

MINUTES
ZONING BOARD OF APPEALS
January 4, 2022

MEMBERS PRESENT: PATRICIA CASTELLI, ACTING CHAIR
ROBERT BONOMOLO, JR.
THOMAS QUINN
MICHAEL BOSCO
BILLY VALENTINE

ABSENT: DAN SULLIVAN, CHAIRMAN

ALSO PRESENT: Deborah Arbolino, Administrative Aide
Denise Sullivan, Deputy Town Attorney
Anne Marie Ambrose, Official Stenographer

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

SHIMON PROPERTIES LLC
7 Century Road
Palisades, New York
80.05 / 1 / 38; R-40 zone

REAR YARD VARIANCE
APPROVED

ZBA#23-01

CASTILLO
9 Lake Drive
Sparkill, New York
78.05 / 2 / 38; R-15 zone

SECTION 6.1 DRIVEWAY
WIDTH (23') VARIANCE APPROVED
ADDITIONAL PARKING AREA IN YARD
DOES NOT REQUIRE A VARIANCE

ZBA#23-02

UMANA
57 Maroney Avenue
Palisades, New York
77.20 / 2 / 73; R-15 zone

SECOND KITCHEN IN
SINGLE-FAMILY RESIDENCE
PERMITTED: NO VARIANCE
NECESSARY

ZBA#23-03

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

TOWN CLERK'S OFFICE

2023 JAN 10 P 12: 30

TOWN OF ORANGETOWN

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

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: Fisher Residence Site Plan, Critical Environmental Area, 7 Berachah Avenue, South Nyack, NY 66.61 / 1 / 19.2; R-12HC zone; Tri Bee Re-Subdivision Plan, 120 & 122 East Central Avenue, Pearl River, NY 68.20-2-5.1 & 5.2, CS zone; Tri Bee Site Plan, 120 & 122 East Central Avenue, Pearl River NY 68.20-2-5.1 & 5.2 CS zone; East Coast BLR Site Plan, 11 Kings Highway, Orangeburg, NY 74.11-2-4; LIO zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

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

Dated: January 4, 2023

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 CLERK'S OFFICE
2023 JAN 10 P 12:30
TOWN OF ORANGETOWN

REAR YARD VARIANCE APPROVED

To: Oren Effi (Shimon Properties LLC)
7 Century Road
Palisades, New York 10964

ZBA #23-01
Date: January 4, 2023
Permit #BLDR-195-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-01: Application of Shimon Properties LLC for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 5.227 (Rear Yard: 50' required, 26' proposed) for a retractable pool cover. The premises are located at 7 Century Road, Palisades, New York and identified on the Orangetown Tax Map as Section 80.05, Block 1, Lot 38 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 4, 2023 at which time the Board made the determination hereinafter set forth.

Oren Effi, applicant, appeared and testified.

The following documents were presented:

1. Plot plan with the proposed pool enclosure on it, not signed or sealed or dated.
2. A letter dated August 15, 2022 from Kipcon Incorporated signed by Mitchell H. Frumkim, P.E., C.G.P., R.S., President, stating that the pool enclosure meets NYS 2020 State Building Code with two pages of drawings of the proposed enclosure and specs.
3. A letter dated December 15, 2022 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
4. A letter dated December 20, 2022 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A "no comments" sign off from Elizabeth Mello, P.E., Rockland County Health Department, dated 11/23/22.
6. A "no comments or future correspondence" from Rockland County Highway Department dated 11/10. 22 signed by Dyan Rajasingham, P.WE.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Valentine, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan was absent.

Oren Effi, applicant, testified that he is a swimmer and would like to use his pool for more than three months a year; that this cover would allow the pool to be used year round; that it is five feet high in the middle of the pool and goes down across the pool to three feet and then two feet; that it folds into itself when it is not needed; that the rear property has a buffer to Route 9W; that he also just purchased 8 Century Road for his son; and the house on the property on the other side of his house is much further away; that although this house has seven bedrooms, two of them are in the basement and are being utilized as an office and a gym; and he purchased the house next door to keep his son close.

TOWN OF ORANGETOWN

Public Comment:

Eileen Larkin, Horne Tooke Road, Palisades, testified that she has concerns about how this house is being used; that it is a seven-bedroom house and should be used as a single-family residence because it is zoned for single-family; and she has no objection to the pool cover.

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.

Ms. Castelli 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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The pool is located within the correct set back for a pool in a rear yard; the pool cover must be over the pool and therefore the rear yard variance for the pool cover is necessary in this location.
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. The pool is located within the correct set back for a pool in a rear yard; the pool cover must be over the pool and therefore the rear yard variance for the pool cover is necessary in this location.
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 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 pool is located within the correct set back for a pool in a rear yard; the pool cover must be over the pool and therefore the rear yard variance for the pool cover is necessary in this location.
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
2023 JAN 10 P 12:31
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 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.

TOWN OF ORANGETOWN
2023 JAN 10 P 12: 31
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan 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 4, 2023

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
2023 JAN 10 P 12:31
TOWN CLERK'S OFFICE

**SECTION 6.1 (c) DRIVEWAY WIDTH (23') VARIANCE APPROVED
39' PARKING AREA DOES NOT REQUIRE A VARIANCE**

To: Jorge Castillo
9 Lake Drive
Sparkill, New York 10976

ZBA #23-02
Date: January 4, 2023
Permit #BLDR-2310-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-02: Application of Jorge Castillo for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Article VI, Section 6.1 (c): (No off -street parking is permitted within a required front yard of a single-family or two-family residence except either on a driveway [Maximum allowable width of 18 feet: 39' proposed] for an extension to a parking area on an existing driveway. The premises are located at 9 Lake Drive, Sparkill, New York and identified on the Orangetown Tax Map as Section 78.05, Block 2, Lot 38 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 4, 2023 at which time the Board made the determination hereinafter set forth.

Jorge Castillo appeared and testified.

The following documents were presented:

1. Plot plan labeled " Proposed Driveway Expansion for the Castillo Residence" based on survey dated 02/09/1965 by Barbour, Jost, and Boswell.
2. A letter dated December 20, 2022 from Rockland County Department of Planning signed by Douglas J, Schuetz, Acting Commissioner of Planning.
3. A letter dated December 15, 2022 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
4. A sign off of "no comments" dated 11/30. 2022 from Elizabeth Mello, Rockland County Health Department.
5. A sign off " out of jurisdiction" from Dyan Rajasingham, Rockland County Highway Department.

Ms. Castelli, Acting Chair, 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, Ms. Castelli 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Valentine, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan was absent.

Jorge Castillo testified that he lives on a corner lot and it is tough backing out of the driveway; that he has three sons that live at home and all have cars; that he and his wife have personal vehicles; and that he also has a work truck; that the garage is full of motorcycles and garage tools; that he does not want to expand the driveway opening; that the driveway opening was 23' when he purchased the property; that the opening will remain at 23' and the parking area within his property will expand to 39'.

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.

Ms. Castelli 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 6.1 (c) driveway width variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The driveway width to the road is not increasing, it is existing at 23' and will not be increased, however the parking area will increase to hold the cars for the family members.
2. The requested Section 6.1 (c) driveway width variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The driveway width to the road is not increasing, it is existing at 23' and will not be increased, however the parking area will increase to hold the cars for the family members.
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 6.1 (c) driveway width variance although somewhat substantial, exists at 23', 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 driveway width to the road is not increasing, it is existing at 23' and will not be increased, however the parking area will increase to hold the cars for the family members.
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
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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 Section 6.1 (c) driveway width 23' 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
2023 JAN 10 P 12:31
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested Section 6.1 (c) driveway width (23') variance is APPROVED; the additional parking that extends on the applicants' lawn does not require a variance; was presented and moved by Mr. Valentine, 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. Sullivan 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 4, 2023

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
2023 JAN 10 P 12:31
TOWN CLERK'S OFFICE

VARIANCE NOT REQUIRED FOR A SECOND KITCHEN IN A SINGLE-FAMILY RESIDENCE WITH UNOBSTRUCTED INTERIOR ENTRANCE: FILED COVENANT SHALL BE FORMALLY REVOKED

To: Wilder Umana
57 Muroney Avenue
Palisades, New York 10964

ZBA #23-03
Date: January 4, 2023
Permit #BLDR-880-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-03: Application of Wilder Umana for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, , R-15 District, Article IV, Section 4.5 subsection 4.58:(Owner who first converts the dwelling subsequent to the effective date of this local law must have resided in said dwelling for at least 15 years); applicant is requesting a second kitchen in an existing single-family dwelling. The premises are located at 57 Muroney Avenue, Palisades, New York and identified on the Orangetown Tax Map as Section 77.20, Block 2, Lot 73 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 4, 2023 at which time the Board made the determination hereinafter set forth.

Wilder Umana and William Pfaff, Architect, appeared and testified.

The following documents were presented:

1. Plan labeled " Proposed Single Family Conversion to Restricted 2-Family Dwelling" dated September 1, 2022 signed and sealed by William E. Pfaff, Architect.
2. Two hand written letters dated January 3, 2023 from Eileen Burge, 145 Park Avenue, Palisades, against the application.
3. An email dated 1/4./2023 from Shelly Lennox, 156 Park Avenue, against the application.
4. An email dated December 31, 2022 from Michele and Ed Kalotkin, 1 Scotti Avenue, Palisades, against the application.
5. An email dated January 2, 2023 from Ronnie Hughes, 26 Muroney Avenue, Palisades, against the application.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Valentine, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan was absent.

Wilder Umana testified that he originally applied for a second a kitchen in the down stairs area of the house; that he was told by the building inspector that the would be applying for a conversion to an owner-occupied two-family dwelling. Mr. Umana stated that he does not need to have a separate apartment; that he and his wife are expecting their first child soon; that his sister-n-law lives with them and has lived with them for ten years; and they wanted to install a separate kitchen downstairs that would afford her some privacy in the evening when they are all home; that he had the architect draw up plans for the proposed apartment because he thought that was the only way he could have a second kitchen; that he does not want to rent out any space in the house; that he moved here from Northvale, New Jersey; that this is his first house and he did start to make improvements without a permit but stopped and applied for the permit as soon as he knew better; that he did get a variance for the installation of the six-foot fence; that his sister-n-law has always helped the family; that he does have family visiting

on the week-ends; that he is just getting to know some of the people in the neighborhood; and that he does not want a two-family house.

Public Comment:

Helena Powers, 152 Park Avenue, Palisades, testified that she is here to comment on the Umana proposal for multiple variances; and read the following: "Thank-you for doing this job. I have been to these meetings online and in person over the years. It's thankless. It's a pain for me to leave my home on a rainy night in January but you are here no matter the weather or your mood. Thank-you. First I'd like to bring to the attention of the board a critical oversight in the text of the notice that was posted and delivered to 17 neighbors. The notice states " you are not required to be present however if you wish to express an opinion you may do so by appearing at the above designated time and place" What it doesn't say is that opinions can be mailed or emailed prior to the meeting. That info has been included in all the prior notices (and there have been many) that we received for various projects. However it is not listed anywhere in this notice. Obviously this presents a significant problem to those unable to attend this important meeting in person. There are several very elderly and infirm neighbors that physically cannot attend the meeting. In addition professionals, like my neighbor who is a practicing psychologist have client appointments and cannot be present in person. I called and went to the building department to confirm that the option to offer an opinion in writing via letter or email was still open and was told that it was. Without the opportunity for all neighbors to weigh in, how is the board to know the opinions regarding this major zoning appeal for several variances? It is not possible My question is why wasn't the option to email or mail listed on the notice?

I oppose the request for several variances for Mr. Umana. Mr. Umana and several other people have lived at the single-family residence at 57 Muroney for only 2 years. As soon as they moved in they began some major construction projects for which the Town found them in violation and issued a stop work order. The law states " the owner who first converts the dwelling subsequent to the effective date of this local law must have resided in said dwelling for 15 years" Mr. Umana and others have been in the dwelling for about 2 years. However, with Town approval and no opposition from his neighbors they have installed a 6 ft. fence. During that very short time they have made some improvements and have been good neighbors. We live in a R-15 zoning for family homes. The house they own is, according to Zillow, is 1,533 sq. ft. to The proposal to construct a second kitchen creating an apartment within this residence is in violation of the law and character of the neighborhood. It also opens a pandoras box of problems. We already have a residence adjacent that has become a two-family rental without zoning change. We respectfully request that the Zoning Board of Appeals consider the long-term impact of giving zoning variances of this type in our community. We oppose a variances of any kind for this property.

Terry Fox, 152 Park Avenue, testified that there is an elephant in the room; two-family homes, that the entrance to this property on Park which is an undedicated town road that is maintained by the residents and more cars means the quality of life is further degraded; that he is the unelected supervisor of the roads and is always filing in potholes; that this is not personal but it is about the quality of life in the neighborhood.

Eileen Larkin, 15 Horne Tooke Road, Palisades, testified that she has been a member of the Palisades community for 51 years; that it is a strong community; that the existing zoning requires that a person own the house for fifteen years before applying for and getting a mother/daughter like Pat Haugh had; that this is reimagining zoning; that people coming from Yonkers (for example) do not understand our zoning requirements and they get annoyed and frustrated ; that the building department has to make it clear what is permitted and what is not; and the new people have to get it or don't get it.

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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 Article IV, Section 4.5 subsection 4.58 are not necessary, the applicant testified that he would like to have two kitchens in the existing single-family residence and that his sister-in-law lives on the lower level of the bi-level style home; that there is an existing lower level entrance to the area of the house that his sister-in-law occupies, however there will be no interior separation of the spaces. The area in which his sister-in-law occupies is part of the single-family residence and they do not want a separate apartment.
2. A single-family home can have two kitchens and Mr. Umana's sister-in-law can occupy the lower portion of the house, there will be no interior separation of the spaces. The area in which the sister-in-law occupies is part of the single-family residence and the applicant is not seeking a separate apartment.
3. The benefits sought by the applicant have been achieved by other means feasible for the applicant to pursue and it is no longer required to obtain a variance.
4. The requested Article IV, Section 4.5 subsection 4.58 are not necessary, the applicant testified that he would like to request a second kitchen in lower portion of the existing single-family residence and that his sister-in-law lives on the lower level of the Bi-Level style home; that there is an existing lower level entrance to the area of the house that his sister-in-law occupies, however there shall be no interior separation of the spaces. The area in which his sister-in-law occupies shall be part of the single-family residence and they do not want a separate apartment.
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 requested Article IV, Section 4.5 and Section 4.58 variances are not necessary since the area of the house with the proposed second kitchen shall not be separated in the interior of the house by any walls or doors which would make it a separate apartment, therefore there is no need for a covenant and the filed covenant shall be formally revoked; 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.

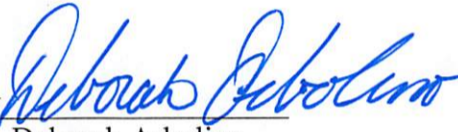
TOWN OF ORANGETOWN
2023 JAN 10 P 12:31
TOWN CLERK'S OFFICE

The foregoing resolution to acknowledge that the application for the requested Article IV, Section 4.5 and section 4.58 variances are NOT NECESSARY since the area of the house with the proposed second kitchen shall not be separated in the interior of the house by any walls or doors which would make it a separate apartment, therefore there is no need for a covenant and the filed covenant shall be formally revoked; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bonomolo, aye; Mr. Bosco, aye; Ms. Castelli, aye; Mr. Quinn; aye and Mr. Valentine; aye. Mr. Sullivan 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 4, 2023

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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