared before the Historic Board and received their approval; that the intrusion is still far from the neighbor; that this is a corner lot; that the added area has a minor dormer and doesn't change the profile; that there is an extension of the deck in the rear with sliding doors and does not require a variance; and that the addition speaks to the history of the house and the homes in the surrounding area.

Caitlyn Burck, Designer, testified that the house was purchased in July and it was in really rough condition; that the application has been before the Historic Board twice already and the Board and neighbors are very happy with the improvements.

Public Comment:

No public comment.

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

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

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested rear 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 rear 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 rear yard 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. Similar additions have been constructed in the neighborhood

2021 SEP 16 10:01 AM  
2021 SEP 16 10:01 AM  
2021 SEP 16 10:01 AM

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

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

2021-07-27 10:00 AM  
ZBA#21-77  
PERMIT#51533

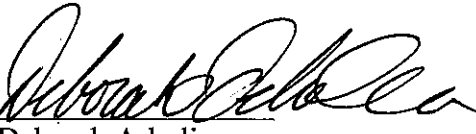
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown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

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Mr. Bonomolo, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli 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: September 1, 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  
MGMT. and ENGINEERING  
FILE,ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

SEP 01 2021  
10:00 AM  
TOWN CLERK

**FRONT YARD AND SIDE YARD VARIANCES APPROVED; UNDERSIZED LOT AND PRE-EXISTING NON-CONFORMING SHED/GARAGE ACKNOWLEDGED**

To: John and Olivia McCullough  
22 Closter Road  
Palisades, New York 10964

ZBA #21-78  
Date: September 1, 2021  
Permit #51572

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-78: Application of John and Olivia McCullough for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Columns 8 (Front Yard: 50' required, 28.7' existing), and 9 (Side Yard: 20' required, 17'6" existing) (Section 5.21 (a) undersize lot applies) for a new (existing) front landing and stairs at an existing single-family residence. The property is located at 22 Closter Road, Palisades, New York and is identified on the Orangetown Tax Map as Section 78.18, Block 2, Lot 25 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 1, 2021 at which time the Board made the determination hereinafter set forth.

John and Olivia McCullough appeared and testified.

The following documents were presented:

1. Plans labeled survey of property for Laura Ebmeyer –Trust dated April 30, 2008 with the deck and new front stairs drawn on by John McCullough dated 6/15.2021.
2. A letter dated August 18, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated August 25, 2021 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
4. Memorandum marked no comments at this time from Rockland County Department of Health and Rockland County Highway Department.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Mr. Quinn, aye and Mr. Valentine, aye. Ms. Castelli was absent.

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Olivia McCullough testified that they did work on the house without asking permission but they did not mean any disrespect; that they bought the house four years ago and it looked abandoned; that the front door was almost unusable because the front stairs and landing were separating from the house; that there were snakes living there; that they got an estimate from a mason to fix it and it was really expensive, so they decided to replace it with wood; that they kept the landing the same size but changed the stairs because they were ending in the driveway; and that they found out because of this they need a variance.

John McCullough testified that they also had a title search done on the house and it came back with a comment on the pre-existing shed that it may be too close to the property line and they would appreciate it if the Board could comment on that.

Public Comment:

No public comment.

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

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

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested 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 and noted that similar additions have been constructed in the neighborhood.
2. The Board acknowledged the existing shed/garage that is located 4'4" from the property line and was probably originally used for a Model-T and stated that the property is in the R-40 zoning district and no accessory structure would ever be able to comply with the required setbacks for that zone because of how extremely undersized the lot is for that zone.

APPROVED: [Signature]  
DATE: 06-25-2021  
MEMBER: [Signature]

3. 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 and noted that similar additions have been constructed in the neighborhood.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested front yard and side yard variances although 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 additions have been constructed in the neighborhood.
6. 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 front yard and side yard variances are APPROVED; and the undersized lot and **pre-existing** non-conforming existing shed/garage acknowledged; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

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

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

The foregoing resolution to approve the application for the requested front yard and side yard variances are APPROVED; and the undersized lot and **pre-existing** non-conforming existing shed/garage acknowledged; was presented and moved by Mr. Valentine, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye and Mr. Valentine; aye. Ms. Castelli 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: September 1, 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

SEP 1 2021  
10:00 AM  
TOWN OF ORANGETOWN