

DECISION

FLOOR AREA RATIO VARIANCE APPROVED; ACCESSORY STRUCTURE DISTANCE TO SIDE/REAR VARIANCE OF 4'7"; AND UNDERSIZED LOT ACKNOWLEDGED.

To: Vijay Kuriakose
14 Dutch Hollow Drive
Orangeburg, New York

ZBA #25-03
Date: March 5, 2025
Permit # BLDR-6095-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 25-03: Application of Vijay Kuriakose, for variances from Zoning Code (Chapter 43), RG District, table 3.12, Column 4 (Floor Area Ratio: 30% permitted, with 36% proposed), section 5.21 undersized lot applies, for an addition over rear patio area at a single-family dwelling. The premises are located at 14 Dutch Hollow Drive, Orangeburg, New York and identified on the Orangetown Tax Map as Section 74.06, Block 2, Lot 22 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 5, 2025 at which time the Board made the determination hereinafter set forth.

Shajan Thottakara, Agent, Representative and Engineer, appeared and testified.

The following documents were presented:

1. Plans dated with the most recent revision date of November 29, 2024, signed and sealed by Shajan S. Thottakara, P.E. (2 pages).
2. Survey dated May 19, 1958 signed and sealed by Michael W. Burris, P.E. & L.S..
3. A computer-generated picture submitted at the Zoning Board meeting of March 5, 2025, by the Agent/Representative/Engineer Shajan S. Thottakara.

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

Shajan Thottakara, Agent, Representative and Engineer, appeared and testified that the homeowners, their children, and Mr. Kuriakose's Mother reside at the home; that there is not ample room to play; that this addition is being built for a recreational room and a mud room with an entrance to the garage; that this is an undersized lot; that currently the square footage of the home is two thousand three hundred and thirty three; that the addition will be adding fifty square feet to the home; that the new proposed square footage of the home will be two thousand three hundred and eighty three; that the addition will not have any adverse effects on drainage as this is going to be put over an existing patio; that based on the aerial views that he is providing a copy of there are neighbors with similar additions; and that they are not aware of any neighbors having any issues with their proposal;

Denise Sullivan, Deputy Town Attorney, noted that there is an existing shed on the property which is four feet seven inches (4'7") from the property line, the Board acknowledged this Section 5.227 (Accessory Structure distance to side/rear yard) variance in their findings.

Chairman Bosco asked if the existing shed has a concrete pad underneath it? The Applicant confirmed that it does not.

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

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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.

Chairman Bosco made a motion to close the Public Hearing which motion was seconded by Mr. Valentine 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 Section 5.227 (Accessory Structure distance to side/rear yard) variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions exist in the neighborhood.
2. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
3. The requested floor area ratio and Section 5.227 (Accessory Structure distance to side/rear yard) 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 exist in the neighborhood.
4. side variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions exist in the neighborhood.
5. The requested floor area ratio and Section 5.227 (Accessory Structure distance to side/rear yard) variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions exist in the neighborhood.
6. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
7. The requested floor area ratio and Section 5.227 (Accessory Structure distance to side/rear yard) 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 exist in the neighborhood.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio variance and requested accessory structure distance to rear or side yard variance are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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The foregoing resolution to approve the application for the requested floor area ratio variance and for the requested accessory structure distance to side or rear yard variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli 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: March 5, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann
Administrative Aide

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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