

MINUTES
ZONING BOARD OF APPEALS
March 1, 2023

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

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 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:

DYNAMIC EVENT GROUP INC. CONTINUED ZBA#23-12
300 Blaisdell Road
Orangeburg, New York I
73.20 / 1 / 1.2; LIO zone

DILLON SIDE YARD & TOTAL ZBA#23-13
19 Buttonwood Place
Blauvelt, New York SIDE YARD VARIANCES APPROVED
69.20 / 1 / 45; R-15 zone UNDERSIZE LOT ACKNOWLEDGED
OVERRIDE ROCKLAND COUNTY

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 8:55 P.M.

Dated: March 1, 2023

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 CLERK'S OFFICE
2023 MAR 17 P 1:12
TOWN OF ORANGETOWN

SIDE YARD AND TOTAL SIDE YARD & SECTION 5.153 ACCESSORY STRUCTURE DISTANCE VARIANCES APPROVED: UNDERSIZED LOT APPLIES OVERRIDE ROCKLAND COUNTY

To: Dineen and John Dillon
19 Buttonwood Place
Blauvelt, New York 10913

ZBA #23-13
Date: March 1, 2023
Permit #BLDR-2413-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-13: Application of John and Dineen Dillon for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 5.21 (c) & (e) Undersized lot applies: Section 3.12, Column 9 (Side Yard: 15' required, 16' existing, 9.6' proposed) and 10 (Total Side Yard: 30' required, 42' existing, 24.9' proposed) and from Section 5.153 (Accessory structure to primary structure: 15' required, 4' existing) for an addition to an existing single-family residence. The premises are located at 19 Buttonwood Place, Blauvelt, New York and identified on the Orangetown Tax Map as Section 69.20, Block 1, Lot 45 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 1, 2023 at which time the Board made the determination hereinafter set forth.

John and Dineen Dillon appeared and testified.

The following documents were presented:

1. Survey labeled " Proposed Addition land survey for Dillon" dated August 29, 2022 with the latest revision date of December 22, 2022 signed and sealed by Robert E. Sorace, PLS.
2. Architectural plans dated October 11, 2022 labeled "Dillon Residence Two Story Addition" not signed or sealed by Harry J. Goldstein, Architect.
3. A letter in support of the application from Billy Valentine, 9 Buttonwood Place, abutting property owner.
4. A letter dated February 28, 2023 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated February 6, 2023 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
6. A letter dated February 24, 2023 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
7. A "No comments at this time" from Liz Mello, Rockland County Department of Health.
8. An email dated February 28, 2023 from Rick Oliver, Deputy Building Inspector, Town of Orangetown.
9. An email dated February 22, 2023 from Michelle Donnelly, an abutting property owner in support of the application.
10. A letter dated February 28, 2023 from Timothy and Jennifer Malley, 27 Buttonwood Place in support of the application.
11. Submitted by applicant, copies of ZBA Decision #02-55 for 20 Buttonwood Place for side yard, total side yard and building height variances and ZBA#11-19 same address for floor area ratio, side yard, total side yard and building height variances; ZBA #18-82 for 64 Swanekin Road for side yard and total side yard variances; ZBA#20-01 for 13 Edgewood Circle for Section 9.2 and side yard variances; and ZBA#15-44 for 27 Buttonwood Place for side yard, total side yard and building height variances.

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

Mr. Valentine recused himself because he is an abutting property owner.

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.

Dineen Dillon testified that they are proposing an addition for her parents; that her mom had a stroke and her dad is in his eighties and cannot take care of her by himself; that it would be a one-story addition with a living room, bedroom and bathroom and they will share the kitchen; and that they have other variances that were granted in the neighborhood.

John Dillon testified that the two sheds will be removed because they will be able to store everything in the two-car garage.

Public Comment:

No public comment.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard, total side yard and Section 5.153 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 Board overrode comments #1, #2 and # 6.1 of the letter dated February 28, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: comment #1: just because a property benefits from Section 5.2 as an undersized lot, does not preclude any applicant from requesting side yard or total side yard variances, the Zoning Board considers each application on an individual basis and this application is requesting the yards to be requested in the rear of the original structure; comment #2: the proposal is for a single-family residence and the applicant submitted other variances that were granted in the neighborhood, showing that the granting of these variances are in keeping with the character of the neighborhood; and comment #6.1: because all county interests within 500 feet of the site were notified.
21 : 17 MAR 17 2023
3. The requested side yard, total side yard and Section 5.153 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.

4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested side yard, total side yard and Section 5.153 variances 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. Similar additions have been constructed in the neighborhood.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard, total side yard and Section 5.153 variances are APPROVED; and FURTHER RESOLVED to over-ride comments #1, #2 and #6.1 of the letter dated February 28, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: comment #1: just because a property benefits from Section 5.2 as an undersized lot, does not preclude any applicant from requesting side yard or total side yard variances, the Zoning Board considers each application on an individual basis and this application is requesting the yards to be requested in the rear of the original structure; comment #2: the proposal is for a single-family residence and the applicant submitted other variances that were granted in the neighborhood, showing that the granting of these variances are in keeping with the character of the neighborhood; and comment #6.1: because all county interests within 500 feet of the site were notified; 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.

The foregoing resolution to approve the application for the requested side yard, total side yard and Section 5.153 variances are APPROVED and to over-ride comments #1, #2 and # 6.1 of the letter dated February 28, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: comment #1: just because a property benefits from Section 5.2 as an undersized lot, does not preclude any applicant from requesting side yard or total side yard variances, the Zoning Board considers each application on an individual basis and this application is requesting the yards to be requested in the rear of the original structure; comment #2: the proposal is for a single-family residence and the applicant submitted other variances that were granted in the neighborhood, showing that the granting of these variances are in keeping with the character of the neighborhood; and comment #6.1: because all county interests within 500 feet of the site were notified ; was presented and moved by Mr. Bosco, 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: March 1, 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 CLERK'S OFFICE
2023 MAR 17 P 1:12
TOWN OF ORANGETOWN