

MINUTES  
ZONING BOARD OF APPEALS  
April 17, 2024

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN  
ROBERT BONOMOLO, JR.  
PATRICIA CASTELLI  
BILLY VALENTINE

ABSENT: THOMAS QUINN

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney  
Katlyn Bettmann, Senior Clerk Typist  
Anne Marie Ambrose, Official Stenographer

This meeting was called to order at 7: 05 P.M. by Mr. Bosco, Chairman.  
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

FISHER  
7 Berachah Ave.  
South Nyack, New York  
66.61 / 1 / 19.2; R-12HC zone

ZBA#24-01

CONTINUED

NEW ITEMS:

CREMIN  
120 Piermont Ave.  
South Nyack, New York  
66.46 / 2 / 19; RG-6 zone

ZBA#24-24

LOT COVERAGE  
FRONT YARD, SIDE YARD, AND  
§ 9.2 VARIANCES APPROVED

PAYRAUDEAU  
28 Division Ave.  
South Nyack, New York  
66.46 / 2 / 32; RG-6 zone

ZBA#24-25

§18.33 ACCESSORY STRUCTURE  
DISTANCE VARIANCE APPROVED

BRENNER  
417 Washington St.  
Tappan, New York  
77.12 / 1 / 50; R-15 zone

ZBA#24-26

FLOOR AREA RATIO AND  
§ 5153 DISTANCE FROM ACCESSORY  
STRUCTURE TO PRINCIPAL BUILDING  
STRUCTURE TO PRIMARY VARIANCES  
APPROVED

THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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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 9:35 P.M.

Dated: April 17, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By 

Katlyn Bettmann, Administrative Aide

DISTRIBUTION:  
APPLICANT  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
TOWN BOARD MEMBERS  
BUILDING INSPECTOR (Individual Decisions)  
Rockland County Planning

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**LOT COVERAGE, FRONT YARD, SIDE YARD, AND § 9.2 VARIANCES APPROVED AND EXISTING 3.7' SIDE YARD (AT THE NORTH SIDE OF THE FRONT OF THE HOUSE) ACKNOWLEDGED**

To: Vladimir Levin(Architect)  
115 Swendsen Drive  
Monroe, CT 06468

ZBA #24-24  
Date: April 17, 2024  
Permit # BLDR-4658-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-24: Application of Patrick Cremin for variance from Zoning Code (Chapter 43) of the Town of Orangetown, Section RG-6 District, Use Type P, the following variances are required: Maximum lot coverage permitted is 50% with 52% proposed; Front Yard required is 25' with 10.25' and 4.17' proposed; and Side Yard required is 12', 4.1'' proposed; and from Section 9.2 ( Expansion of non-conforming bulk ) for the proposed addition to an existing single-family residence. The premises are located at 120 Piermont Avenue, South Nyack, New York and are identified on the Orangetown Tax Map as Section 66.46, Block 2, Lot 19 in the RG-6 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 17, 2024 at which time the Board made the determination hereinafter set forth.

Vladimir Levin, Architect, and Patrick Cremin appeared and testified.

The following documents were presented:

1. Site plans, Existing Plans, Floor Plans, and Elevations, for the Cremin Residence with the most recent revision date of February 26, 2024, signed and sealed by Vladimir Levin, RA. ( 4 pages)
2. Survey dated March 14, 2022 signed and sealed by Gerard D. Lenze, L.S..
3. A letter dated April 12, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated April 17, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.

Mr. Bosco, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bonomolo and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco 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 Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye; Mr. Valentine, aye; Mr. Quinn was absent.

Vladimir Levin testified that the Applicant and his wife would like to start a family and want to increase the living space of the home and add bedrooms; that the existing is non-conforming and there is no other location to put the addition in the building envelope; that the proposed work fits in with the neighborhood, and the bulk is in keeping with the neighborhood and to scale with the other home in the neighborhood; that other houses on the street are right on the sidewalk; that they will actually be improving the current non-conforming because they are removing the existing front porch and a fixing it up, and one of the front masonry steps will be removed; that the two walkways can be changed to porous pavers, per the Rockland County Planning letter, and that would account for ninety-six square feet, which would only put them fifteen square feet over in impervious surface;

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. Bosco 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 lot coverage, front yard, side yard and § 9.2 expansion of non-conforming bulk 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 area.
2. The requested lot coverage, front yard, side yard and § 9.2 expansion of non-conforming bulk 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 area.
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 lot coverage, front yard, side yard and § 9.2 expansion of non-conforming bulk 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 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested lot coverage, front yard, side yard and § 9.2 expansion of non-conforming bulk variances 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

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Cremin  
ZBA#24-24  
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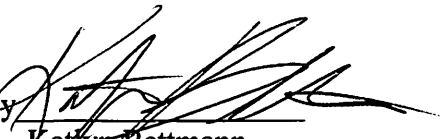
Permit # BLDR-4658-24

The foregoing resolution to approve the application for the requested variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Ms. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; and Ms. Castelli, aye; Mr. Quinn was absent.

The Senior Clerk Typist 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 17, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Kallyn Bettmann  
Senior Clerk Typist

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR- Ken L

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

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**§18.33 ACCESSORY STRUCTURE DISTANCE VARIANCE APPROVED WITH A CONDITION**

To: Corey Payraudeau  
28 Division Avenue  
South Nyack, NY

ZBA #24-25  
Date: April 17, 2024  
Permit # BLDR-4721-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-25: Application of Corey Payraudeau for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Section RG-6 District, Use Type P, § 18.33 (1): ( Accessory Structure Distance from Primary Structure: 15' required, 7'5" proposed) for an addition to an existing single-family residence that will be too close to the existing detached garage. The premises are located at 28 Division Avenue, South Nyack, New York and are identified on the Orangetown Tax Map as Section 66.46, Block 2, Lot 32 in the RG-6 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 17, 2024 at which time the Board made the determination hereinafter set forth.

Maren Robertson, architect, and Corey Payraudeau appeared and testified.

The following documents were presented:

1. Site plans, labeled "two-story rear addition" dated 2/1/2024 with most revision date of 3/7/2024 signed and sealed by Maren C. Robertson, RA. (11 pages)
2. A narrative from Maren Robertson Architecture
3. A letter dated April 12, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated April 17, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
5. A "this project is out the jurisdiction of this agency and has no further comments" from Dyan Rajasingham, Rockland County Highway Department, dated March 13, 2024.
6. A letter in support of the project, from Kiyomi Higuchi dated April 7, 2024.

Mr. Bosco, 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. Bosco 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 Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye; Mr. Valentine, aye; Mr. Quinn was absent.

Maren Robertson, architect, testified that the house currently has an enclosed back porch that they would like to build on top of, which is existing non-conforming; that the addition will be smaller than the existing enclosed porch, around three (3') feet; that the non-conforming distance currently exists, the proposed addition will only be adding height to this; that there will be a set of stairs and landing added from the addition to the outside; that the landing is three (3') feet square; the existing space is tight as is, they would not be able move the location of the stairs to the driveway; that this would also be a much further walking distance to the other side of the house; that the back room consists of a mud room and bathroom; that the windows are fifteen (15') feet off of the ground; that the distance to the neighbor's property line is eleven feet one inch; that the distance from the landing to the corner of the garage, per sheet A-2, should be three (3) feet nine (9) inches.

Mr. Bosco stated that the porch is closed in and that the existing condition is worse than the requested variance.

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. Bosco 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 § 18.33 accessory structure distance 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.
2. The requested § 18.33 accessory structure distance 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.
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 § 18.33 accessory structure distance variance 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 area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, 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 § 18.33 accessory structure distance variance is **APPROVED**; with the following **SPECIFIC CONDITION**,(1) Sheet A-2 to be revised to show 3'9" from the garage to the corner of the landing for the new doorway to the steps; 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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**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.


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The foregoing resolution to approve the application for the requested variances are APPROVED; with the following SPECIFIC CONDITION,(1) Sheet A-2 to be revised to show 3'9" from the garage to the corner of the landing for the new doorway to the steps; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; Ms. Castelli, aye. Mr. Quinn was absent.

The Senior Clerk Typist 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 17, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Beltmann  
Senior Clerk Typist

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR- Mike M

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

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**FLOOR AREA RATIO AND § 5153 DISTANCE FROM ACCESSORY STRUCTURE TO PRINCIPAL BUILDING STRUCTURE TO PRIMARY VARIANCES APPROVED WITH CONDITIONS**

To: Robert Silarski(Brenner)  
41A North Broadway  
Nyack, New York

ZBA #24-26  
Date: April 17, 2024  
Permit # BLDR-4530-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-26: Application of Deborah Brenner for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, R-15 District, Section 3.12, Group M, Column 4 (Floor Area Ratio: 20% permitted, 23% proposed) , and from Section 5.153 ( distance between accessory structure and principal building: 15' required, 13' proposed ) for a new garage and carport at an existing single-family dwelling. The premises are located at 417 Washington Avenue, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.12, Block 1, Lot 50 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 17, 2024 at which time the Board made the determination hereinafter set forth.

Robert Silarski, Architect, Jack Damico and Deborah Brenner, owners, appeared and testified.

The following documents were presented:

1. Plans, labelled Carport & Storage @ the Brenner residence, with the most recent revision date of 2/14/2024 signed and sealed by Robert E. Silarski, R.A. (4 pages)
2. Survey with the most recent revision date of 9/14/1995 signed by William Youngblood, L.S.P.E. (1 page).
3. A letter signed by Deborah Brenner 2/14/2024, giving the officers of S&Co. | Architecture + Design authorization pertaining to the matters before this Board.
4. A project narrative, dated 2/17/2024, from S&Co. | Architecture + Design, including a computer-generated picture of the existing wood platform.
5. A letter dated April 12, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated April 17, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
7. A letter dated March 13, 2024 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
8. A "comments attached, to be provided before meeting" dated March 13, 2024, signed by Jake Palant.
9. A letter dated March 12, 2024 from Town of Orangetown Department of Environmental Management and Engineering (DEME), signed by Bruce Peters.
10. A letter from Robert Dell and Siena Porta dated April 15, 2024, submitted by the applicant at the time of the Zoning Board meeting.
11. Eight computer generated pictures showing the existing conditions of the carport and storage shed, submitted by the applicant at the time of the Zoning Board meeting.

Mr. Bosco, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEORA), pursuant to SEORA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEORA environmental review. The motion was seconded by Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye; Mr. Valentine, aye; Mr. Quinn was absent.

Deborah Brenner testified that she has been living in the home for the last thirty years; that when she purchased the carport and shed existed, but over time from weather and wear and tear it has turned into a hazardous condition; that they have trouble getting cars in and out because the carport is sinking down; that she would like to replace the existing non-conforming, as it is an eye sore to her and the neighbors in direct sight; that she will be keeping the current grade of the existing driveway, and would like to put in something more pleasing.

Rob Silarski testified that the existing carport and shed are in advanced disrepair; that it looks as though the previous owner had the garden shed and expanded from there; that in order to store what they have, they will need something more like a Victorian style garden folly; that the carport and shed will be reversed so that the shed can be used to block the view of the cars in a "carpenter gothic" style which was popular in the 1850's by Andrew Jackson Downing in this region; that the shed will be board and bat siding and made one foot wider than the carport on each side in order to be camouflaged; that an artificial lumber will be used to clad the carport; that they weighed other options for carport locations, but given the change in topography, and the driveway location the proposed carport and shed location are the best option; that there is an existing flight of stairs that are adjacent to the carport, which comes down from the upper level where the carport is proposed to be located to the lower level back yard proper; that the proposed carport and shed will be more decorative and prominent, as well as lasting longer.

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. Bosco 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 floor area ratio and § 5153 distance from accessory structure to principal building variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar structures have been constructed in the neighborhood.
2. The requested floor area ratio and § 5153 distance from accessory structure to principal building variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar structures have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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4. The requested floor area ratio and § 5153 distance from accessory structure to principal building 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 structures 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.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested floor area ratio and § 5153 distance from accessory structure to principal building variances are **APPROVED**; with the following **SPECIFIC CONDITIONS**,(1) All plans must show the correct address of the proposed site work, (2) The applicant shall demonstrate that the proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points. (3) A road work permit must be obtained from RCHD before starting any construction work in the site. (4) Drawing A-001 notes a 15' (foot) san (Sanitary) sewer line easement (wording to the left of the new car port & shed) this easement shall be clearly shown on the plan. (5) The ownership metes and bounds, page and liber or instrument number, and actual sanitary line within the easement, shall be given/ shown on the plan. 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.

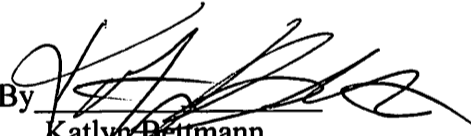
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 variances are APPROVED; with the following SPECIFIC CONDITIONS, (1) All plans must show the correct address of the proposed site work, (2) The applicant shall demonstrate that the proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points. (3) A road work permit must be obtained from RCHD before starting any construction work in the site. (4) Drawing A-001 notes a 15' (foot) san (Sanitary) sewer line easement (wording to the left of the new car port & shed) this easement shall be clearly shown on the plan. (5) The ownership metes and bounds, page and liber or instrument number, and actual sanitary line within the easement, shall be given/ shown on the plan. was presented and moved by Ms. Castelli, seconded by Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; and Ms. Castelli, aye. Mr. Quinn was absent.

The Senior Clerk Typist 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 17, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann  
Senior Clerk Typist

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR- Dom M

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

TOWN CLERK'S OFFICE  
2024 MAY - 3 A 10 29  
TOWN OF ORANGETOWN