

MINUTES  
ZONING BOARD OF APPEALS  
February 2, 2022

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN  
PATRICIA CASTELLI  
MICHAEL BOSCO  
THOMAS QUINN

ABSENT: ROB BONOMOLO, JR.  
BILLY VALENTINE

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

POSTPONED:

GRACH & GILIOVA  
47 Polhemus Street  
Tappan, New York  
77.08 / 2 / 46; RG zone

FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND ACCESSORY STRUCTURE DISTANCE TO MAIN STRUCTURE VARIANCES APPROVED ZBA#22-05

NEW ITEMS:

MONZON  
40 & 44 Grand Avenue  
Tappan, New York  
77.10 / 2 / 36 & 44.1; R-15 zone

LOT AREA, AND LOT WIDTH VARIANCES APPROVED ZBA#22-08

KENNEDY  
27 Lexington Road  
Tappan, New York  
70.15 / 2 / 21; R-15 zone

FRONT YARD, SECTION 5.153 AND Section 5.227 ACCESSORY STRUCTURE TO SIDE YARD AND PRIMARY STRUCTURE DISTANCE TO MAIN STRUCTURE VARIANCES APPROVED ZBA#22-09

TOWN OF ORANGETOWN  
2022 FEB - 8 P 12: 01  
TOWN CLERK'S OFFICE

OTHER BUSINESS:

Request from the Town Attorney' Office:

On January 18, 2022, the Town Board set a public hearing date for a proposed change to the Town Code to allow electric vehicle charging/display kiosks. The hearing is scheduled for February 15, 2022. Can you place the proposed local law on the agendas of the land use boards for their respective review of the proposed local law, for consent for the Town Board to serve as lead agency under SEQRA, and for whatever comments the land use boards may have?

Comments and/or concerns have been e-mailed to the Town Attorney' Office.

Dan Sullivan, Orangetown Zoning Board of Appeals Chairman made a motion to consent to the Orangetown Town Board acting as Lead Agency for a proposed change to the Town Code to allow electric vehicle charging/display kiosks; which motion was seconded by Patricia Castelli and carried as follows: Tom Quinn, aye; Mike Bosco, aye; Patricia Castelli, aye and Dan Sullivan, aye.

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 8:15 P.M.

Dated: February 2, 2022

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By Deborah Arbolino

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN  
2022 FEB - 8 P 12: 01  
TOWN CLERK'S OFFICE

**FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND SECTION 5.153  
ACCESSORY STRUCTURE DISTANCE TO MAIN STRUCTURE VARIANCES  
APPROVED**

To: Kirill Grach and Maria Gililova  
47 Polhemus Street  
Tappan, New York 10983

ZBA #22-05  
Date: February 2, 2022  
Permit #BLDR-17-2021

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-05: Application of Kirill Grach and Maria Gililova for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12 Columns 4 (Floor Area Ratio: 30% permitted, 32% proposed) and 8 (Front Yard: 25' required, 22.58' proposed), 9 (Side Yard: 10' required, 9' 9" 3/4" existing) and from Section 5.153 (Accessory Structure Distance to Main structure: 15' required, 10.9' proposed) for a shed and an addition to an existing single-family residence. The premises are located at 47 Polhemus Street, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.08, Block 2, Lot 46 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 2, 2022 at which time the Board made the determination hereinafter set forth.

Maria Grach and Kier Levesque, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Grach Renovation 47 Polhemus St. Tappan NY" dated September 14, 2021 signed and sealed by Kier Levesque, Architect. (3 pages).

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

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

Kier Levesque, Architect, testified that they are proposing to add a new front entrance to the house; that the front yard setback is being measured from the steps because they are 24" above finished grade; that the measurement is 22.58 to the stoop; that the other variances are for existing conditions; that the new survey shows the deck to be 9.81' to the yard and 10' is required; that the shed is 10.75' from the house and 15' is required; that these things are not changing; and that he will revise the bulk table and plans to have the correct measurements.

TOWN CLERK'S OFFICE  
2022 FEB - 8 P 12: 01  
TOWN OF ORANGETOWN

Public Comment:

No public comment.

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

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

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested floor area ratio, front yard, side yard and Section 5.153 accessory structure distance to main structure 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.
2. The requested floor area ratio, front yard, side yard and Section 5.153 accessory structure to main structure 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.
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, front yard, side yard and Section 5.153 accessory structure distance to main structure variances although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE  
2022 FEB - 8 P 12: 01  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio, front yard, side yard and Section 5.153 accessory structure distance to main structure variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE

2022 FEB - 8 P 12: 02

TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio, front yard, side yard and Section 5.153 accessory structure distance to main structure variances are APPROVED; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bonomolo and Mr. Valentine 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: February 2, 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-G.M.

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

TOWN OF ORANGETOWN  
2022 FEB - 8 P 12: 02  
TOWN CLERK'S OFFICE

**LOT AREA AND LOT WIDTH VARIANCES APPROVED**

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

ZBA #22-08  
Date: February 2, 2022  
Permit #52087

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-08: Application of Abel Monzon for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 5 (Lot Area: 15,000 sq. ft required, 9,572 proposed) and 6 (Lot Width: 100' required, 75' proposed) for the merger of two lots into one lot and the construction of a new single-family residence. The property is located at 40 & 44 Grand Avenue, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.10, Block 2, Lots 36 & 44.1 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 2, 2022 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney appeared and testified.

The following documents were presented:

1. Plans labeled "Site Plan Proposed Dwelling for Abel Monzon" dated August 6, 2021 signed and sealed by Robert Sorace PLS.. (1 page).
2. Planning Board Decision #21-46 dated July 28, 2021.
3. A letter dated January 12, 2022 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated January 31, 2022 from Rockland County Health Center for Environmental Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
5. A letter dated January 31, 2022 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.

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

TOWN CLERK'S OFFICE  
2022 FEB -8 P 12:02  
TOWN OF ORANGETOWN

Donald Brenner testified that the property was in front of the Planning Board in July 2021 to merge the two very undersized lots into a lot that is still a little undersized; that the contract purchaser would like to build a house that only requires variances for lot area and lot width; that it would be a nice house that would benefit the neighborhood; that the requested variances are not substantial and there would be no adverse effect by the granting of the variances; that they received final subdivision approval with the condition that they apply and get the lot width and lot area variances; that they will revise the bulk table and remove the floor area ratio request; and this application will be returning to the Planning Board or site plan review.

Public Comment:

Michael Dempsey, 36 Grant Avenue, Tappan, testified that his neighbor Joe and he both have water issues in their property; that ground water is an issue; that he already gets water in his basement; that when this house is built it will be worse; that his house is very close to his property line and the new house will only be ten feet from the property line; that the house should have to be twenty feet away and he questioned why the rules changed.

Dan Sullivan and Mike Bosco tried explaining pre-existing non-conforming lots to the audience and stated that the requirement for any development is 0% net run-off at the time of development.

Joe Grunski, 48 Grand Avenue, Tappan, testified that he validates every thing Mr. Dempsey said; that he has the same concerns; that there is a serious water issue and the house is too large and will cause more water problems.

Lucy Omar, 45 Grand Avenue, Tappan, testified that she supports her neighbors, that the neighborhood is made up of little quaint houses; that the water problem will be worse; that this large house will affect the quality of the neighborhood; that the size of the house is not conforming with the neighborhood.

Wayne Gavioli, Attorney for the property owner, testified, after complaining about being sworn in; that the neighbors are complaining about an existing situation; that the zoning board must do a balancing act to grant area variances; that if the variances are not granted it would be a taking of land; that there is no indication that these variances will exacerbate these conditions; and that the board has no choice but to grant the variances.

Donald Brenner, Attorney for the contract purchaser, testified that every time a new house is built in a neighborhood it brings up the value of the existing houses.

Denise Sullivan, Deputy Town Attorney, stated that the Planning Board Decision #21-46 states that "When the applicant comes back to the Office of Building, Planning, Zoning, Administration and Enforcement for development of the lot, the applicant shall make an application to the Planning Board for Site Plan Review, o include drainage of the site, as well as obtain the required variances at the Zoning Board of Appeals."; so the water issues will be addressed at that time.

TOWN OF ORANGETOWN  
2022 FEB - 8 P 12: 02  
TOWN CLERK'S OFFICE



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

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

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by 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 lot area and lot width variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged that two undersized lots were merged and noted that this lot, although still undersized, conforms with the neighborhood.
2. The requested lot area and lot width variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged that two undersized lots were merged and noted that this lot, although still undersized, conforms with the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested lot area and lot width 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 that two undersized lots were merged and noted that this lot, although still undersized, conforms with the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN OF ORANGETOWN  
2022 FEB - 8 P 12: 02  
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 lot area and lot width variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


TOWN CLERK'S OFFICE  
2022 FEB - 8 P 12: 02  
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested lot area and lot width variances are APPROVED; with the specific condition that revised plans be submitted without the requested floor area ratio, which was NOT GRANTED; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bonomolo and Mr. Valentine 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: February 2, 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-Dom M.

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

TOWN OF ORANGETOWN  
2022 FEB -8 P 12:02  
TOWN CLERK'S OFFICE

**FRONT YARD, SECTION 5.153 ACCESSORY STRUCTURE DISTANCE TO MAIN STRUCTURE AND SECTION 5.227 ACCESSORY STRUCTURE DISTANCE TO SIDE YARD VARIANCES APPROVED**

To: Frank Kennedy  
27 Lexington Road  
Tappan, New York 10983

ZBA #22-09  
Date: February 2, 2022  
Permit #RENEW 317-2021

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-09: Application of Helene Kennedy for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12 Columns 8 (Front Yard: 30' required, 28.5' proposed) and from Section 5.153 (Accessory Structure Distance from Primary Structure: 15' required, 6' existing; Section 5.227: Distance from Side yard: 5' required, 4' and 2' existing) for two existing sheds ) and an addition to an existing single-family residence. The premises are located at 27 Lexington Road, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.15, Block 2, Lot 21 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 2, 2022 at which time the Board made the determination hereinafter set forth.

Noreen Wholey, applicant's sister, appeared and testified.

Denise Sullivan, Deputy Town Attorney recused herself because she is representing the Kennedy's in the sale of the house.

The following documents were presented:

1. Plans labeled "Land Survey for Kennedy" dated December 30, 2021 signed and sealed by Robert Sorace, L.S. (1 page).
2. A picture of a front porch a 20 Lexington Road.
3. A letter in support of the application signed by 13 neighbors.

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

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

Noreen Wholey, testified that she is representing her sister, who has relocated to Florida for her job; that she posted the signs and has a picture of another house on the block that has a similar front porch and a letter in support of the variance signed by 13 neighbors; and she thanked the Board for their time.

TOWN CLERK'S OFFICE  
2022 FEB - 8 P 12: 02  
TOWN OF ORANGETOWN

Public Comment:

No public comment.

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

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

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested front yard and section 5.153 accessory structure distance to main structure and Section 5.227 accessory distance to side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar front porch additions have been constructed in the neighborhood. The existing accessory structures are not visible from the road.
2. The requested front yard and section 5.153 accessory structure distance to main structure and Section 5.227 accessory distance to side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar front porch additions have been constructed in the neighborhood. The existing accessory structures are not visible from the road.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard and section 5.153 accessory structure distance to main structure and Section 5.227 accessory distance to side yard variances although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar front porch additions have been constructed in the neighborhood. The existing accessory structures are not visible from the road.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE

2022 FEB - 8 P 12: 02

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested front yard and section 5.153 accessory structure distance to main structure and Section 5.227 accessory distance to side yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE  
2022 FEB - 8 P 12: 02  
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard and section 5.153 accessory structure distance to main structure and Section 5.227 accessory distance to side yard variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Bosco and carried as follows: Mr. Quinn, aye; Mr. Bosco, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bonomolo and Mr. Valentine 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: February 2, 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 FEB - 8 P 12: 02  
TOWN OF ORANGETOWN