

MINUTES  
ZONING BOARD OF APPEALS  
January 19, 2022

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

ABSENT: NONE

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
Dennis Michaels, 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:

LYKOKAS 11 Tweed Boulevard Upper Grandview, New York 71.09 / 1 / 52; R-22 zone	FLOOR AREA RATIO, LOT WIDTH, LOT AREA, FRONT YARD, AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#21-91
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NEW ITEMS:

LEADER 175 Rutgers Road East Orangeburg, New York 74.13 / 2 / 62; R-22 zone	APPLICATION WITHDRAWN	ZBA#22-04
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GRACH & GILILOVA 47 Polhemus Street Tappan, New York 77.08 / 2 / 46; RG zone	POSTPONED PUBLICATION DEFECIANT	ZBA#22-05
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40 WASHINGTON SPRING ROAD RESUBDIVISION PLAN HEAVEN TOO TRUST 40 Washington Spring Road Palisades, New York 78.19/ 1 / 13; R-22 zone	SIDE YARD VARIANCE APPROVED	ZBA#22-06
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SLINGSBY  
9 Valenza Lane  
Blauvelt, New York  
70.11/1/7; R-40 zone

SIDE YARD VARIANCE  
APPROVED

ZBA#22-07

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 8:40 P.M.

Dated: January 19, 2022

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 OF ORANGETOWN  
2022 JAN 29 A 9 31  
TOWN CLERK'S OFFICE

**FLOOR AREA RATIO, LOT WIDTH, LOT AREA, FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED; UNDERSIZED LOT ACKNOWLEDGED**

To: Nikos Lykokas  
342 Riverdale Drive  
Fort Lee, New Jersey, 07024

ZBA #21-91  
Date: October 20, 2021  
January 5, 2022 & January 19, 2022  
Permit #50417

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-91: Application of Nikos Lykokas for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Column 4 (Floor Area Ratio: 20% permitted, 28.3% proposed) and from Section 5.21 Undersized lot applies: (Building Height: 20' permitted, 36.17' proposed) and from Section 5.221 (unroofed steps and terraces not exceeding 16 sq. ft. in area or projecting more than 4 feet from the exterior wall are permitted: the upper patio is proposed with 347 sq. ft. within the 20' side yard setback at an average of 6 feet above grade and stairs down to lower patio) for the construction of a new single-family residence. The property is located at 11 Tweed Boulevard, Upper Grandview, New York and is identified on the Orangetown Tax Map as Section 71.09, Block 1, Lot 52 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, October 20, 2021, January 5, 2022 and January 19, 2022, at which time the Board made the determination hereinafter set forth.

Vassilios Cocoros, Architect, and Jorel Vaccaro, Engineer and appeared and testified.

The following documents were presented:

1. Plans labeled "11 Tweed Boulevard" dated 3/25/20 with the latest revision date of August 3, 2021 with signed and sealed by Jorel J. Vaccaro, P.E.. (7 pages).
2. Plans labeled "New One Family Dwelling for 11 Tweed Boulevard" last dated 11/02/2021 signed and sealed by Vassilios Cocoros, Architect. (3 pages).
3. A letter dated September 22, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

At the October 20, 2021 hearing Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

Jorel Vaccaro, Engineer, testified that they are proposing a septic system, well and stormwater system because of the steep slope and the critical environmental area; that they are seeking the side yard setback for the terracing and it is missing from the table and he asked for a continuance to fix it.

Vassilios Cocoros, Architect, testified that the proposal is for a new one family residence with a roof deck; that the house would have two levels and the roof top deck; that the property drops off and instead of filling it in they are leaving it open and coming in the north side would be the bedroom and rec room and a staircase to upstairs; that the gallery off the left hand side; the kitchen is on the right hand side and the primary and master bedroom are on the south side; and the pool on the roof is more usable.

Public Comment:

No public comment.

January 5, 2022

ZBA#21-91: Application of Nikos Lykokas for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Column 4 Chapter 43, R-22 District, Group I, Column 4 (Floor Area Ratio: .20 permitted, .283 proposed), 6 (Lot Width: 125' required, 101 feet existing), 5 (Lot Area: 22,500 sq. ft. required, 26, 938 sq. ft. existing minus for slopes greater than 25% and lot size is 18, 799 sq. ft.), 8 (Front Yard: 40' required, 30' proposed); Section 5.21 Undersized lot applies: (Building Height: 20' permitted, 36.17' proposed) and from Section 5.221 (Unroofed steps and terraces not exceeding 16 sq. ft. in area nor projecting more than 4 feet from the exterior wall are permitted: the upper patio is proposed with 347 sq. ft. within the 20' side yard setback at an average of 6 feet above the grade and stairs down to lower patio) for the construction a new single-family residence. The property is located at 11 Tweed Boulevard, Upper Grandview, New York and is identified on the Orangetown Tax Map as Section 71.09, Block 1, Lot 52 in the R-22 zoning district.

The following documents were presented:

1. Plans labeled "11 Tweed Boulevard" date of March 25, 2020 with the latest revision date of 11/ 11/ 21 signed and sealed by Jorel J. Vaccaro, P.E.. (7 pages).
2. Plans labeled "New One Family Dwelling for 11 Tweed Boulevard" last dated 8/3/2021 signed and sealed by Vassilios Cocoros, Architect. (3 pages).
3. A letter dated December 21, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated December 23, 2021 from Rockland County Health Department signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
5. A letter dated December 21, 2021 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
6. Sign off sheet from Rockland County Health Department dated 12/23/21 and Rockland County Highway Department date 11/24/2021.

At the January 5, 2022 hearing Jorel Vacarro, Civil Engineer appeared and testified.

At this hearing Patricia Castelli, acted as Chair, Billy Valentine and Robert Bonomolo were present.

Dan Sullivan, Michael Bosco and Tom Quinn were absent.

Jorel Vacarro, Civil Engineer for the project, testified that the proposal is to build a single-family residence on property with steep slopes; that they need a height variance at average grade, the lot is undersized because of the reduction for steep slopes and they have removed the patio; that the denial needs to be updated to match these plans and that he would like to request a continuance because they will require an override for comments in the December 21, 2021 letter from Rockland County Planning; and that they would like to continue to the January 19, 2022 hearing to correct the publication and be heard in front of a full board.

Public Comment:

No public comment.

January 19, 2022

Board members present: Dan Sullivan, Tom Quinn, Patricia Castelli, Michael Bosco and Robert Bonomolo. Billy Valentine was absent.

ZBA#21-91: Application of Nikos Lykokas for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Column 4 Chapter 43, R-22 District, Group I, Column 4 (Floor Area Ratio: .20 permitted, .283 proposed), 6 (Lot Width: 125' required, 101 feet existing), 5 (Lot Area: 22,500 sq. ft. required, 26, 938 sq. ft. existing minus for slopes greater than 25% and lot size is 18, 799 sq. ft.), 8 (Front Yard: 40' required, 30' proposed); Section 5.21 Undersized lot applies: (Building Height: 20' permitted, 36.17' proposed) for the construction a new single-family residence. The property is located at 11 Tweed Boulevard, Upper Grandview, New York and is identified on the Orangetown Tax Map as Section 71.09, Block 1, Lot 52 in the R-22 zoning district.

Jorel Vacarro, Civil Engineer, Nikos Lykokas, owner and Vassilios Cocoros, Architect, appeared and testified.

Jorel Vacarro, Engineer, testified that they are proposing a to build a single-family residence on a lot that has steep slopes and the lot is undersized in width; that the house is set closer to the road than is permitted to accommodate the slope of the property; that the house from the road appears to be two story structure and is 22.33' high in the front of the house; that they need a variance for height of the building because it is measured from the average grade around the house; that they have reduced the requested variances by eliminating the patio and steps in the side yard and moving the pool out of the yards; that if there was no deduction for steep slopes the requested floor area would have been .237.

Vassilios Cocoros, Architect, testified that the building height would be possible to reduce but only by about eight inches because of the steel beams and the entrance into the garage with the slope of the property; that the lower level of the house with the garage is 1,923 sq. ft.; that the first floor is 1,890 sq. ft., the second floor is 1,344 sq. ft. and the roof bulk area is 166 sq. ft.; that the total square footage is 5,323 sq. ft. and the floor area ratio number is high at .283 but if there was no deduction for slope it would be .237; and that the house appears to be a two story dwelling from the street.

APPROVED BY BOARD  
DATE: 01/19/2022  
BY: [Signature]

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before each 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 floor area ratio, lot width, lot area, front yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the undersized lot and the deduction for steep slopes which impacted the floor area ratio numbers, since without the deductions for the requested floor area ratio would have been .237. The requested height variance was calculated by the average grade, however from the street the house appears to be a two story dwelling with a height of 22.33'. The applicant has removed the originally requested side yard for a raised patio and the pool has been relocated to the roof.
2. The Board voted to override #2 of the Rockland County Department of Planning letter dated December 21, 2021 because a referral package was sent to Rockland Division of Environmental Resources and they did not respond. Comments #4 and #5 were addressed by the Board when the application was continued from January 5, 2021 to January 19, 2021.
3. The requested floor area ratio, lot width, lot area, front yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the undersized lot and the deduction for steep slopes which impacted the floor area ratio numbers, since without the deductions for the requested floor area ratio would have been .237. The requested height variance was calculated by the average grade, however from the street the house appears to be a two story dwelling with a height of 22.33'. The applicant has removed the originally requested side yard for a raised patio and the pool has been relocated to the roof.

APPROVED: [Signature]  
TOWN OF CLINTON

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 floor area ratio, lot width, lot area, front yard and building height 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 the deduction for steep slopes which impacted the floor area ratio numbers, since without the deductions for the requested floor area ratio would have been .237. The requested height variance was calculated by the average grade, however from the street the house appears to be a two story dwelling with a height of 22.33'. The applicant has removed the originally requested side yard for a raised patio and the pool has been relocated to the roof.
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 floor area ratio, lot width, lot area, front yard and building height variances are **APPROVED**; and the Undersized Lot is **Acknowledged**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

**General Conditions:**

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

APPROVED AND FORWARDED:

DATE: 07/04/2021

TOWN OF ORANGETOWN



(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 floor area ratio, lot width, lot area, front yard and building height variances are APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine 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: January 19, 2022

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

TOWN CLERK'S OFFICE  
2022 JAN 26 A 9 30  
TOWN OF ORANGETOWN



**SIDE YARD VARIANCE APPROVED**

To: Margaret Fowler (40 Washington Spring Road sub)  
500 North Broadway  
Palisades, New York 10964

ZBA #22-06  
Date: January 19, 2022  
Permit #N.A.

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-06: Application of 40 Washington Spring Road Re-subdivision Plan ( Heaven Too Trust) for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Column 9 (Side Yard: 25' required, 8.2' granted in ZBA#83-80 and 5.5' exists) for an addition that was built in 1983 at an existing single-family residence. The property is located at 40 Washington Spring Road, Palisades, New York and is identified on the Orangetown Tax Map as Section 78.19, Block 1, Lot 13 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 19, 2022 at which time the Board made the determination hereinafter set forth.

Margaret Fowler, Architect, appeared and testified.

The following documents were presented:

- 1. Plans labeled "Proposed lot line changes for Snedans Landing Tennis Association" dated January 27, 2000 with the latest revision date of August 25, 2021 ( a copy of a signed and sealed plan Steven J. Collazuol, PE.& L.S. (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. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine was absent.

Margaret Fowler, Architect, testified that she has been before the Historic Board four times with this property; that the last application was for a small addition to the existing garage; that Jane Slavin found a discrepancy on the plan and pulled out the old subdivision map and it did not match the addition that was built in 1984; that the variance that was granted was for 8.2' side yard to the addition to the house and the as built shows a side yard of 5.5'; that the addition was built 40 years ago; that this plan that is before the Board presently is correct; that the plans are done by computer and are more accurate now; that the Planning Board granted final approval under PB# 21-70, to file the map and she was directed to obtain the variance.

TOWN OF ORANGETOWN  
JAN 25 4 35 PM '22  
ZONING BOARD

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 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 addition to the house was built in 1984 and requested that the Certificate of Occupancy for that addition be made part of this file.
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 addition to the house was built in 1984 and requested that the Certificate of Occupancy for that addition be made part of this file.
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 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 addition to the house was built in 1984 and requested that the Certificate of Occupancy for that addition be made part of this file.
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  
JAN 25 9 30 AM '22

**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

2022 JAN 26 A 9 50


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine 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: January 19, 2022

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-

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

TOWN OF ORANGETOWN  
2022 JAN 26 A 9:30  
TOWN CLERK'S OFFICE

**SIDE YARD VARIANCE APPROVED**

To: Joseph Angelini (Slingsby)  
78 Yale Terrace  
Blauvelt, New York 10913

ZBA #22-07  
Date: January 19, 2022  
Permit #BLDR-60-2021

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-07: Application of Robert Slingsby for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40, Group E, Section 3.12, Column 9 (Side Yard: 30' required, 12.7' existing) for an existing deck at an existing single-family residence. The property is located at 9 Valenza Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.11, Block 1, Lot 7; R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 19, 2022 at which time the Board made the determination hereinafter set forth.

Joseph Angelini, advisor to applicant and Jill Horton-Miller, Attorney, appeared and testified.

The following documents were presented:

1. Plans labeled "Boundary Survey Faruk Ali" dated September 28, 2021 signed and sealed by John R. Atzl, Land Surveyor. (1 page).
2. Two letters from abutting neighbors in support of the application.

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

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

Joseph Angelini testified that the Slingsby's were in the process of selling the house when a title search was done and it brought to their attention that the deck that was constructed in 1992, when the house was built, was built too close to the side yard; that they have since sold the house and have money in escrow until they can legalize the deck.

Jill Horton-Miller, Attorney for the applicant testified that the deck is 830 square feet; that the Slingsby's were the original owners of the house; that the side yard is uneven and part of the reason for the variance and the neighbor on that side of the house is set quite a distance away.

TOWN OF ORANGETOWN  
2022 JAN 26 A 9:30  
TOWN CLERK'S OFFICE

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. The Board acknowledged the uneven side yard and noted that the deck has existed without incident since 1992.
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 uneven side yard and noted that the deck has existed without incident since 1992.
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 uneven side yard and noted that the deck has existed without incident since 1992.
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  
2022 JAN 26 A 9:30  
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 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

2022 JAN 26 A 9:30

TOWN OF ORANGETOWN




The foregoing resolution to approve the application for the requested side yard variance is APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine 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: January 19, 2022

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

TOWN OF ORANGETOWN  
2022 JAN 26 A 9:30  
TOWN CLERK'S OFFICE