

Please forward your completed review to this office by

March 11, 2024 for review at the March 13, 2024 Project Review Committee

Meeting (9:30 a.m. at the Greenbush Auditorium.)

Town of Orangetown Planning Board Meeting
Wednesday, March 27, 2024

Location of Meeting: Town of Orangetown Greenbush Auditorium,
20 South Greenbush Road, Orangeburg, New York

Time: 7:30 p.m.

**Project Name: 11 Shadyside Avenue Site Plan – Critical Environmental
Area: work is existing**

Location of Parcel: The site is located at 11 Shadyside Avenue, Upper
Grandview, Town of Orangetown, Rockland County, New York, and as shown on
the Orangetown Tax Map as Section 66.17, Block 1, Lot 7 in the R-22 zoning
district.

Rockland County:

- **Planning Department**
- **Highway Department**
- **Park Commission**
- **Environmental Resources**
- **Drainage Agency**
- **Health Dept.**
- **Sewer**

Town of Orangetown:

- **Drainage Consultant**
- **OBZPAE**
- **DEME**
- **Highway**
- **DTA**
- **Rec & Parks**
- **Fire Prevention**
- **Traffic Advisory Board**
- **ZBA**

Other:

- **NYS DEC**
- **O & R**
- **Veolia**
-

Project Description: Prepreliminary/ Preliminary/ Final Site Plan Review
Please forward your completed review to this office by date of the Meeting. **If
your comments are not received by this date, the Board assumes your
agency does not have any comments.**

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district.

**Please review the information enclosed and provide comments. These
comments may be mailed, e-mailed or faxed to the Planning Board Office.**

**If your agency does not have any comments at this time, please respond to
this office by sending back this sheet.**

- **U.S. Postal: 20 South Greenbush Road, Orangeburg, New York 10962**
- **Email to Planning Board at ccoopersmith@orangetown.com, or**
- **Fax to the Town of Orangetown Planning Board @845 359-8526**

- () **Comments Attached (or to be provided prior to Meeting date noted above)**
- () **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 out of the jurisdiction of this agency and has no further
comments.**

Dated: _____

Agency Name

By: _____

Please Print Name

Notice of Lead Agency Coordination

Town of Orangetown Planning Board Meeting

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Please be advised that the Orangetown Planning Board is in receipt of an Application: **11 Shadyside Avenue Site Plan – Critical Environmental Area** and related Part 1 Environmental Assessment Form for the proposed for Plan. Among other approvals, the proposed requires a review of by the Orangetown Planning Board. In accordance with the implementing regulations of the New York State Environmental Quality Review Act, found at Title 6 Part 617 NYCRR, the Town Planning Board at the meeting of **March 27, 2024** will adopt a motion to (1) declare the proposed development an unlisted action; (2) identify other involved and interested agencies, and (3) initiate coordinated review of the proposed action pursuant to Title 6 Part 617 NYCRR.

The Planning Board has expressed its desire to serve as lead agency in the environmental quality review of this proposed development. The Planning Board believes that it is the most appropriate lead agency pursuant to the criteria for determining lead agency, as found at Title 6 Part 617.(e)(5).

Your agency has been identified as a potential involved agency. Accordingly, please consider this memorandum as notice that a lead agency must be designated within thirty (30) calendar days of this mailing. If you have any objection to the Planning Board's assumption of lead agency status, please respond within the prescribed time frame. Please see the attached response letter.

Please take note that if the attached letter is not received within 30 days of receipt of this mailing, the Town of Orangetown Planning Board assumes your agency does not have interest in being Lead Agency.

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**Response to request that the Town of Orangetown Planning Board
BE DESIGNATED TO SERVE AS LEAD AGENCY FOR THE:**

**On behalf of _____ (involved
agency), I acknowledge receipt of the Lead Agency Notice in this matter.**

The above named involved agency hereby (please check one):

- ☐ () CONSENTS that the Town of Orangetown Planning Board serve as Lead Agency for coordinated environmental review of the proposed action, and requests that the undersigned continue to be notified of SEQR determinations, Proceedings and hearings in this matter.
- ☐ () DOES NOT CONSENT to the Town of Orangetown Planning Board's serving as Lead Agency for coordinated environmental review of the Lead Agency. To contest the requested Lead Agency, the undersigned proposed action and wishes that _____ serve as intends to follow the procedures outlined in Title 6 Part 617.6(b) (5) NYCC.
- ☐ () TAKES NO POSITION on Lead Agency designation in this matter

Dated: _____

Agency Name

By: _____

Signature

DRPILLA

CONSULTING ENGINEERS

- DOMINICK R. PILLA ASSOCIATES -

January 29, 2024

Town of Orangetown Building Department
20 Greenbush Road
Orangeburg, NY 10962



Re: 11 Shadyside Avenue
Planning Board Application Project Narrative

Dominick R. Pilla Associates was retained by the owners of 11 Shadyside Avenue to help remove a violation on their property for work without a permit. The work done without a permit includes the installation of a deck on the left side of the house, the addition of a parking area off the driveway, and the installation of a retaining wall. This site plan is being submitted to legalize this work. The scope of work for legalization is to remove the deck and legalize the parking area and retaining wall. The new impervious area on the site brought about by the installation of the parking area and the retaining wall is less than 400 sqft.

Dominick R. Pilla, PE, CE, SE, RA, LEED AP.

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: 1-31-24

Please check all that apply:

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

PERMIT#: _____

ASSIGNED _____

INSPECTOR: _____

Referred from Planning Board: YES / NO

If yes provide date of Planning Board meeting: _____

Project Name: 11 SHADYSIDE AVENUE

Street Address: 11 SHADYSIDE AVENUE, NYACK, NY 10960

Tax Map Designation:

Section: 66.17 Block: 1 Lot(s): 7

Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the WEST side of SHADYSIDE AVENUE, approximately 610 feet NORTH of the intersection of TOWNSEND AVENUE, in the Town of ORANGETOWN in the hamlet/village of UPPER GRANDVIEW.

Acreage of Parcel 0.51 AC

Zoning District R-22

School District NYACK

Postal District USPS ATLANTIC

Ambulance District NYACK

Fire District NYACK

Water District VEOLIA

Sewer District ORANGETOWN

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

SITE PLAN TO OBTAIN BUILDING PERMIT TO LEGALIZE PREVIOUSLY COMPLETED SITE WORK.

A RETAINING WALL, PARKING PAD, AND WOODEN DECK WERE INSTALLED WITHOUT TOWN APPROVAL.

PROPOSED WORK IS TO REMOVE THE WOODEN DECK AND LEGALIZE THE RETAINING WALL AND PARKING PAD.

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

Date: 1/29/24 Applicant's Signature: [Signature]

APPLICATION REVIEW FORM

Applicant: DOMINICK R. PILLA Phone # 845-727-7793

Address: 143 MAIN STREET NYACK NY 10960
Street Name & Number (Post Office) City State Zip Code

Property Owner: CLARA ENGMANN Phone # 508-942-6813

Address: 11 SHADYSIDE AVENUE NYACK NY 10960
Street Name & Number (Post Office) City State Zip Code

Engineer/Architect/Surveyor: DOMINICK R. PILLA ASSOCIATES Phone # 845-727-7793

Address: 143 MAIN STREET NYACK NY 10960
Street Name & Number (Post Office) City State Zip Code

Attorney: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Contact Person: JAMIE BEDARD Phone # 845-727-7793

Address: 143 MAIN STREET NYACK NY 10960
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of:
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

☒ State or County Road
☐ Long Path
☐ Municipal Boundary

☐ State or County Park
☐ County Stream
☐ County Facility

List name(s) of facility checked above:

ROUTE 9W

Referral Agencies:

☒ RC Highway Department
☒ RC Drainage Agency
☒ NYS Dept. of Transportation
☐ NYS Thruway Authority
☐ Adjacent Municipality
☐ Other _____

☒ RC Division of Environmental Resources
☒ RC Dept. of Health
☒ NYS Dept. of Environmental Conservation
☐ Palisades Interstate Park Commission

O & R, Jeolia

Short Environmental Assessment Form

Part 1 - Project Information

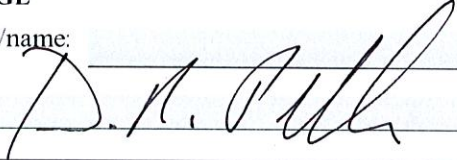
Instructions for Completing

Part 1– Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1– Project and Sponsor Information			
Name of Action or Project: 11 SHADYSIDE AVENUE			
Project Location (describe, and attach a location map): 11 SHADYSIDE AVENUE, NYACK, NY 10960			
Brief Description of Proposed Action: SITE PLAN TO OBTAIN BUILDING PERMIT TO LEGALIZE PREVIOUSLY COMPLETED SITE WORK. A RETAINING WALL, PARKING PAD, AND WOODEN DECK WERE INSTALLED WITHOUT TOWN APPROVAL. PROPOSED WORK IS TO REMOVE THE WOODEN DECK AND LEGALIZE THE RETAINING WALL AND PARKING PAD.			
Name of Applicant or Sponsor: CLARA ENGMANN		Telephone: 508-942-6813	
Address: 11 SHADYSIDE AVENUE		E-Mail: CLARA.CBE2005@GMAIL.COM	
City/PO: NYACK		State: NY	Zip Code: 10960
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.51 acres	
b. Total acreage to be physically disturbed?		<0.01 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.51 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: UPPER GRANDVIEW & ENVIRONS, NAME: MOUNTAINOUS AREA, NAME: RUN-OFF-AREA, REASON: EXCEPTIONAL OR UNIQUE CHARACTER, REASON: STEEP SLOPE, NATURAL, AESTHETIC, HISTORIC, ARCHEOLOGICAL, & RECREATIONAL SIGNIFICANCE. REASON: PROXIMITY TO HILLSIDE, RUN-OFF EROSION, DRAINAGE ISSUES, IMPACT OF POLLUTION, NOISE, & TRAFFIC, AGENCY: ORANGETOWN, TOWN OF, AGENCY: SOUTH NYACK, VILLAGE OF (ORANGETOWN, TOWN OF), DATE: 10-16-88, DATE: 2-4-98	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water:			
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment:			
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? ATLANTIC STURGEON, SHORTNOS STURGEON	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> </div> <div style="margin-left: 20px;"> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input checked="" type="checkbox"/> </div> If Yes, briefly describe: THE INCREASED IMPERVIOUS COVERAGE ON SITE IS LESS THAN 400 SQFT	NO <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: <u>1/29/24</u> Signature: <u></u> Title: <u>President/owner</u>		

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.
APPLICATION FOR BUILDING / DEMOLITION PERMIT

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

ZONE:	OFFICIAL USE ONLY	ACREAGE:
Inspector: <u>Clara</u>	Date App Received: <u>10-3-23</u>	Received By: <u>Clara</u>
Permit No. <u>BDR-4132-23</u>	Date Issued:	
CO No.	Date Issued:	
Permit Fee: <u>204</u>	Ck# <u>117</u>	Paid By <u>Engmann</u>
GIS Fee: <u>20</u>	Ck#	Paid By
Stream Maintenance Fee	Ck #	Paid By
Additional Fee: <u>\$480</u>	Ck# <u>175</u>	Date Paid <u>12/8/23</u> Paid By <u>Clara Engmann</u>
1 st 6 mo. Ext.:	Ck #	Exp. Date: Paid By
2 nd 6 mo. Ext.:	Ck #	Exp. Date: Paid By

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application,
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 11 SHADYSIDE AVENUE, NYACK, NY 10960
Section: 66.17 Block: 1 Lot: 7
Property Owner: CLARA ENGMANN
Mailing Address: 11 SHADYSIDE AVENUE, NYACK, NY 10960
Email: CLARA.CBE2005@GMAIL.COM Phone #: 508-942-6813
Lessee (Business Name): N/A
Mailing Address: _____
Email: _____ Phone #: _____
Type of Business /Use: RESIDENTIAL HOME
Contact Person: JAMIE BEDARD Relation to Project: ENGINEER
Email: JAMIEB@DRPILLA.COM Phone#: 845-727-7793
Architect/Engineer: DOMINICK R PILLA NYS Lic # 074213
Address: 143 MAIN STREET, NYACK, NY 10960 Phone#: 845-727-7793
Builder/General Contractor: N/A RC Lic # _____
Address: _____ Phone#: _____
Plumber: N/A RC Lic # _____
Address: _____ Phone#: _____
Electrician: N/A RC Lic # _____
Address: _____ Phone#: _____
Heat/Cooling: N/A RC Lic#: _____
Address: _____ Phone#: _____
Existing use of structure or land: RESIDENTIAL HOME
Proposed Project Description: SITE PLAN TO OBTAIN BUILDING PERMIT TO LEGALIZE PREVIOUSLY COMPLETED SITE WORK.

Proposed Square Footage: _____ Estimated Construction Value (\$): 3,800

BUILDING DEPARTMENT COMPLETES BELOW \$30,750

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR:

Chapter 10, Section 10.223(g) Requires Planning Board approval

12/8/23 12/11/23
Amended Entry

FOR OFFICE
USE ONLY

SECTION 66.17 BLOCK 1 LOT 7 NAME Engmann

PERMIT# P23-4132

Scanned 8-5-01

ACCESSORY STRUCTURE VARIANCE APPROVED

To: Bernice Brady
11 Shadyside Avenue
Upper Grandview, New York 10960

ZBA # 08-25
Date: 4 / 2 / 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-25: Application of Bernice Brady for a variance from Chapter 43, Section 5.153, R-22 District, (Accessory Structure not permitted in front yard: shed existing in a front yard) for an existing shed at a single-family residence. The premises is located at 11 Shadyside Avenue, Grandview, New York, and are identified on the Orangetown Tax Map as Section 66.17, Block 1, Lot 7; R-22 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 2, 2008 at which time the Board made the determination hereinafter set forth.

Bernice Brady appeared and testified.

The following documents were presented:

1. Hand drawn site plan showing the shed.
2. Survey.
3. Pictures of the existing shed.

On advice of Mr. Michaels, attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) Regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; and Ms. Albanese, aye. Mr. Doherty was absent.

Bernice Brady testified that she did not know that the shed could not be constructed where it is; that it was built in 1999; that someone complained and that is how she found out that it could not be in its present location without a variance; that her property is a hillside; that there is a stone wall on the other side of the driveway; that there is an 8' x 12' shed in the back that is used as a garden shed; that the deck was built in front of it to cover the waterway that winds its way through the property; that the basement of the house was converted into a playroom years ago and the sheds are used for storage; that the shed cost \$3,000.00; that she could cover the piers with lattice or plantings so that the bottom of the shed would not be noticeable from Shadyside; that it is very shady in that area and hard to grow anything; that this shed holds outdoor furniture, bikes, a lawn mower and snow shovels; and that she would definitely add lattice to cover the bottom part of the foundation if she is permitted to keep the shed in its present location.

TOWN CLERK'S OFFICE

8 APR 11 3:22 PM

Public Comment:

Victorio Loubrieo, 15 Shadyside testified that he is an abutting property owner that did not get a notice about this meeting; that this area is a n environmentally sensitive area; that the building should be safe; that other neighbors have to come before the boards before they build anything; that this is an existing shed that should have gotten approval from the boards; that he has watched this person build three structures without approval; that the code enforcement officer should address this issue.

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.

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 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 accessory structure variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing shed with the addition of lattice to cover the supporting blocks and or foundation will not have an adverse effect on the neighborhood.
2. The requested accessory structure variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is quite steep and this is a level area of the property.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.
4. The requested accessory structure variance is not substantial.
5. The applicant purchased the property so the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily 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 accessory structure variance is **APPROVED** with the **SPECIFIC CONDITION** that the applicant install decorative lattice at the base of the shed on the east, north and south sides of the foundation; 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.

APR 11 P 3:22 8

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

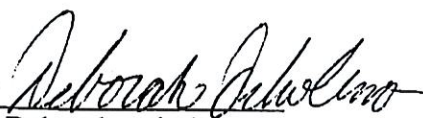
8 APR 11 PM 3:21

The foregoing resolution to approve the application for the requested accessory structure variance as conditioned was presented and moved by Mr. Sullivan , seconded by Ms. Albanese, and carried as follows: Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Albanese, aye. Mr. Doherty 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: April 2, 2008

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 -J.P.

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

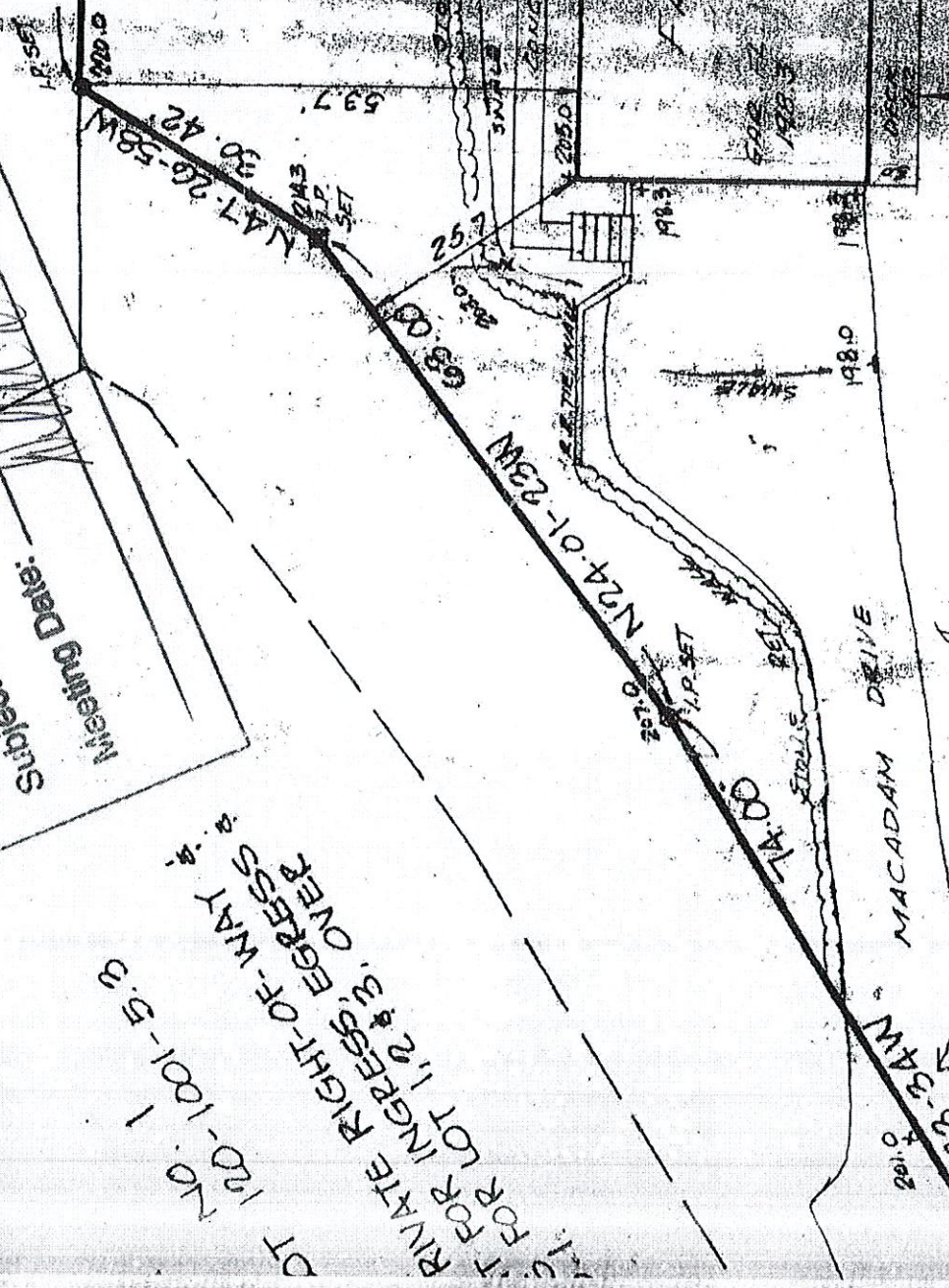
TOWN CLERKS OFFICE

8 APR 11 P 3:21

APPROVED
 8-28-88
 4/2/88
 Subject to ZBA#
 Meeting Date:

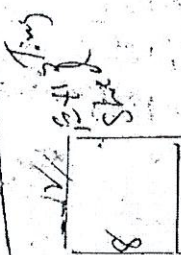
NO. 1
 DT 120-1001-5.0
 PRIVATE RIGHT-OF-WAY
 FOR INGRESS, EGRESS
 & OVER

N12-06-55E



7-SHEL 4
 7-1-1
 7-1-1

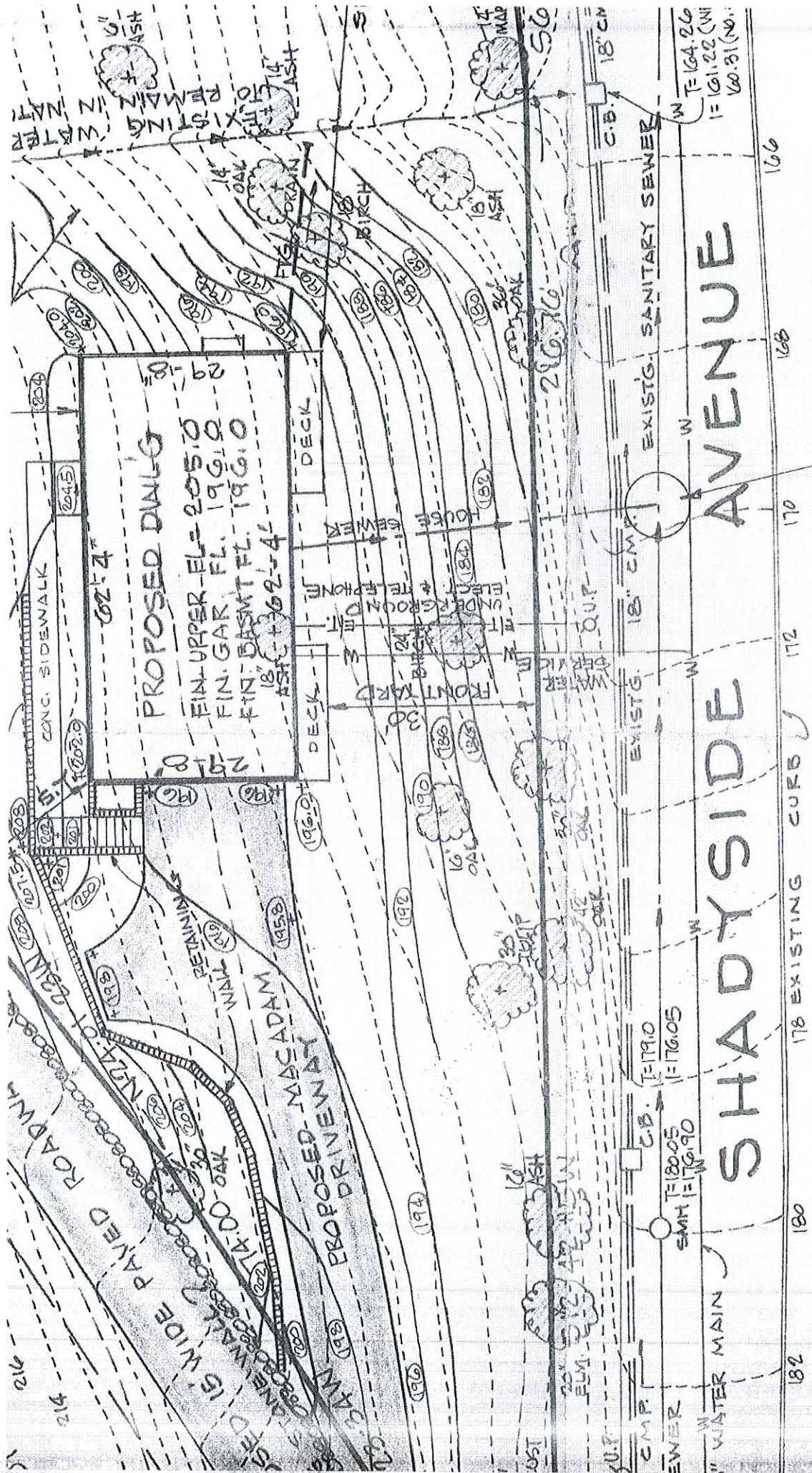
FIREPLACE



180°

S12 42-15W

0.0



HOUSE SEWER TO BE
CONNECTED TO NEW
SANITARY SEWER MAIN
AS PER PLANNING BOARD
REQUIREMENTS.

NOTE:

THE DEVELOPER SHALL TAKE ALL
PRECAUTIONS NECESSARY TO
ATTEMPT TO SAVE ALL EXISTING
TREES, BY USING TREE WELLS OR
OTHER MEANS OF TREE AND ROOT
PROTECTION.

HAISTF
SUI
SUF