

MINUTES
ZONING BOARD OF APPEALS
February 1, 2017

MEMBERS PRESENT: DAN SULLIVAN
 PATRICIA CASTELLI
 THOMAS QUINN
 JOAN SALOMON
 MICHAEL BOSCO
 LEONARD FEROLDI, ALTERNATE

ABSENT: NONE

ALSO PRESENT:	Dennis Michaels, Esq.	Deputy Town Attorney
	Ann Marie Ambrose,	Official Stenographer
	Deborah Arbolino,	Administrative Aide
	Christian Catania,	Senior Clerk Typist

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan 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:

O'ROURKE
61 E. Townline Road
Nanuet, NY
64.18 / 2 / 1; R-40 zone

CONTINUED

ZBA#17-05

NEW ITEMS:

O'BRIEN/MOSCOWITZ
75 Sunset Road
Blauvelt, NY
70.09 / 2 / 17; R-15 zone

CONTINUED

ZBA#17-11

WOODARD
63 East Carroll Street
Pearl River, NY
68.12/ 2 / 16; RG zone

FRONT YARD, AND BUILDING ZBA#17-12
HEIGHT VARIANCES APPROVED

TOWN OF ORANGETOWN
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OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: Chromalloy Subdivision Plan, (2 lots) 330 Blaisdell Road, Orangeburg, NY; 73.20 / 1 / 1; LIO zone; Brightwood Senior Living, 31 Hunt Road, Pearl River, N.Y.; 73.15 / 1 / 10; R-80 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

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 9:30 P.M.

Dated: February 1, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Deborah Arbolino*

Deborah Arbolino, Administrative Aide

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

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DECISION

FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Keith Woodward
63 East Carroll Street
Pearl River, New York 10965

ZBA #17-12
Date: February 1, 2017
Permit # 46070

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 17-12: Application of Keith Woodward for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Columns 8 (Front Yard: 25' required, 20' and 19.89' proposed), and 12 (Building Height: 20' permitted, 22'6" proposed) for an addition to an existing single-family residence. The premises are located at 63 East Carroll Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 2, Lot 16; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 1, 2017 at which time the Board made the determination hereinafter set forth.

Keith and Laura Woodward, Clifford Herbst, Engineer, and Andy McKeon, Contractor, appeared and testified.

The following documents were presented:

1. Survey for 63 E. Carroll Street, Pearl River, NY., dated November 6, 2016 signed and sealed by Clifford A. Herbst, P.E..
2. Architectural plans dated November 16, 2016 by Clifford A. Herbst, P.E.. (5 pages)

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Mr. Bosco, aye.

Keith Woodward testified that they purchased the house in 2006; that the house is small and they have two children; that they would like to update the house and add space to make it more comfortable for the family; and that they love the area and neighborhood.

Clifford Herbst, Engineer testified that they are proposing to add a partial second floor and a wraparound front porch; that the height variance is based on the nearest side yard; and the front yard is getting shorter because of the proposed porch; and that similar additions have been constructed in the area.

Laura Woodward testified that they love the neighborhood; that Hobart Street is quiet; that the school buses come in and pick up and drop off the kids; that the kids play on the cul-de-sac; that there are several house that have done similar additions on Hobart, Cardene and two house on Charles; that the neighborhood is starting to get more new young families.

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CLERK

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. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested front yard and building height 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 front yard and building height 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 front yard and building height variances, although somewhat substantial, afford 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 variances.

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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 front yard and building height 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.


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The foregoing resolution to approve the application for the requested front yard and building height variances was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Bosco, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, 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: February 1, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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