

MINUTES
ZONING BOARD OF APPEALS
June 15, 2022

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

ABSENT: NONE

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 Ms. Castelli, Acting Chair.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

CURLEY 56 S. Naurashaun Road Pearl River, New York 69.18 / 3 / 41; R-15 zone	FRONT YARD AND REAR YARD VARIANCES APPROVED	ZBA#22-40
BIANCO 180 Liberty Road Tappan, New York 77.05 / 3 / 62; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#22-41
JULIEN 286 Ehrhardt Road Pearl River, New York 69.05 / 4 / 35; R-15 zone	FRONT YARD VARIANCE APPROVED	ZBA#22-42
LAMOND 54 Bocket Road Pearl River, New York 69.14 / 3 / 18; R-15 zone	RECREATIONAL VEHICLE AS RESIDENCE APPROVED FOR TWO YEARS FROM THE DATE OF THIS STAMPED DECISION	ZBA#22-43

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following application: Data Bank Orangeburg Site Plan-2000 Corporate Drive, Orangeburg, NY 73.15 / 1 / 19; LIO zone; 11 Brookside Avenue Site Plan-South Nyack, NY; 66.54 / 1 / 29; RG-6 zone; 6 Voorhis Point, South Nyack, NY, 66.62 / 2 / 6; R-12 zone; Calabria Pizza Porch Site Plan, 479 Western Highway, Blauvelt, NY 74.06 / 3 / 4; R-15 zone; Lafamiglia Lanni Outdoor Dining Plan, 645 Main Street, Sparkill, NY 77.08 / 5 / 48.1; CS zone; St. Dominic's Family Services Subdivision Plan, 500 Western Highway, Blauvelt, NY 74.06 / 3 / 1.1; R-40 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:15 P.M.

Dated: June 15, 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

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FRONT YARD AND REAR YARD VARIANCES APPROVED

To: Thomas and Kelly Curley
56 S. Nauraushaun Road
Pearl River, NY 10965

ZBA #22-40
Date: June 15, 2022
Permit #BLDR-803-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-40: Application of Thomas and Kelly Curley for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Columns 8 (Front Yard: 30' required, 20.69' proposed), and 11 (Rear Yard: 35' required, 24.52' proposed) for an addition to an existing single-family residence. The property is located at 56 South Nauraushaun Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.18, Block 3, Lot 41; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 15, 2022 at which time the Board made the determination hereinafter set forth.

Thomas and Kelly Curley appeared and testified.

The following documents were presented:

1. Plans labeled "One-Story Addition at 56 South Nauraushaun Road " dated January 11, 2022 signed and sealed by John C. Jakob, Architect. (2 pages).
2. Plans labeled " 56 South Nauraushaun Road existing" dated January 11, 2022 signed and sealed by John C. Jakob, Architect. (1 page)
3. Survey dated October 24, 2018 signed and sealed by Stephen F. Hoppe, LS.
4. ZBA Decision #11-94 dated November 16, 2011.
5. A letter dated June 7, 2022 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated June 6, 2022 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter dated June 10, 2022 from Rockland County Center for Environmental Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
8. A sign off from Rockland County Department of Highways by Dyan Rajasingham, dated May 23, 2022.
9. A copy of a letter from Francois Nicolas, Architect, Josh Jakob Design & Architecture.
10. A letter in support of application signed by nine abutting property owners.
11. Pictures of the property with a measuring tape showing house set back from the road.
12. ZBA decisions for three 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. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

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Kelly Curley testified that they purchased the house four years ago; that since then they have had two children, a three year old girl and an 8 month old boy; that they had planned a second-floor addition and then covid happened so everything was put on hold; that since then the cost of

everything has more than tripled; that they love the neighborhood and want to stay here; that she is presently sharing her son's bedroom as her office because she works from home; that they would like to bump out in the front of the house to create an office; and to add a deck in the rear of house for the family to enjoy outside space; that the house does not have a basement and the attic space is tiny; that the architect told them if they added to the right of the house it would be much more expensive; that they are asking for a 400 sq. ft. addition that will make their life in the house so much easier.

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. 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 rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the corner lot and noted that similar additions have been constructed in the neighborhood.
2. The requested front yard and rear 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 corner lot and noted that 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 front yard and rear yard variances are not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The Board acknowledged the corner lot and noted that 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.

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

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Ms. Castelli made a motion to over-ride #1, #2 and #3 of the Rockland County Department of Planning letter dated June 6, 2022 signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: comment #1 was addressed to the Planning Board and did not take into consideration the corner lot having two front yards; or other variances that were granted to similar houses in the neighborhood; #2 is not necessary for a 400 sq. ft. addition; and #3 it was determined that the applicant's architect is providing the measurement from the designated street line; which motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

The foregoing resolution to approve the application for the requested front yard and rear yard variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: June 15, 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
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REAR YARD VARIANCE APPROVED

To: Frank Bianco
180 Liberty Road
Tappan, New York 10983

ZBA #22-41
Date: June 15, 2022
Permit #ZON-000197-2022

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-41: Application of Frank Bianco for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 21.4' proposed) for an existing deck at an existing single-family residence. The premises are located at 180 Liberty Road, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.05, Block 3, Lot 62; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 15, 2022 at which time the Board made the determination hereinafter set forth.

Frank Bianco appeared and testified.

The following documents were presented:

1. Copy of survey dated September 19, 1967.
2. Survey dated march 22, 2022 b Antony R. Celentano, PLS.
3. Deck drawing dated 4/26/2022 by Donald Van Gerve, P.E.
4. Eight computer generated pictures of the deck.

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. Sulliyan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye.; and Mr. Quinn, aye.

Frank Bianco testified that he recently sold the house and the deck came up as a violation; that the deck has existed for about twelve years; that he followed the line of the existing fence when he added it to the pool; that he also added the staircase in the rear in order to save steps every time he need to get to the filter because as you get older you need to conserve your steps and he showed pictures to the Board of the deck.

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. 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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar decks have been constructed in the neighborhood and this deck has existed for twelve years without incident.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar decks have been constructed in the neighborhood and this deck has existed for twelve years without incident.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear yard variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar decks have been constructed in the neighborhood and this deck has existed for twelve years without incident.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

(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 rear yard variance is APPROVED; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: June 15, 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-Ken.L.

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

TOWN OF ORANGETOWN
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19.2' FRONT YARD VARIANCE APPROVED: 25.8' PRE-EXISTING NON-CONFORMING ACKNOWLEDGED

To: Jese Abruzzese (Julien)
16 Walnutbrook Lane
Southbury, Ct. 06488

ZBA #22-42
Date: June 15, 2022
Permit #BLDR-1121-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-42: Application of Baudeline Julien for a variance 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, 19.2' and 25.8' proposed) for an addition to an existing single-family residence. The property is located at 286 Ehrhardt Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.05, Block 4, Lot 35; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 15, 2022 at which time the Board made the determination hereinafter set forth.

Baudeline Julien appeared and testified.

The following documents were presented:

1. Site plan prepared by Jese Albruzzese dated 5/19/2022.
2. Plans labeled "286 Ehrhardt Road" dated April 27, 2022 signed and sealed by Christopher Douglas Hill, Architect. (4 pages).

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.

Baudeline Julien testified that she has four children; that she moved her family from Spring Valley for a better school district; that the upstairs of the house does not have tall enough ceilings for comfortable living space; that her children are tall; that the upstairs of the house is very hot in the summer and extremely cold in the winter; that she wants to do this small addition and renovation to make the house a more pleasant place to live for her family.

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 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 front yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the neighborhood.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested 19.2' front yard variance is APPROVED and the pre-existing non-conforming front yard of 25.8' 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.

(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 19.2' front yard variance is APPROVED and the pre-existing non-conforming front yard of 25.8' is acknowledged; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Bonomolo, aye; and Mr. Quinn, 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: June 15, 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

TRAILER AS TEMPORARY RESIDENCE VARIANCE APPROVED

To: Brian Lamond
54 Bocket Road
Pearl River, NY 10965

ZBA #22-43
Date: June 15, 2022
Permit #bldr-1213-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-43: Application of Brian and Dawn Lamond for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 11.2 Definitions "Residence" and "Trailer" do not allow a Recreational Vehicle being used as temporary residence during Primary Residence repairs due to fire damage. The property is located at 54 Bocket Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.14, Block 3, Lot 18 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 15, 2022 at which time the Board made the determination hereinafter set forth.

Brian and Dawn Lamond appeared and testified.

The following documents were presented:

1. Copy of survey with proposed recreational vehicle location drawn on it, with two locations/ one choice 35' from the side yard and one choice 6' from the side yard.
2. Zoning Board Decision #04-137 dated November 3, 2004 and December 1, 2004.
3. Ten computer generated pictures of the yard, camper and family dogs.
4. Five letters from abutting property owners in support of the project.

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.

Brian Lamond testified that the fire on April 30, 2022 damaged the house and all of its contents; that they need temporary housing for themselves, their thirteen year old son and two large dogs; that finding anything locally has proven impossible; that their two large dogs are a problem for many short term rentals; that a friend of their parents suggested a trailer on the property and they asked all the neighbors if they would object and they did not; that they are before the Board to ask to have the trailer until the house can be restored; that they would appreciate at least six months, but if the Board is comfortable with longer that would be great.

Dawn Lamond testified that she grew up the house and they purchased the house from her parents in 2000; and that the present location of the trailer is the most desirable for them for easy access in and out; and that the trailer is approximately 10 to 11 feet from the north east corner of the property.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE
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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. 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 Section 11.2 (Definitions) trailer as temporary residence variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the house fire damage and noted that recreational trailers have been used as temporary residences during re-construction for house fires in other neighborhoods. The Board limited the time for use as a temporary residence to two-years from the date of filed decision.
2. The requested Section 11.2 (Definitions) trailer as temporary residence variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the house fire damage and noted that recreational trailers have been used as temporary residences during re-construction for house fires in other neighborhoods. The Board limited the time for use as a temporary residence to two-years from the date of filed decision.
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 Section 11.2 (Definitions) trailer as temporary residence 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 house fire damage and noted that recreational trailers have been used as temporary residences during re-construction for house fires in other neighborhoods. The Board limited the time for use as a temporary residence to two-years from date of filed decision.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Section 11.2 (Definitions) trailer as temporary residence variance is APPROVED for two years from the date of this stamped decision; 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 Section 11.2 (Definitions) trailer as temporary residence variance is APPROVED for two years from the date of this stamped decision; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: June 15, 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

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