

MINUTES
ZONING BOARD OF APPEALS
April 19, 2023

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN
PATRICIA CASTELLI,
BILLY VALENTINE
THOMAS QUINN

ABSENT: ROBERT BONOMOLO, JR.
MICHAEL BOSCO

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 ITEM:

EGAN
21 May Road
Pearl River, New York
68.07 / 3 / 8; R-15 zone

UNDERSIZED LOT ZBA#23-16
BUILDING HEIGHT, FRONT YARD
VARIANCES APPROVED

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.

TOWN OF ORANGETOWN
2023 APR 21 A 11: 00
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: 30 Ramland Road Site Improvement Plan, 30 Ramland Road, Orangeburg, NY 73.20 / 1 / 28; LIO zone; Hillside Commercial Park-Sign Location Plans, 59-63 Hillside Avenue, Pearl River, NY 68.11 / 3 / 39/40; LI 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 7:30 P.M.

Dated: April 19, 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 OF ORANGETOWN
2023 APR 21 A 11:00
TOWN CLERK'S OFFICE

UNDERSIZED LOT BUILDING HEIGHT VARIANCE AND FRONT YARD VARIANCE APPROVED

To: Michael Egan
21 May Road
Pearl River, NY 10965

ZBA #23-16
Date: April 19, 2023
Permit #BLDR-2851-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-16: Application of Michael Egan for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 5.21 (e) (Undersized lot building height: 20' permitted, 23' 8" proposed) and from Section 3.12, Column 8, (Front Yard: 30' required, 29' proposed to the 2nd riser of the proposed new front steps) for an addition to an existing single-family residence. The premises are located at 21 May Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.07, Block 3, Lot 8 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 19, 2023 at which time the Board made the determination hereinafter set forth.

Michael and Kalyn Egan appeared and testified.

The following documents were presented:

1. Architectural plans dated December 12, 2022 signed and sealed by Harold J. Goldstein, Architect, (3 pages).
2. A letter dated April 17, 2023 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
3. A letter dated March 30, 2023 from the Town of Clarkstown Planning Board signed by Gilbert J Heim, Chairman.
4. A comment " this project is out of the agency jurisdiction" signed by Dyan Rajasingham, Rockland County Highway Department dated March 20, 2023.
5. A "No comment at his time" response from Rockland County Health Department signed by Elizabeth Mello.
6. A memorandum dated March 17, 2023 from Helen Kenny-Burrows, Deputy Commissioner Rockland County Department of Planning stating this is not is their jurisdiction.

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

Michael Egan testified that they have a three year old child at home and are expecting their second child next week; that presently the house has a finished attic for two bedrooms upstairs but they have the slanted ceilings; that they are proposing to raise the walls on the second floor, expand the existing kitchen, add a front porch and have three bedrooms on the second floor; that they want to have the kids bedrooms on the same floor as their bedroom; that the shed was on the property when they purchased the house; that they installed the porch four years ago and they have a certificate of occupancy for it.

Dan Sullivan, Chairman, asked the applicant to draw the pool on the side plan and initial the site plan.

Kalyn Egan testified that all of the houses in the area slightly different; that some have already done additions similar to what they are proposing and others have done larger; that the woods in the rear of the house are owned by Pfizer; that the shed was existing when they purchased the house; and that they appreciate the Board acknowledges the variance for the proposed front steps.

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 Section 5.21 (e) undersize lot building height variance and 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 area. The Board acknowledged the existing portable shed located on the property line, however, the Board is not granting a variance for its location.
2. The requested Section 5.21 (e) undersize lot building height variance and 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 area. The Board acknowledged the existing portable shed located on the property line, however, the Board is not granting a variance for its location.
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 Section 5.21 (e) undersize lot building height variance and 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 area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE

301110 S.W. 27th Ave.

ORANGETOWN, FL 32973

TEL: 352.369.3100

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Section 5.21 (e) undersize lot building height variance and front yard variance are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE

2023 APR 21 11:00


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested Section 5.21 (e) undersize lot building height variance and the front yard variance to second riser of the steps is APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Bonomolo were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: April 19, 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 APR 21 11:00
TOWN CLERK'S OFFICE