

MINUTES
ZONING BOARD OF APPEALS
November 17, 2021

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

ABSENT: MICHAEL BOSCO
ROB BONOMOLO, JR

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

POSTPONED ITEM:

MAURO
1079 Route 9W South
Nyack, New York
71.09 / 1 / 8; R-22 zone

SIDE YARD, TOTAL SIDE
YARD VARIANCES APPROVED
UNDERSIZED LOT ACKNOWLEDGED

ZBA#21-74

NEW ITEMS:

FOX
180 East Lewis Avenue
Pearl River, New York
68.12 / 4 / 15; CC zone

§ 9.34 ONE TIME EXPANSION
WAS PREVIOUSLY GRANTED
IN ZBA#12-21 DATED APRIL 4, 2012
THEREFORE IT CANNOT BE GRANTED
AGAIN: **DENIED**

ZBA#21-96

LOGUE
29 Reld Drive
Pearl River, New York
69.09 / 4 / 8; R-15 zone

SIDE YARD VARIANCE
APPROVED

ZBA#21-97

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 P.M.

Dated: November 17, 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

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SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED; UNDERSIZED LOT ACKNOWLEDGED

To: Antimo DelVecchio (Mauro)
Beattie Padovan LLC
200 Market Street Suite 401
Montvale, New Jersey 07645

ZBA #21-74
Date: November 17, 2021
Permit # 51183

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-74: Application of Michael Mauro for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Columns 9 (Side Yard: 20' required, 13.3' proposed) and 10 (Total Side Yard: 40' required, 39.6' proposed) (Section 5.12 Undersized Lot Applies) for an addition to an existing single-family residence. The property is located at 1079 Route 9W, South Nyack, New York and is identified on the Orangetown Tax Map as Section 71.09, Block 1, Lot 8 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 17, 2021 at which time the Board made the determination hereinafter set forth. The applicant postponed meetings on September 1, 2021, and October 6, 2021.

Andy DelVecchio, Esq., and Craig Dominic, Project Engineer, appeared and testified.

The following documents were presented:

1. Plans labeled "Site Plan prepared for Michael J. Mauro" dated December 18, 2020 signed and sealed by John A. Loch, PLS and Craig David Dominick, P.E. (1 page).
2. A memorandum dated May 18, 2021 from Jane Slavin, RA., Director, O.B.Z.P.A.E., Town of Orangetown.
3. Planning Board Decision #51183 dated May 26, 2021.
4. A letter dated August 24, 2021 from Rockland County Sewer District No 1 signed by Joseph LaFiandra, Engineer II.
5. A letter dated July 12, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. Plans labeled "Site Plan prepared for Michael J. Mauro" last revised 11/5/2021 signed and sealed by John A. Loch, PLS and Craig David Dominick, P.E. (3 pages).
7. Boundary and Topographic Survey Map prepared for Michael J. Mauro dated August 10, 2020 with the latest revision date of 10/11/2021.
8. A letter in support of the application from Craig Pogson, an abutting neighbor.

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 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#21-31) 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 Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco and Mr. Bonomolo were absent.

Andy DelVecchio, Attorney, testified that Mr. Dominic should explain the proposed improvements because they are his plans and turned it over to him.

Craig Dominic, Project Engineer, testified that the improvements include a one car garage on the south side of the property; renovation of the front entry way; addition of a solarium on the second level of the bi-level in rear northside of the house; a new concrete stairway on the north of the house to replace a crumbling stairway; that they are also proposing a deck in the rear of the house and a new bluestone walkway in front of the house; that the garage is being located in an area that will cause the least amount of disturbance to the land; that only one dead tree is being removed for the proposed construction; that the lot is only 100' wide and about 300' deep' that the slope in the rear of the property is about 32%; and there is no storage beneath the garage.

Andy DelVecchio, Attorney, asked the project engineer if he garage could be built anywhere else on the property that would have less land disturbance and the answer was no; and he also asked if the proposed front entry way, rear addition and deck were encroaching on the setbacks and the answer was no.

Mr. Mauro, testified that they purchased the house last summer and started the renovation and they are eager to be able to occupy the house.

Public Comment:

Craig Polson, neighbor to the south of the applicant, testified that the Mauro's are great neighbors and making wonderful improvements to the property and they are eager to see them move in as soon as possible.

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.

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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 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. The Board acknowledged the undersized lot and noted that the proposed garage is being constructed in an area that will minimize the disturbance of that land in a neighborhood of homes in the critical environmental area.
2. The requested 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. The Board acknowledged the undersized lot and noted that the proposed garage is being constructed in an area that will minimize the disturbance of that land in a neighborhood of homes in the critical environmental area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested 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. The Board acknowledged the undersized lot and noted that the proposed garage is being constructed in an area that will minimize the disturbance of that land in a neighborhood of homes in the critical environmental area.
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 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.

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

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SECTION 9.34 ONE-TIME 50% EXPANSION OF NON-CONFORMING BULK VARIANCE DENIED: CANNOT BE GRANTED MORE THAN ONE TIME

To: Donald Brenner (Fox)
4 Independence Avenue
Tappan, New York 10983

ZBA #21-96
Date: November 17, 2021
Permit #51876

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-96: Application of Bruce and Cindy Fox for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, CC District, Section 9.34 applies: (One time 50% expansion of a pre-existing non-conforming single family residence requesting a 475 sq. ft. addition at the rear of the existing dwelling) for an existing single-family residence located in the CC zone. The premises are located at 180 East Lewis Avenue, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.12, Block 4, Lot 15 in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 17, 2021 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney and Bruce Fox appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Addition for Bruce & Cindy Fox" dated 09/13/2021 signed and sealed by Uzziah Bertram Cooper, Architect. (3 pages).
2. ZBA Decision # 12-61 for second front door denied & # 12-21 for extension of non-conforming bulk granted.
3. Certificate of Occupancy dated April 10, 1956 with survey dated May 24, 1955.
4. Certificate of Occupancy dated February 11, 1958 for addition for doctor's office and X-Ray room.
5. Certificate of Occupancy dated 11/20/1963 for new one story addition attached to I-Family Dwelling.
6. Certificate of Occupancy dated 2/22/2013 to move a door from the front of house to the side of house.
7. Zoning Board of Appeals Decision 374-70 for a Special Permit for professional office and lesser number of parking spaces.
8. A letter dated November 8, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
9. A letter dated November 8, 2021 from Rockland County Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
10. A letter dated November 15, 2021 from Rockland County Sewer District No.1 signed by Joseph La Fiandra, Engineer II.
11. A sign off sheet from Rockland County Health Department dated 11/2/2021 signed by Liz Mello.
12. A sign off sheet dated 10/21/2021 from Rockland County Highway Department signed by Dyan Rajasingham.

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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. Valentine, aye; and Ms. Castelli, aye. Mr. Bonomolo and Mr. Bosco were absent.

Donald Brenner testified that the house was built in 1956, that there was a certificate of occupancy issued for a single-family residence; that a Chiropractor purchased the property and altered it for a home office and a special permit was granted, that he did not really need; that in 2012 it was purchased by a family that requested to use the house for residential only and not have any office; that they were granted that by this board; that by doing this, the house went back to the original certificate of occupancy; that the use should run with the land; that his client has a sick mother that needs to live with them and the proposed 475 sq. ft. addition would afford her living space on the main floor of the house and provide her privacy also; that she is wheel chair bound.

Bruce Fox testified that he purchased the house three years ago; that he has a wife and two children and they have no intention of leaving the community; that the proposed addition would be replacing an existing deck and be in the rear of the dining room; that he has a letter of support from an abutting neighbor; that his mom needs to live with them because of her medical disorder; and the land in the rear of the house is unused and behind them there are apartments and in front of them is Safe and Sound; and if they are denied; they will apply to the Town Board for a zone change back to residential.

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.

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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 DO NOT outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested Section 9.34 variance has already been granted in ZBA # 12-21 and the provision clearly states "One time expansion", preventing the Zoning Board from considering the application.. The ZBA Decision dated April 4, 2012 clearly stated in the finding of facts that "the applicant is aware that that Section 9.34 provision may be used only once for each such use". Although this is a new owner, the Board is bound by the law not to allow another expansion.

2. The Board also acknowledges that in the finding of facts for ZBA Decision #12-21 dated April 4, 2012 it is stated that " the surrounding area is a mix of single-family residences on East Lewis Avenue , a condominium complex, a bank and a daycare center" and suggested that the applicant state his case to the Town Board.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested Section 9.34 variance is **DENIED**; 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

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judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

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

The foregoing resolution to Deny the application for the requested Section 9.34 variance is APPROVED; was presented and moved by Mr. Valentine, seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Valentine. Mr. Bonomolo and Mr. Bosco were 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: November 17, 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

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SIDE YARD VARIANCE APPROVED

To: Henry and LuAnn Logue
29 Reld Drive
Pearl River, New York 10965

ZBA #21-97
Date: November 17, 2021
Permit #49469

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-97: Application of Henry and LuAnn Logue for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 3.12, Column 9 (Side Yard: 20' required, 9.4' proposed) for an addition to an existing single-family residence. The property is located at 29 Reld Drive, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.09, Block 4, Lot 8 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 17, 2021 at which time the Board made the determination hereinafter set forth.

LuAnn Logue appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Residence for Ms. Lou Ann" dated October 19, 2018 signed and sealed by Emilio Escaladas, Architect. (1 page).

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; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco and Mr. Valentine were absent.

LuAnn Logue testified that she had a permit for a new roof and siding and the roof was extended out to cover a walkway between the detached garage and the house and because of this, she needs a variance; that the new roof being extended makes it safer to navigate the distance between the garage and the house in winter weather; that the garage is not moving and has been there for many years.

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. 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. The Board acknowledged the detached garage is 9.4' from the side yard, which is permitted, however the applicant is proposing to attach the garage to the house, which causes the need for the side yard variance. In reality the 9.4' side yard already exists, the change to the property is the connection between the garage and the existing house.
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 detached garage is 9.4' from the side yard, which is permitted, however the applicant is proposing to attach the garage to the house, which causes the need for the side yard variance. In reality the 9.4' side yard already exists, the change to the property is the connection between the garage and the existing house.
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 detached garage is 9.4' from the side yard, which is permitted, however the applicant is proposing to attach the garage to the house, which causes the need for the side yard variance. In reality the 9.4' side yard already exists, the change to the property is the connection between the garage and the existing house.

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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 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.

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The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Valentine, seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Valentine, aye; and Ms. Castelli, aye. Mr. Bonomolo and Mr. Bosco were 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: November 17, 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
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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