

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: 9/25/23

Please check all that apply:

<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: p23-3739

ASSIGNED Mke Mansare

INSPECTOR: _____

Referred from Planning Board: YES / NO
 If yes provide date of Planning Board meeting: _____

Project Name: Thomas

Street Address: 29 Wayne Lane

Tax Map Designation:
 Section: 74.17 Block: 4 Lot(s): 12
 Section: _____ Block: _____ Lot(s): _____

Directional Location:
 On the right side of Wayne Lane, approximately 500 feet south of the intersection of Drewry, in the Town of Orangetown in the hamlet/village of Tappan.

Acreage of Parcel <u>1/3</u>	Zoning District <u>R-15</u>
School District <u>S.O.</u>	Postal District <u>Tappan</u>
Ambulance District <u>S.O.</u>	Fire District <u>Tappan</u>
Water District <u>Veolia</u>	Sewer District <u>S.O.</u>

Project Description: *(If additional space required, please attach a narrative summary.)*
Installation of an above ground pool in the wrong place
Approved ZBA #20-65

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.
 Date: 9/05/23 Applicant's Signature: Henry Thomas

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Existing square footage _____
- 2) Total square footage _____
- 3) Number of dwelling units _____

If special permit, list special permit use and what the property will be used for.

Environmental Constraints:

Are there slopes greater than 25%? If yes, please indicate the amount and show the gross and net area _____

Are there streams on the site? If yes, please provide the names. _____

Are there wetlands on the site? If yes, please provide the names and type:

Project History:

Has this project ever been reviewed before? Yes _____

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

ZBA # 20-65 and the permit # 50288 Variance was granted however, the pool had mistakenly been drawn on the wrong side of the property on the survey map. The appearance before the

occurred on October 7, 2020

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.



**OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN**
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

REFERRAL TO THE ZONING BOARD OF APPEALS

Date: September 20, 2023 Section: 74.17 Block: 4 Lot: 12

Applicant: Thomas

Address: 29 Wayne Ln, Tappan, NY

RE: Application Made at: same

Referred For:

Chapter 43, Section 5.227 Accessory Structures
Pools located in RG, R-15, R-22 Required 20' Side and Rear Yard Setbacks

Proposed Side Yard 10' 8"

One Variance required

Comments:

Pool rear yard

side yard setback

revised ZBA #20-65

Dear Thomas:

Please be advised that the Building Permit Application # p23-3739, which you submitted on July 28, 2023, has been referred to the Town of Orangetown Zoning Board of Appeals. The Clerk to the Zoning Board of Appeals, Debbie Arbolino, can assist you in the preparation necessary to appear before the board. She can be reached at 845-359-8410 ext. 4331 or darbolino@orangetown.com.

Sincerely,


Richard Oliver
Deputy Building Inspector

9/20/23


Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS

9/20/23
Date
Liz DeCort
CC:

APPLICATION REVIEW FORM

AFFIDAVIT

State of New York)
 County of Rockland) SS.:
 Town/Village of Orangetown)

I, _____ being duly sworn deposes and says that he is the applicant, agent or attorney for applicant, in the matter of the petition before the _____ (board) in the town/village of _____ affecting property located at _____, Rockland County, New York.

That the following are all of the owners of property _____ (distance) from the premises as to which this application is being taken.

SECTION-BLOCK-LOT	NAME	ADDRESS
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PAGE # 1

Thomas

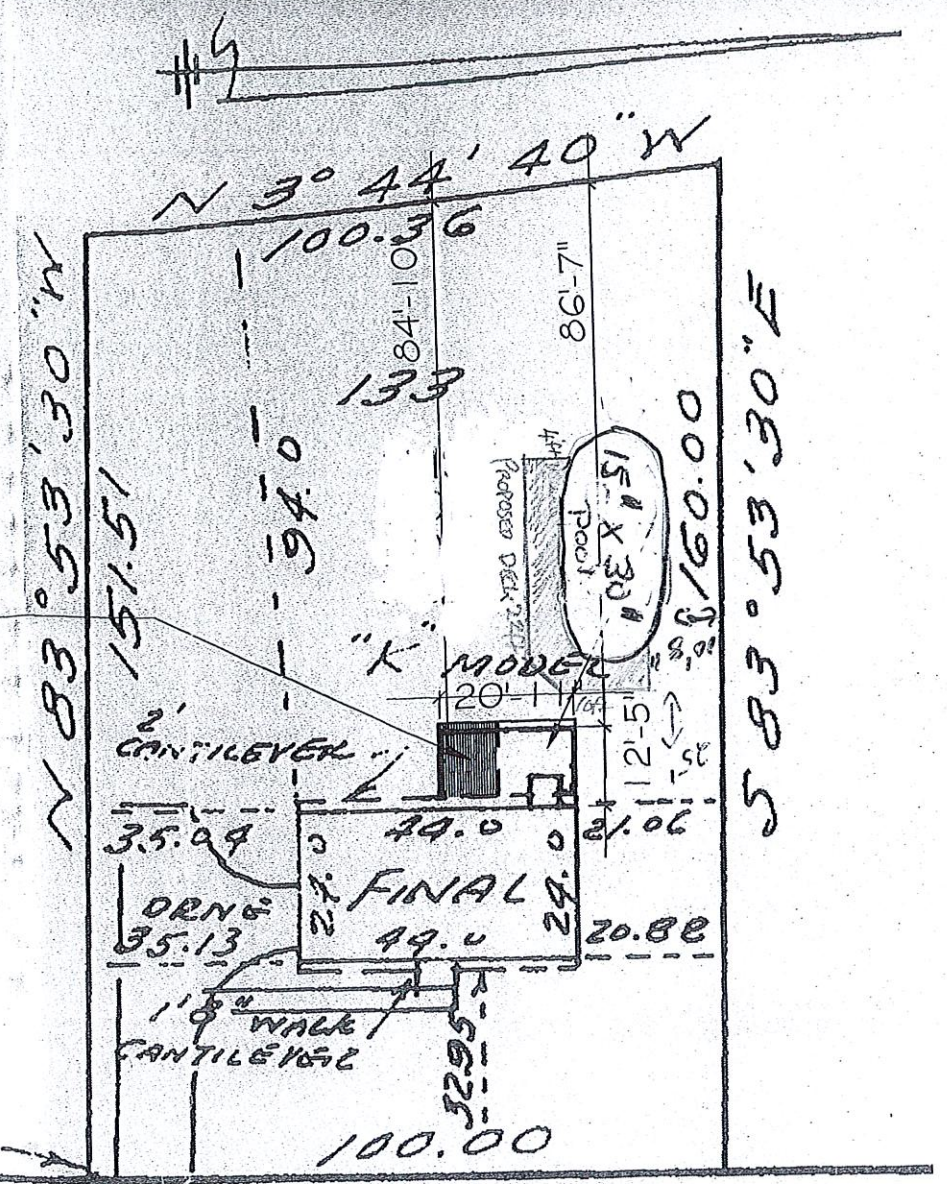
PRINT KEY	NAME	ADDRESS
89 74.17-4-11	Robert Pang ✓	37 Wayne La, Tappan, NY 10983
89 74.17-4-12	Kerry Thomas	29 Wayne Ln, Tappan, NY 10983
89 74.17-4-13	Joshua Turnoff ✓	17 Wayne Ln, Tappan, NY 10983
89 74.17-4-14	Robert Numssen ✓	55 Hardwood Dr, Tappan, NY 10983
89 74.17-4-15	Joseph Timarchi ✓	65 Hardwood Dr, Tappan, NY 10983
89 74.17-4-16	Benjamin S Colobong III ✓	75 Hardwood Dr, Tappan, NY 10983
89 74.18-1-55	Mildred Scheps ✓	10726 Stonebridge Blvd, Boca Raton, FL 33498
		32 Wayne Lane

50' WIDE
HARDWOOD LN

R=25'
Δ=93°35'00"

Block 9

EXPANDED
SCREENED PORCH
SEE PLANS



WAYNE LANE
50' WIDE

THIS IS A PLOT PLAN BASED ON
A SURVEY DONE BY

FABIAN C. ADLER

-15 ZONE

ITY - NEW YORK

AN

DATED

JUNE 15, 1966

SCALE: 1"=30'-0"



RECEIVED

AUG 28 2023

TOWN OF ORANGETOWN
BUILDING DEPARTMENT



ZONING BOARD OF APPEALS
Meeting Of:
OCT 18 2023
Town Of Orangetown

PLAN INFORMATION
Owner Name: KERRY THOMAS
Address: 34 WAYNE LN
TAPPAN NY 10983
Sec-Blk-Lot: 74-17-4-12
Prepared By: SEAN C. LERZE
Date: 8/28/23

SURVEY RAG-PAR-GY
DRAWN BY
CHECKED CMR

TOWN ORANGETOWN
STREET WAYNE LANE
DATE JUL 2, 1965

SURVEY OF PROPERTY

REV. JAN. 20, 1966
REV. JUNE 15, 1966
FINAL SURVEY

HAMLET

OF TAPPAN TOWN OF ORANGETOWN

AT
ROCKLAND COUNTY, N.Y.

SCALE 1"=50'

50' WIDE
HARDWOOD DR.

Block 9

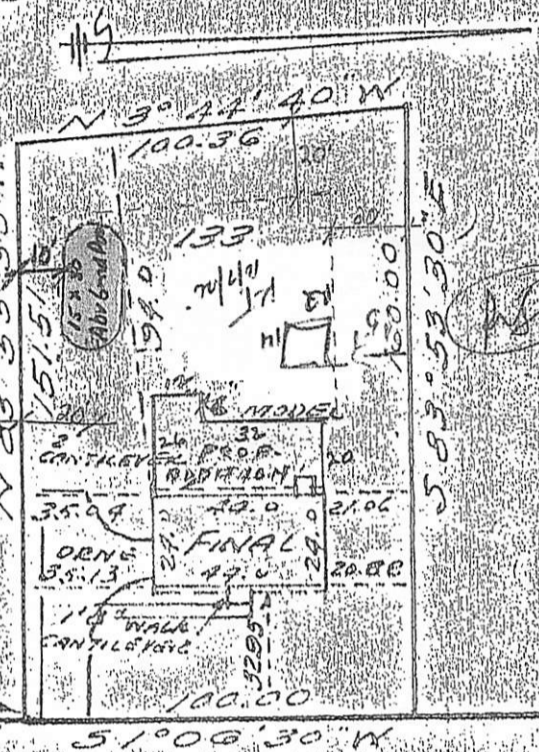
15,576.4

Town of Orangetown
Zoning Board
2008/2

APPROVED

DATE

DATE



WAYNE LANE
50' WIDE

BEING LOT 133 IN BLOCK 9 AS SHOWN ON A MAP ENTITLED
"APPEL PARK SECTION XIV-B, TOWN OF ORANGETOWN, TAPPAN,
ROCKLAND CO., NEW YORK" FILED IN THE ROCKLAND
COUNTY CLERK'S OFFICE AS MAP NO. 340.9 IN BOOK 70,
PAGE 71

CERTIFIED AS BEING AN ACCURATE AND TRUE SURVEY
TO COUNTY FEDERAL SAVINGS AND LOAN ASSOCIATION
AND HOME TITLE DIVISION, CHICAGO TITLE COMPANY

DATE JUN 15, 1966
209
3,105.20 sq. ft. area added

RECEIVED
JUN 6 1973

40056 287

Warren M. Hook
NY REG. NO. 39258

ZONING BOARD OF APPEALS
HISTORIC AREAS BOARD
TOWN OF ORANGETOWN
Alfred R. Vogt 2nd
ALFRED R. VOGT 2ND
LICENSED LAND SURVEYOR
37 NORDHOFF PLACE
ENGLEWOOD, N.J.

Handwritten signature: Warren M. Hook

DECISION

SIDE YARD VARIANCE APPROVED

To: Kerry Thomas
29 Wayne Lane
Tappan, New York 10983

ZBA #20-65
Date: October 7, 2020
Permit #50288

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 20-65: Application of Kerry Thomas for a variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 9 (Side Yard: 20; required, 10' proposed) for the installation of an above-ground pool at an existing single-family residence. The premises are located at 29 Wayne Lane, Tappan, New York and are identified on the Orangetown Tax Map as Section 74.17, Block 4, Lot 12; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Kerry Thomas appeared and testified.

The following documents were presented:

1. Survey with the pool drawn on it.
2. Survey drawing was modified at hearing to add an existing 12' x 14' shed, plans dated and signed by applicant.

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

Kerry Thomas testified that she would like to install an above-ground pool in the rear yard; that she is requesting a 10 foot side yard because her yard is very hilly; that if the pool has a ten foot side yard she will still have some usable flat yard for her children to play in; that the neighbor on Hardwood has not expressed any concern about the proposed location of the pool; and that the shed is 12' x 14' and was there when she purchased the house in 2018.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE

2020 OCT 20 P 12: 29

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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 side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The topography of the property is hilly and there is not a lot of flat areas in the rear yard, allowing a ten foot set back affords the applicant some usable flat area in the rear of the house.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The topography of the property is hilly and there is not a lot of flat areas in the rear yard, allowing a ten foot set back affords the applicant some usable flat area in the rear of the house.
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 side 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. The topography of the property is hilly and there is not a lot of flat areas in the rear yard, allowing a ten foot set back affords the applicant some usable flat area in the rear of the house.
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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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 side 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.

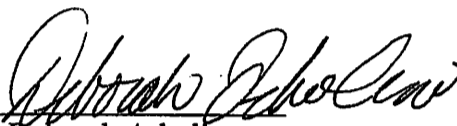
TOWN CLERK'S OFFICE
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The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Bosco 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: October 7, 2020

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-M.M.

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

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN