Name of Municipality: <u>TOWN OF ORANGETOWN</u>

Date Submitted: 5/3/22

Please check all	that apply:
Planning Board Zoning Board of Appeals	Residential Historical Board Architectural Board
Subdivision Number of Lots Site Plan Conditional Use Special Permit Variance Performance Standards Review Use Variance Other (specify):	Consultation Pre-Preliminary/Sketch Preliminary Final Interpretation PERMIT#: BUR 803-80 ASSIGNED INSPECTOR: ON Interpretation Referred from Planning Board: YES / NO If yes provide date of Planning Board meeting:
Project Name: Curley Addition	
Street Address: SGSNauraushun Karl River NY 10°	Rd 765
Tax Map Designation: Section: Section: Block:	3 Lot(s): 4/ Lot(s):
Directional Location:	
On the MAN For Side of MAN For of the intersection	on of Novicushan Sign, in the
Town of Many town in the hamlet/village of School District Play River Ambulance District Clay River Water District (1117)	
Project Description: (If additional space required, p.	lease attach a narrative summary.)
The undersigned agrees to an extension of the statutory time Date:	e limit for scheduling a public hearing.

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE. (IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivis	sion: NIA						
1)	Is any variance from the subdivision regulations required?						
2)	Is any open space being offered? If so, what amount?						
3)	Is this a standard or average density subdivision?V						
If site plan							
1)	Existing square footage						
2)	$\alpha = 0$						
3)	Number of dwelling units						
if special į	permit, list special permit use and what the property will be used for.						
Are there slop and net area_ Are there stre	pes greater than 25%? If yes, please indicate the amount and show the gross pams on the site? If yes, please provide the names						
and the second second second second	ect ever been reviewed before? No						
If so, provide	a narrative, including the list case number, name, date, and the board(s) you appeared						
before, and th	ne status of any previous approvals.						



OFFICE OF BUILDING, ZONING, PLANNING, ADMINISTRATION AND ENFORCEMENT TOWN OF ORANGETOWN

20 Greenbush Road Orangeburg, N.Y. 10962

Jane Slavin, R.A. Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: April 14, 2022					
Applicant: Curly P8	303-22				
Address: 56 S Nauraushaun, Pearl River, NY					
RE: Application Made at: same	三、大学、一种主义的是"大学"。 一种主义的是				
Chapter 43, Table 3.12, Column 1 R-15 District, Column Yard 30' with 20.69' proposed, Column 11 Rear Yard 35' Two variances required	2 Group M , Column 3 SFR, Column 8 Front w/ 24.52' proposed.				
	The state of the s				
Section: 69.18 Block: 3	Lot: 41				
Dear Curly :					
at the bottom the reason for denial. In Accordance with Zoning, Chapter 43 Section 10.322 Building Inspector or Similar administrative office is to determination with the Town Clerk.	2 the time to appeal a determination of a				
The Clerk to the Zoning Board of Appeals, Debbie Arboli appear before the board.	no, will assist you in the preparation necessary to				
Λ , Λ					
Sincerely,					
14.14.22					
Richard Oliver Deputy Building Inspector					
Deputy Building Inspector	22				
Signatural of Dipage					
Signature of Director NOTE: PLEASE KEEP FOR YOUR RECORDS	Date CC: Rosanna Sfraga				
12-31-18-CCC	Liz Decort				
	Debbie Arbolino				

SWIS	PRINT KEY	NAME	ADE	PRESS	PAGE # 1
392489 392489 392489 392489 392489 392489 392489 392489 392489 392489 392489 392489 392489 392489 392489	69.18-3-38 69.18-3-39 69.18-3-40 69.18-3-41 * 69.18-3-42 69.18-3-45 69.18-3-45 69.18-3-47 69.18-3-48 69.18-3-49 69.18-3-49 69.18-4-44 69.18-4-44 69.18-4-45 69.18-4-47	Thomas Ryan Joseph Colletti Daniel J Cooper Thomas J Curley Michael P Dinet Thomas E Crowe Brigid Roberts Ellinor Tiepoit Bernard Gallagher Darlene E Gibson Kenneth Sullivan James B Callahan Michael Tully Janet Cahill Evelyn M Cahill Robert J Collura	64 S 60 S 56 S 44 V 35 S 40 V 41 V 45 V 51 S 53 S 53 S 45 S	to Nauraushaun Rd,Pearl River, NY 105 i Nauraushaun Ave,Pearl River, NY 105 i Nauraushaun Rd,Pearl River, NY 105 i Nauraushaun Av,Pearl River, NY 105 i Nauraushaun Av,Pearl River, NY 105 i Nauraushaun Ave,Pearl River, NY 105 i Nauraushaun Ave,Pearl River, NY 105 i Nauraushaun Rd,Pearl River, NY 105	965 965 965 9965 985 985 985 985 985
6	9.18-4-42	Richard + Denise Windram	67	S. Nauraushaun Rd., Re	erl River, NY 10965
6	9,18-4-41	Thomas O Dunn		S. Naurawhaun Rdi, R	
69,	18-3-50	Waltera S Wheatley of Christine McWeeney	40 5	5. Nauraushaun Kd.,	Read River, NY 10965
69	7,18-3-51	Laun'e Anne Buckenberg Dennis Gilligan	erq	42 Gairecht Un., P	earl Ruce, and 10965

DECISION

FLOOR AREA RATIO VARIANCE APPROVED AND § 5.227 VARIANCE WITHDRAWN

To: Frank Ringner
56 South Nauraushaun Avenue
Pearl River, New York 10965

ZBA # 11-94 Date: November 16, 2011

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 11-94: Application of Frank Ringner for variances from Chapter 43 (Zoning) Section 3.12, R-15 District, Group M, Column 4 (Floor Area Ratio: .20 permitted, .26 proposed) for the construction of anew single family residence and from Section 5.227 Detached structures: (5' from property line required; 0.5' from property line existing) for an existing shed. The premises are located at 56 South Nauraushaun Avenue, Pearl River, New York an identified on the Orangetown tax Map as Section 69.18, Block 3, Lot 41; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 16, 2011 at which time the Board made the determination hereinafter set forth.

Frank Ringner and Robert Hoene, Architect, appeared and testified.

The following documents were presented:

- 1. Site plan dated 08/16/2008 signed and sealed by Atzl, Scatassa & Zigler, P.C.
- Architectural plans dated 05/23/2011 signed and sealed by Robert Hoene, Architect.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson 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) (9), (10), (12) and /or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Mowerson, aye.

Robert Hoene, Architect, testified that the applicant has inherited the house from his family; that the house had radient heat installed and it cracked the slab that the house was built on; that the proposal is to demolish the existing house and construct a new house; that the lot is substantially smaller than the required 15,000 sq. ft.; that the lot is only 13,000 sq. ft.; that the proposed new house is a two story, four bedroom house; that the proposed floor area ratio is .26; and that the existing old shed can be removed.

TOWN CLERKS OFFICE
TOWN OF ORANGETOWN

Ringner ZBA#11-94 Page 2 of 4

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. Mowerson 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has withdrawn the request for the Section 5.227 variance and will remove the existing shed. The lot is undersized by 2,000 sq. ft. and the proposed house is not out of character with the houses in the neighborhood.
- 2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has withdrawn the request for the Section 5.227 variance and will remove the existing shed. The lot is undersized by 2,000 sq. ft. and the proposed house is not out of character with the houses 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 variance, although substantial, 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 requested floor area ratio variance seems substantial but when the undersized lot is taken into consideration, it is not an unreasonable request.
- 5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN CLERKS OFFICE TOWN CLERKS OFFICE

Ringner ZBA#11-94 Page 3 of 4

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio variance is APPROVED (the §5.227 variance request is withdrawn); 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 CLERKS OFFICE 2011 DEC 12 AM 10 17 TOWN

Ringner ZBA#11-94 Page 4 of 4

The foregoing resolution to approve the application for the requested floor area ratio variance (§5.227 variance request is withdrawn) was presented and moved by Ms. Albanese, seconded by Mr. Mowerson and carried as follows: Ms. Castelli, aye; Mr. Sullivan, aye; .Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye.

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 16, 2011

ZONING BOARD OF APPEALS TOWN OF ORANGETOWN

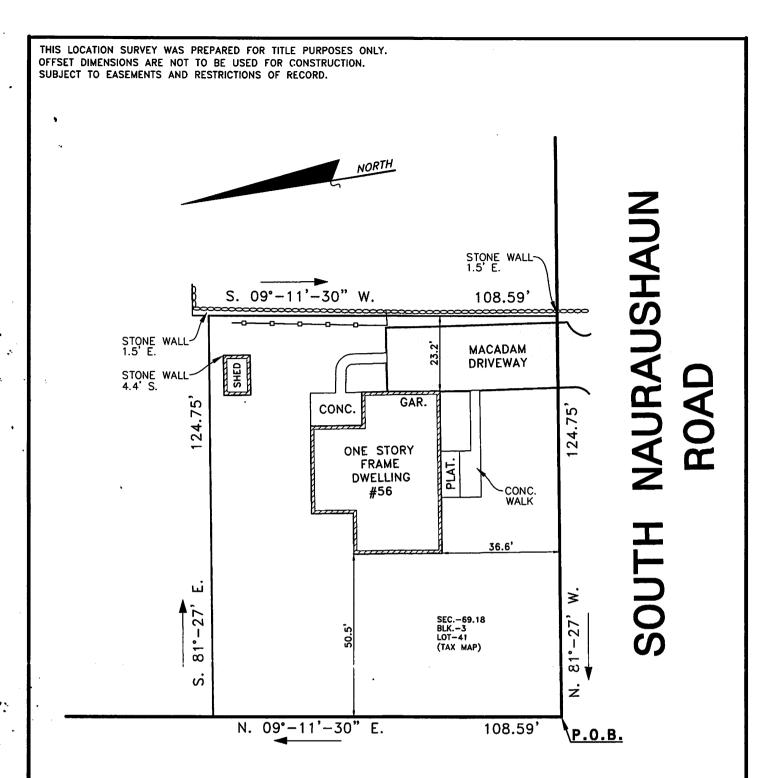
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR -B.vW.

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

TOWN OF ORANGETOWN TOWN OF ORANGETOWN



WEST NAURAUSHAUN AVENUE

SURVEY OF PROPERTY

56 SOUTH NAURAUSHAUN ROAD LOT 41, BLOCK 3, SECTION 69.18 PEARL RIVER, ROCKLAND CO., NY

Certified to: Kelly Rose-Curley.	SCALE: 1"=30' DATE: OCT. 24, 2018		
	STEPHEN F. HOPPE, L.S. LICENSED PROFESSIONAL LAND SURVEYOR 111 ROUTE 303		
Map Reference : Tax Map.	TAPPAN, NEW YORK 10983 NY LIC. NO. 50539		
	L.S.		
SHEET NO 1 OF 1 DRAWN BY- JMC	FILE NO 5177-18		



