ZONING BOARD OF APPEALS Town of Orangetown 20 Greenbush Road Orangeburg, New York 10962 (914) 359-8410 (ex. 4331) Date: November 1, 2023 TO: **OBAPAE** Rockland County Drainage Environmental Management and Engineering Rockland County Health Rockland County Sewer District #1 Rockland County Planning New York State Dept. of Transportation Rockland County Highway Palisades Interstate Park Commission Orange and Rockland Utilities Orangetown Highway Review of Plans: Holly Barnett, 11A William Street, Sparkill, NY Section 77.08 Block 5 Lot 29.2 RG zone This matter is scheduled for: Chapter 43, Section 3.12, RG District, Group Q, Columns 4 (Floor Area ratio: 30% permitted, 32% proposed), 9 (Side Yard: 10' required, 5.66' proposed), 10 (Total Side Yard: 20' required, 17.1' proposed) Section 5.21 Undersized lot applies for an addition to an existing single-family residence. Please review the information enclosed and provide comments. These comments may be mailed, e-mailed or faxed to the Zoning Board Office. If your Agency does not have any comments at this time, please respond to this office by sending back this sheet. US Postal: 20 South Greenbush Road, Orangeburg, NY 10962 Email to Zoning Board: darbolino@orangetown.com or • Fax to the Town of Orangetown ZBA @845 359 8526 **Zoning Board Meeting Date: December 6, 2023**) Comments attached) No Comments at this time. Please send future correspondence for review.) No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.

This project is before the Zoning Board on Wednesday, December 6, 2023. Kindly forward your completed review to this office by December 6, 2023.

() This project is out of the jurisdiction of this agency and has no further comments.

Name	date:	

Thank you, Deborah Arbolino



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

Date: 8.15.23 Section: 77.08	Block:	5	Lot:	29.2
Applicant: Barnett				
Address: 11A William St. Sparkill		***************************************		
RE: Application Made at:same				
Referred For:				
Chapter 43, Bulk Table 3.12, RG District Column 1 RG District, Column 2 Group Q, Column 3 Column 9 Required side yard 10' w/ 5.66' proposed, 43, Section 5.21(d)) w/ 17.1' proposed ENC (Existing Non-Conforming) Lot Width 50.00' Section 5.21 Undersized Lot applies 3 variances required	SFR, Colum Column 10 F	n 4 Max FA Required To	AR 30% w/ otal Side Y	32% proposed ard 20' (per Ch
Comments:				
	***************************************			3 - 7
		and the state of t	ourse la communa	
Please be advised that the Building Permit Application November 11, 2022, has been referred to the Town of Or the Zoning Board of Appeals, Debbie Arbolino, can as before the board. She can be reached at 845-359-8410 Sincerely, Richard Oliver Deputy Building Inspector	rangetown Z ssist you in t	oning Boar he preparat	d of Appea	ary to appear

Project Description: (If additional space required, please attach a narrative summary.)

Permove exg deck and deck structure at first floor and second floor;

Permove exg exterior stair to buckyard, build new expanded deck

W/ NEW pasts + footings @ first floor, replace down on exy one stary addition

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing. W/windows

Date: ______ Applicant's Signature: ______

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

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

lf subdivi	sion:
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 pla	n:
1	Existing square footage 3436
2	Existing square footage 3436 Total square footage 3583
3	Number of dwelling units
If special	permit, list special permit use and what the property will be used for.
_	
Environm	ental Constraints:
Are there slo	opes greater than 25%? If yes, please indicate the amount and show the gross
Are there sti	eams on the site? If yes, please provide the names. Sparkil Creek
	tlands on the site? If yes, please provide the names and type:
Project H	istory:
Has this proj	ect ever been reviewed before?
If so, provide	a narrative, including the list case number, name, date, and the board(s) you appeared
before, and	he status of any previous approvals.
List tax map	section, block & lot numbers for all other abutting properties in the same ownership as
this project.	
; -	

DECISION

ZBA #98-80

TO: Thomas C Heatley and Elizabeth J. Moody 33 River Road Grand View, New York 10960

FROM: ZONING BOARD OF APPEALS: TOWN OF ORANGETOWN

RE: Appeal from denial by building inspector. Application of Thomas Heatley and Elizabeth J. Moody for a New York Town Law Section 280-a variance. The following variance is requested:

(1) Section 280-a of New York Town Law requires that no permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan....Applicant requests a variance from Section 280-a.

Premises involved are situated on the southwest side of William Street approximately 252' northeast of the intersection of Sparkill Avenue and William Street in the hamlet of Sparkill, Rockland County, New York. Section 77.08, Block 5, Lot 29.2. This is a RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held Monday September 28, 1998 at which time the Board made the following determination.

Thomas C. Heatley, Jason Heatley, Joseph Heatley and Donald Brenner, Esq. appeared and testified.

The following documents were presented:

1. Plans for proposed new lot.

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- 2. Letter from County of Rockland, Department of Planning, dated September 10, 1998, signed by James Cymore, Deputy.
- 3. Letter from County of Rockland, Department of Highways, dated August 31, 1998, signed by Claudette Tufau, Engineer.
- 4. Letter from County of Rockland, Department of Highways, dated August 31, 1998, signed by Merle Mammato, Principal Engineering Technician.

The applicant testified that the lot in question has a right-of-way easement through an existing driveway as per plans submitted dated July 20, 1998; that this is a new easement and that there is a second easement on the adjoining property through a driveway which is not the subject of this application; that the property is in a 100-year flood plain but the Rockland County Drainage Agency has issued the necessary permits; that the proposed excavation will be done without causing additional run-off and will not affect the neighboring properties.

Mike Betieman, abutting neighbor, stated that his mother's house is on property fronting applicant's lot which is the site of applicant's alleged second right-of-way. Mr. Betteman claims the easement no longer exists, that he and his sister have used the driveway for many years, and that there is no access to the rear lot through this driveway.

Carol Demola, abutting neighbor, stated the house on applicant's property is just a shack with no sewer or gas services. She also expressed concern that the proposed new construction will rise to a height higher than her house and cause additional flooding in the area. She also questioned as to how a permit can be issued in a flood plain.

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Thomas Demola, abutting neighbor, expressed concern with potential drainage problems caused by this new house.

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ZBA #98-80 pg. 2.

The Board members made a personal inspection of the premises on Saturday September 26, 1998 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 the State of New York was received

FINDING OF FACTS:

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The Board after personal observation of the property, hearing all the testimony and reviewing same, found as fact that:

1. The circumstances of the case do not require the proposed structure to be related to existing or proposed streets or highways. Applicant will use an easement on adjoining property on lot 29 to the northeast for access and egress.

DECISION: In view of the foregoing and the testimony before the Board, the application is APPROVED AND A BUILDING PERMIT IS AUTHORIZED TO BE ISSUED, SUBJECT TO ALL APPLICABLE MUNICIPAL REQUIREMENTS, WITH THE FOLLOWING CONDITION:

- 1. The easement to be used for access to and egress from applicant's property shall be the easement located on that part of lot 29 bordering on William Street as shown on the plan submitted by applicants dated July 20, 1998.
- (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 the variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time fellowing 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 for which the variance or Special Permit is granted is not substantially implemented within one year of the date this decision is filed; it being clearly understood and agreed that the mere obtainment of a Building Permit does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application was presented and moved by John Duffy seconded by Ennio Munno and carried as follows; Dominic Filippone, aye; Alfred Visalli, aye; Ennio Munno, aye; William Mowerson; aye; and John Duffy; aye.]

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ZBA #98-80 pg. 3.

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: September 28, 1998

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

John A. Boseo
Administrative Aide

DISTRIBUTION:

J.

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Applicant
Town Board Members
ZBA Members
Supervisor
Town Attorney
Deputy Town Attorney
OBZPAE

Building Inspector

Town Clerk
Highway Department
Assessor
Dept. of Environmental
Mgmt and Engineering
Supervising Clerk
Chairman PB,ZBA, ACABOR

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NWG: 1 (80) 40 KWOT

DECISION

AMENDMENT TO ZBA #98-80 APPROVED

To:

Thomas Heatley

11A William Street

Sparkill, New York 10976

ZBA # 05-71

Date: 7 / 6 / 05

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 05-71: Application of Thomas Heatley for an amendment to ZBA Decision #98-80 dated September 28, 1998 for the approval of a new access easement and the release of the existing access easement at an existing single family residence. Premises are located at 11 A William Street, Sparkill, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 5, Lot 29.2; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 6, 2005 at which time the Board made the determination hereinafter set forth.

Thomas Heatley and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

- 1. As Built Survey dated August 31, 2000 by Thomas McDougall, P.L.S.
- 2. ZBA Decision # 98-80 dated September 28, 1998.
- 3. A letter dated June 13, 2005 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
- 4. A letter dated June 24, 2005 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
- 5. A letter dated June 30, 2005 from the County f Rockland Drainage Agency signed by Edward F. Devine.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Duffy moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Mowerson and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Munno, aye; and Mr. Duffy, aye.

Donald Brenner, Attorney, testified that in 1998 the applicant was before the Zoning Board and received a variance and an easement was submitted; that during construction the easement was changed and the Building Inspector has sent the applicant back to the Board to amend the ZBA decision.

Thomas Heatley testified that the easement is the same in the front of the house but that the description needs to adjusted in the back by his house because it was extended to the southeast corner; that it was extended because he had to build two four foot stone walls instead of one taller retaining wall at the instruction of the Rockland County Drainage Agency; that his built on flood plain and by following the instructions of the Rockland County Drainage Agency he has never had a water problem; and that these two walls took up more space and forced the easement to be extended.

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Heatley ZBA # 05-71 Page 2 of 4

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday, July 3, 2005 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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

- 1. The requested amendment to ZBA #98-80 would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
- 2. The applicant has agreed to submit the revised easement to the Town Attorney's office for review and approval.
- 3. The requested amendment to ZBA #98-80 would have no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 4. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested amendment to ZBA#98-80 is APPROVED with the SPECIFIC CONDITION that the easement instrument be submitted to the Town Attorney's office for approval; 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.

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Heatley ZBA # 05-71 Page 3 of 4

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 itereinbefore 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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Heatley ZBA # 05-71 Page 4 of 4

The foregoing resolution to approve the application for the requested amendment to ZBA #98-80 was presented and moved by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Mowerson, aye; Mr. Munno, aye; and Mr. Duffy, 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: July 6, 2005

ZONING BOARD OF APPEALS TOWN OF ORANGETOWN

Deborah Arbolino Administrative Aide

DISTRIBUTION:

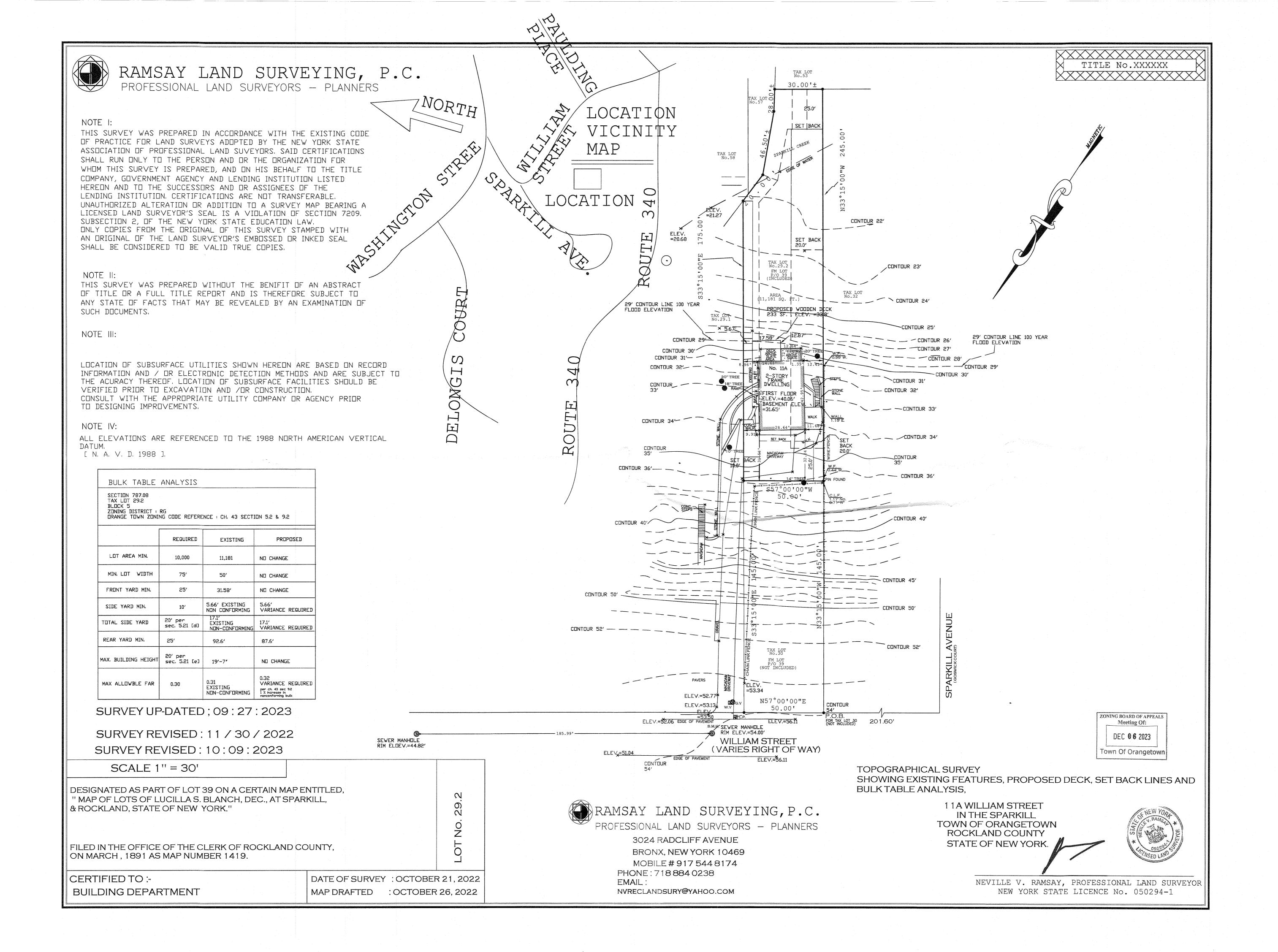
APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR - B.VW.

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

TOWR CLERKES OF FR

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BULK TABLE ANALYSIS

SECTION 787.08 TAX LOT 29.2 BLOCK 5 ZONING DISTRICT: RG ORANGETOWN ZONING CODE REFERENCE: CH. 43 SECTION 5.2 & 9.2

	REQUIRED	EXISTING	PROPOSED
LOT AREA MIN.	10,000	11,181	NO CHANGE
MIN. LOT WIDTH	75'	50'	NO CHANGE
FRONT YARD MIN.	25'	31.58'	NO CHANGE
SIDEYARD MIN.	10'	5.66' EXISTING NON-CONFORMING	5.66' VARIANCE REQUIRED
TOTAL SIDE YARD	20' per sec. 5.21(d)	17.1' EXISTING NON-CONFORMING	17.1' VARIANCE REQUIRED
REAR YARD MIN.	25'	92.6'	87.6'
MAX BUILDING HEIGHT	20' per sec. 5.21(e)	19'-7"	NO CHANGE
MAX ALLOWBLE FAR	0.30	0.31 EXISTING NON-CONFORMING	O.32 VARIANCE REQUIRED per ch.43 sec 9.2 1% increase in nonconforming bulk

	DRAWING LIST						
	PAGE	SHEET NUMBER	SHEET NAME	*****			
	1	A-000	COVER SHEET, BULK TABLE, NOTES	-			
	2	A-001	PLOT PLANS				
	3	DM-100	DEMO PLANS	2.00			
	4	A-100	PROPOSED PLANS				
	5	A-200	EXTERIOR ELEVATIONS				
	6	A-500	DETAILS				
	7	A-510	SECTION DETAIL				
ļ							

PROPOSAL FOR DECK 11A WILLIAM STREET

ALL WORK TO BE IN CONFORMANCE WITH THE 2020 RESIDENTIAL CODE OF NYS ALL WORK TO BE IN CONFORMANCE WITH THE 2020 ENERGY CONSERVATION CODE

PROJECT DATA

PROJECT ADDRESS: 11A WILLIAM STREET SPARKILL, NY 10976

TAX LOT: 29.2

RG - GENERAL RESIDENCE DISTRICT

USE GROUP:

SINGLE FAMILY DETACHED RESIDENCE

CONST TYPE: WOOD FRAME

GROUND SNOW LOAD: 30LB/SF

SEISMIC DESIGN CAT: B

SOIL SITE CLASS:

WIND SPEED: 130 MPH

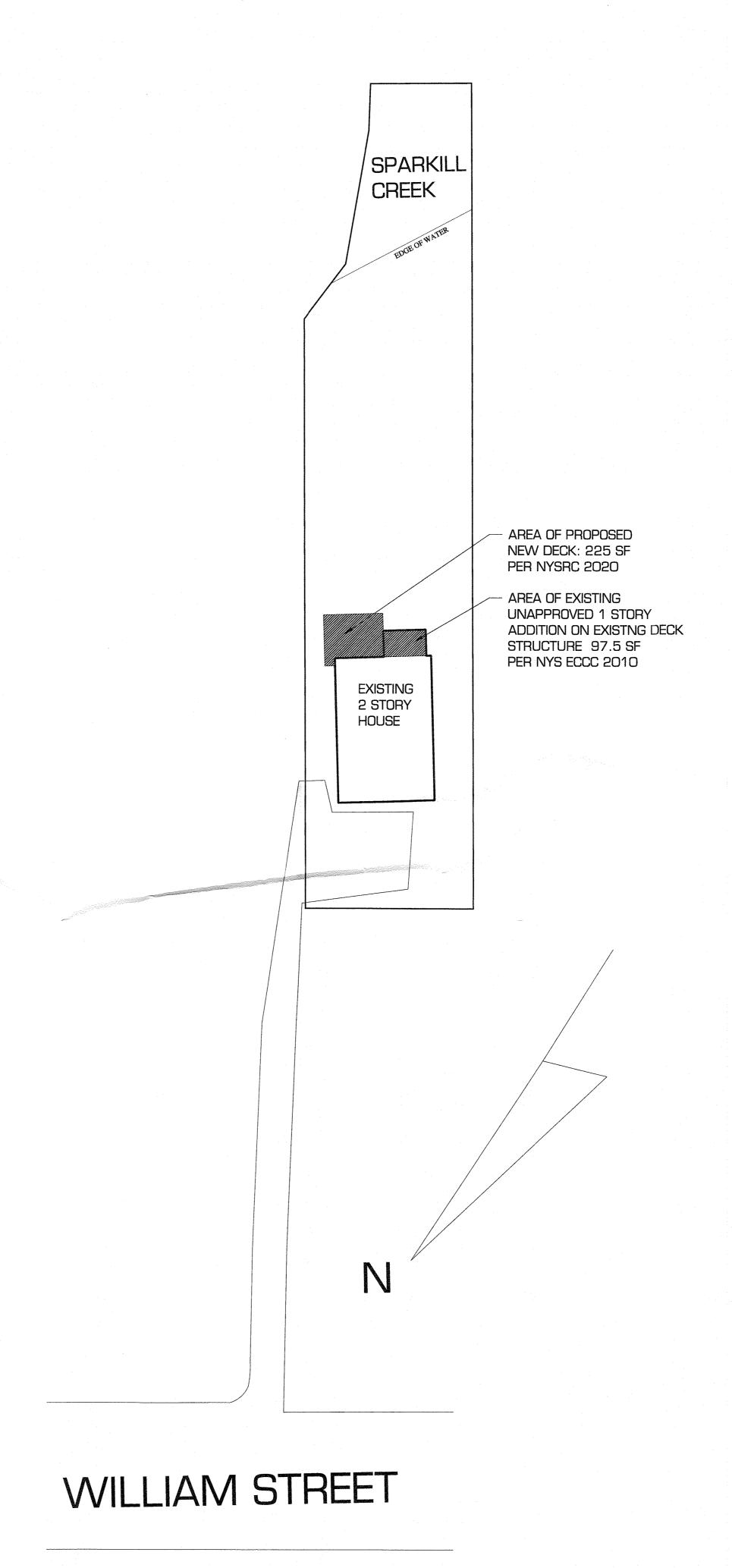
EXPOSURE CAT

FLOOD ZONE:

STORIES:

FLOOR LIVE LOAD:

CLIMATE ZONE:



Karla Rae Karwas, R.A. RAEVEN ARCHITECTURE PLLC 307 Greeves Road New Hampton, NY 10958 T 646.460.4297 kkarwas@gmail.com

GENERAL CONTRACTOR:

ROCKLAND COUNTY HOME IMPROVEMENT CORP. 19 SLOCUM AVENUE TAPPAN, NY 10983 845-536-3040

DESCRIPTION: DEC 2, 2022 INITIAL SUBMISSION FEB 2, 2023 REVISION 01 APR 12, 2023 REVISION 02 JUNE 12, 2023 REVISION 03

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SEAL + SIGNATURE:

OWNER:

HOLLY BARNETT

PROJECT:

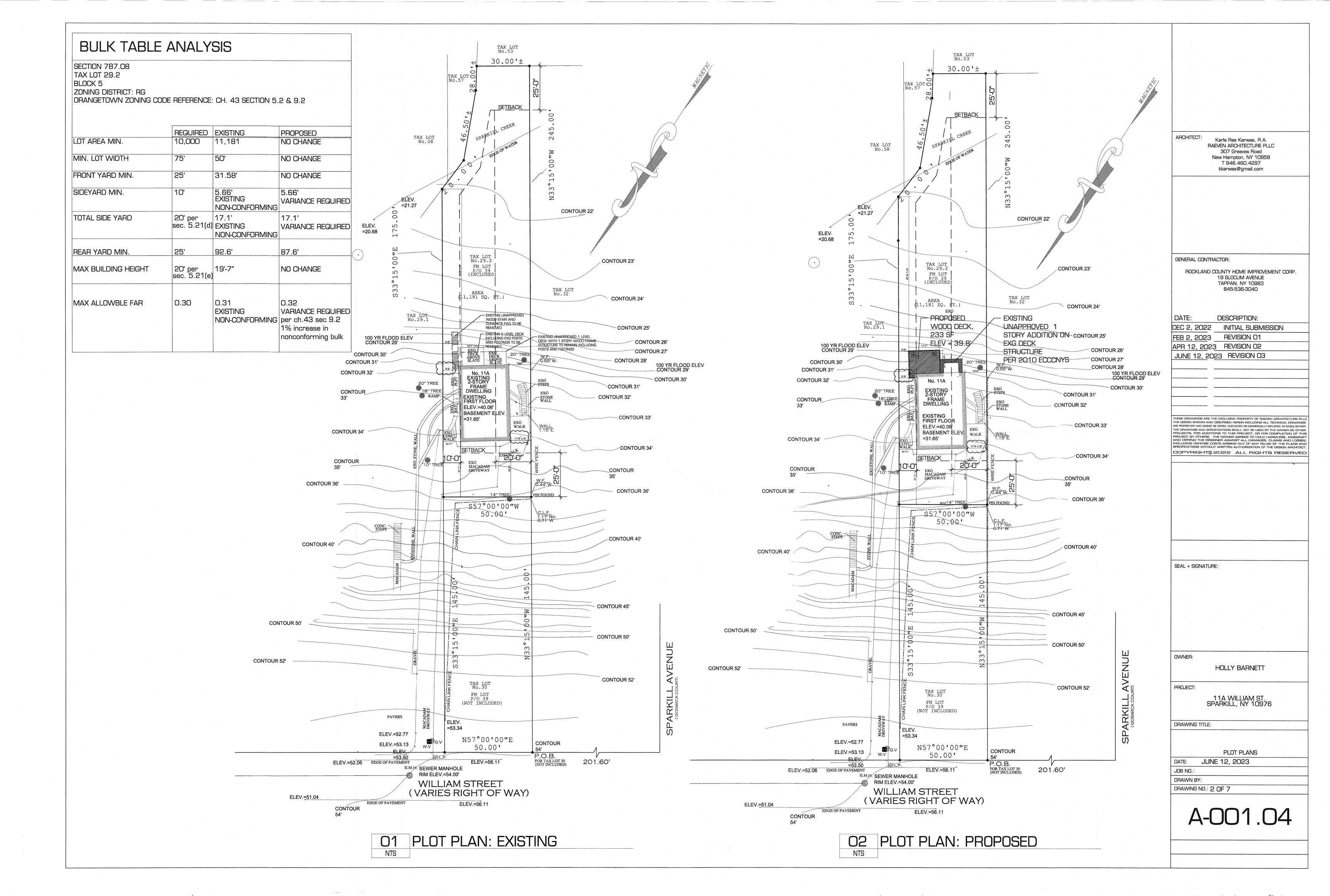
11A WILLIAM ST. SPARKILL, NY 10976

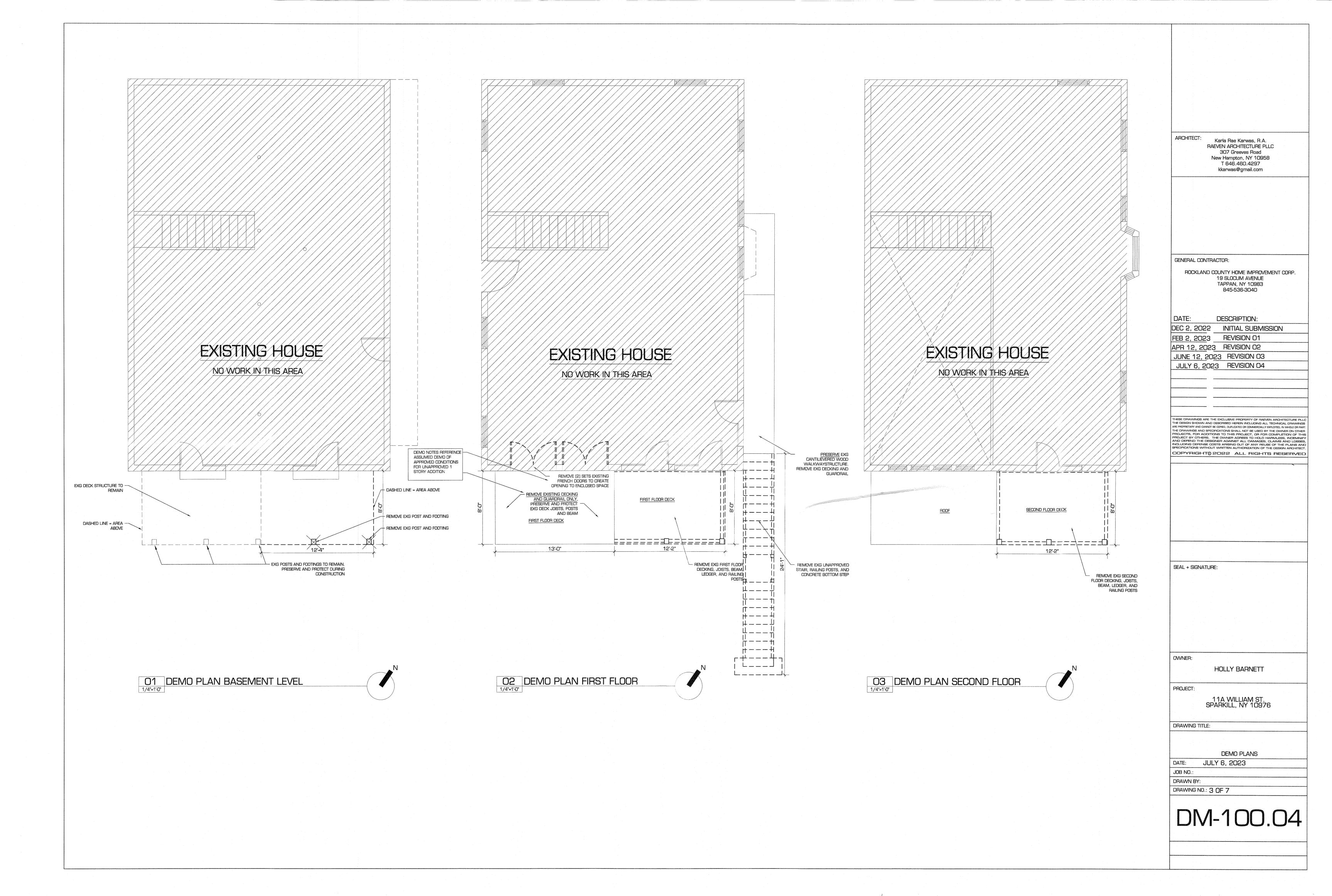
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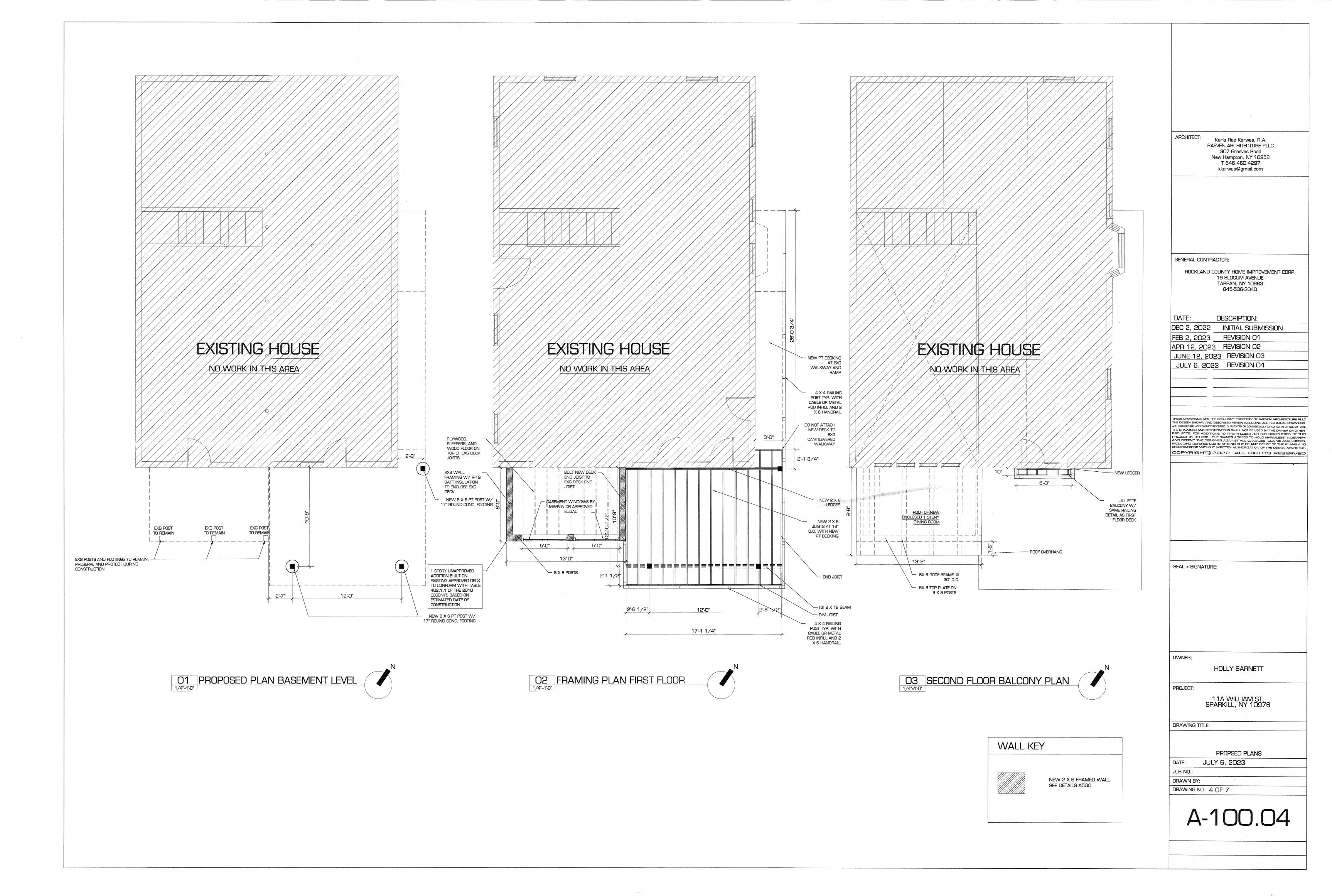
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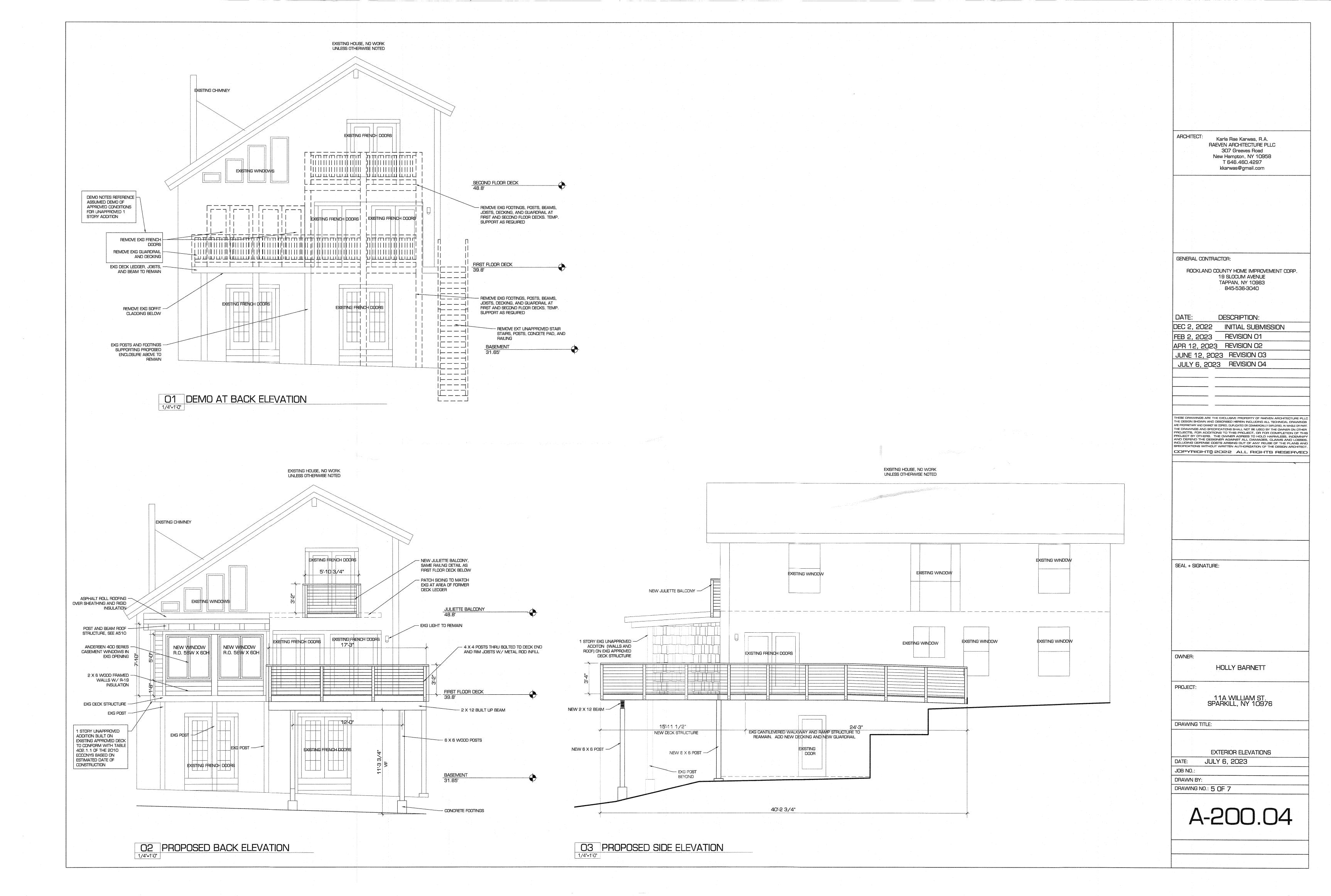
DRAWING NO.: 1 OF 7

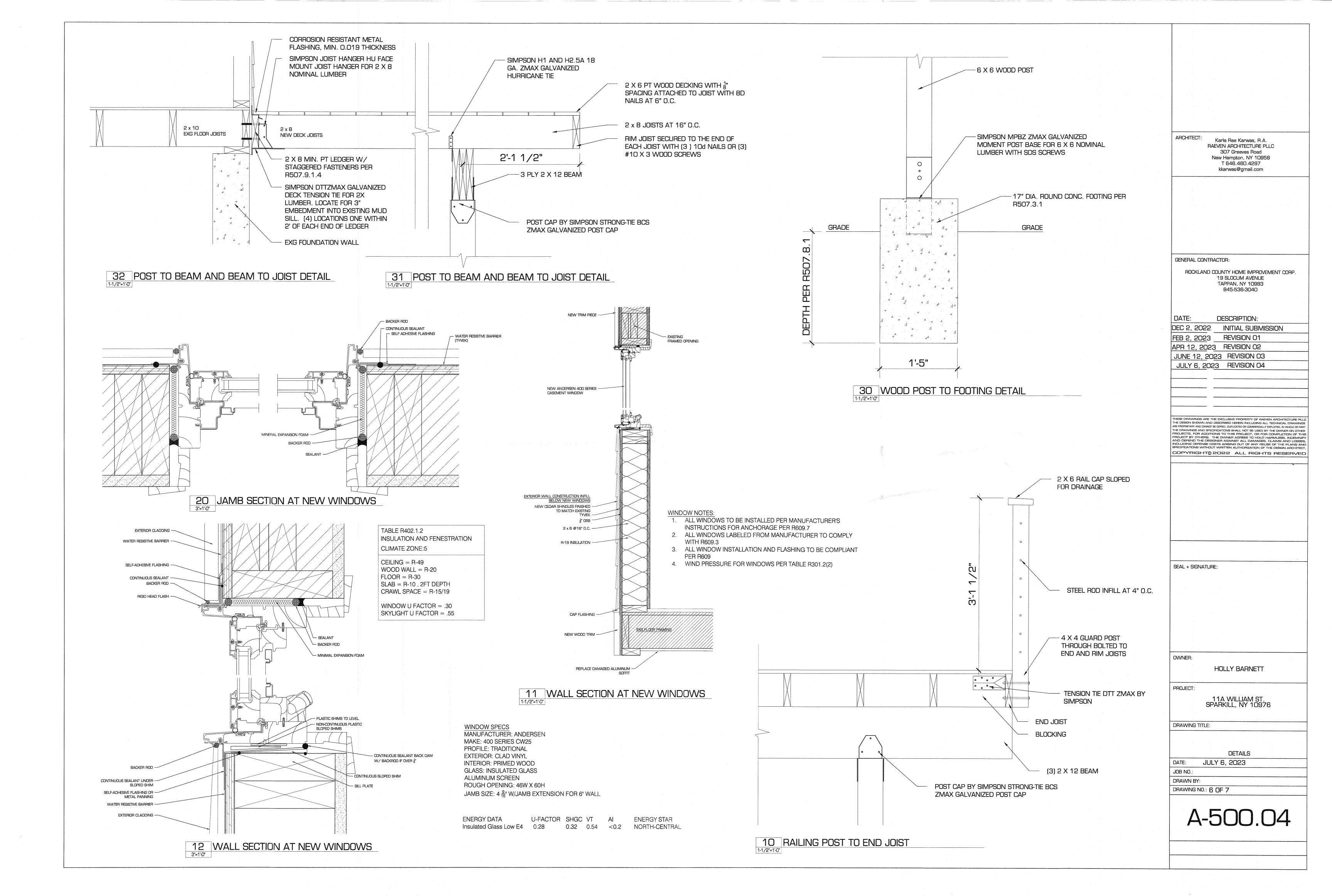
01 LOCATION PLAN

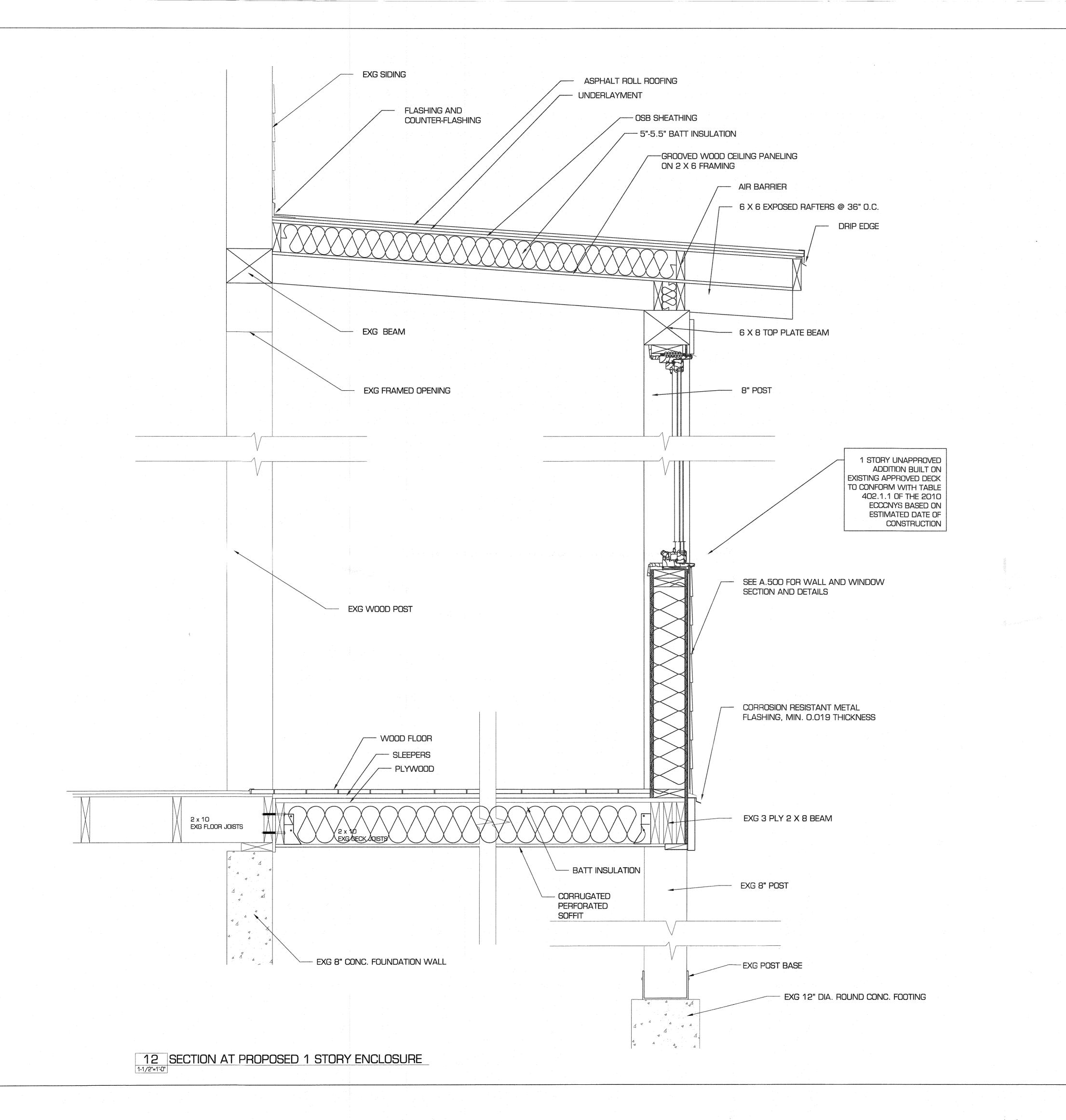












ARCHITECT: Karla Rae Karwas, R.A.
RAEVEN ARCHITECTURE PLLC
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New Hampton, NY 10958
T 646.460.4297
kkarwas@gmail.com

GENERAL CONTRACTOR:

ROCKLAND COUNTY HOME IMPROVEMENT CORP. 19 SLOCUM AVENUE TAPPAN, NY 10983 845-536-3040

DATE: DESCRIPTION:
DEC 2, 2022 INITIAL SUBMISSION
FEB 2, 2023 REVISION 01
APR 12, 2023 REVISION 02
JUNE 12, 2023 REVISION 03
JULY 6, 2023 REVISION 04

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SEAL + SIGNATURE:

OWNER: HOLLY BARNETT

PROJECT:

11A WILLIAM ST. SPARKILL, NY 10976

DRAWING TITLE:

SECTION DETAIL
JULY 6, 2023

JOB NO.: DRAWN BY:

DATE:

DRAWING NO.: 7 OF 7

A-510.04