

MINUTES
ZONING BOARD OF APPEALS
March 15, 2017

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

ABSENT: NONE

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

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:

CORNIELLE
148 South Main Street
Pearl River, N.Y.
68.20 / 5 / 44; RG zone

FLOOR AREA RATIO,
SIDE YARD, TOTAL SIDE
YARD AND BUILDING HEIGHT
VARIANCES APPROVED

ZBA#17-22

NEW ITEMS:

ST. THOMAS
EVANGELICAL CHURCH
530 Western Highway
Blauvelt, N.Y.
70.18 / 1 / 13; CS zone

FRONT YARD AND
BUILDING HEIGHT VARIANCES
APPROVED

ZBA#17-23

COLLORAFI
545 Highview Avenue
Pearl River, NY
64.17 / 1 / 8; R-15 zone

SIDE YARD, TOTAL SIDE
YARD AND BUILDING HEIGHT
VARIANCES APPROVED

ZBA#17-24

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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 9:00 P.M.

Dated: March 15, 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

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED

To: Porfirio Calderon (Cornielle Real Estate)
102 Princeton Drive
Tappan, New York 10983

ZBA #17-22
Dates: March 1, & March 15, 2017
Permit # 46122

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-22: Application of Cornielle Real Estate Enterprise for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Columns 4 (Floor Area Ratio: .30 permitted, .39 proposed), 9 (Side Yard: 10' required, 5.3' proposed) and 10 (Total Side Yard: 30' required, 11.7' proposed), 12 (Building Height: 7.06' permitted, 15.75' proposed, south; 8.5' permitted and 19' proposed) for an addition to an existing single-family residence. The premises are located at 148 South Main Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.20, Block 5, Lot 44; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meetings held on the following Wednesdays, March 1, 2017 and March 15, 2017 at which time the Board made the determination hereinafter set forth.

Porfirio Calderon and Eric Osborn, Architect, appeared and testified.

The following documents were presented:

1. Survey for 148 S. Main Street dated January 31, 2017 signed and sealed by Anthony R. Celentano, P. L.S..
2. Architectural plans dated November 7, 2016 with the latest revision date of February 8, 2017 by Eric Knute Osborn, Registered Architect.

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

At the meeting held March 1, 2017 and 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; Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Ms. Salomon was absent.

On March 1, 2017, Eric Osborne, Architect, testified that they are planning to increase the floor area ratio significantly but they are not changing the footprint of the house; that they are changing the front yard slightly and the side yard and total side yard will remain the same; that they are adding a partial second floor; that they also are doing a complete renovation, changing windows, doors, adding cedar siding and remodeling the existing interior to add a laundry room and bedroom and bathroom; and that they seem to have two different plans and would request a continuance until the March 15, 2017 meeting, which will ensure that all the Board members have the same plans.

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Porfiro Calderon testified that he lived in Piermont for 30 years before moving to Sparkill; that he is a local business man; that this is the third house that he has bought and plans to fix it up and sell it; and that it will be a single-family three bedroom house.

Public Comment:

Linet Moreno, 168 Ridge Street, Pearl River, testified that she feels a lack of transparency regarding this application; that it is making her uncomfortable; that she would like to know where the applicants company is located; that she would like to know if he has any connection to the community and if he has anyone in mind that is going to purchase the house; that she googled the company and nothing came up; and that she couldn't examine the file because she did not get a letter even though her name is on the deed to her house; and that the letter came in her husbands' name only.

Eileen Grady, 159 Ridge Street, Pearl River, testified that she has a neurological disease that makes it hard to speak; that next door at 150 is a flop house with twenty or more men living there; that the applicant seems to be sharing a dumpster with that house; that she wants to be assured that this will not be another flop house; that she is a single mother with a 14 year old daughter; that she can't figure out who is doing the work there and can't figure out if the house is legit.

March 15, 2017

1. Survey for 148 S. Main Street dated January 31, 2017 signed and sealed by Anthony R. Celentano, P. L.S..
2. Architectural plans dated November 7, 2016 with the latest revision date of March 2, 2017 by Eric Knute Osborn, Registered Architect.

Eric Osborne, Architect, testified that the plans the Board has now are the ones that they are proposing; that they are doing a main floor renovation for windows, doors and insulation; that they are adding onto the house in the rear and they are cantilevering the second floor and adding a bedroom and bathroom; that they are reconfiguring the first floor to add a washer/dryer closet and to increase the size of the kitchen; that the ridge height of the roof will remain the same; that the footprint remains on the existing foundation but the cantilevers made the house larger in front and back; and that the side yards do not change.

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.

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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, side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house has been in disrepair for some time and the improvements to the house will add value to the surrounding properties; with a slight increase in floor area ratio and building height and no change to the existing side and total side yard conditions.
2. The requested floor area ratio, side yard, total side yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house has been in disrepair for some time and the improvements to the house will add value to the surrounding properties; with a slight increase in floor area ratio and building height and no change to the existing side and total side yard conditions.
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 floor area ratio, side yard, total side 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. The house has been in disrepair for some time and the improvements to the house will add value to the surrounding properties; with a slight increase in floor area ratio and building height and no change to the existing side and total side yard conditions.
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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested floor area ratio, side yard, total side 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.

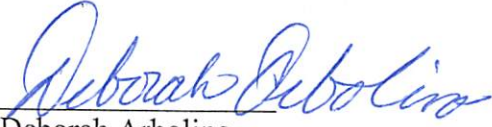
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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.

The foregoing resolution to approve the application for the requested floor area ratio, side yard, total side yard and building height variances was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Bosco, aye. Ms. Salomon abstained because she was not present for the March 1, 2017 hearing.

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 15, 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-G.M.

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

TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

DECISION

FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Abraham Abraham (St. Thomas)
530 Western Highway
Blauvelt, New York 10913

ZBA #17-23
Date: March 15, 2017
Permit #44855

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-23: Application of St. Thomas Evangelical Church for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Group FF, Columns 8 (Front Yard: 0' or 45' required, 38.7' proposed) and 12 (Building Height: 29.33' permitted, 29.96' proposed) for the reconstruction of a church. The premises are located at 530 Western Highway, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 1, Lot 13; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 15, 2017 at which time the Board made the determination hereinafter set forth.

Vicif Thomas and Peter Klose, Attorney, appeared and testified.

The following documents were presented:

1. Architectural plans dated 11/21/2016 signed and sealed by Larry J. Nardecchia, P.E.. (3 pages)
2. Zoning Board of Appeals Decision #16-14 dated March 2, 2016.
3. A letter dated March 6, 2017 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated February 10, 2017 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated March 15, 2017 from the County of Rockland Highway Department signed by Sonny Lin, P.E..
6. One letter from an abutting property owner expressing concerns about the project.

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) (7); 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. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

Peter Klose, Attorney, testified that the applicant has several inspections done when they had begun the work on the Church; that the assigned building inspector was not doing these inspections; that the assigned building inspector returned the Church was issued a stop work order; that they have submitted new plans that are substantially the same plans that were previously approved; that they had to remove the existing structure because it was not able to hold the new extended height or roof; that the foundation was in poor shape; and that this has become more than a face lift.

Vicif Thomas testified that there will not be any entrance or exit from East Road to the property.

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Public Comment:

Birdie Bennett, 50 East Road, testified that the applicant had professionals doing the original plans and that they should have known if the building was not strong enough to support the changes that they were proposing; that the entire existing building has been removed and the applicant's stated that they were not going to do that; that this is not a facelift and the architect should have known that.

Elenor Langella, 64 East Road, testified that she wants reassurance that there will be no entrance from East Street to the building.

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 building height and front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The changes to the building, although alarming to the neighbors during the beginning of construction, are not going to be that much different in the end than what was previously approved in ZBA# 16-14 dated March 2, 2016; the height of the building will be 7.2" higher than the height permitted without a variance and the front yard has encroached one more foot, from 39.7 to 38.7.
2. The applicant has testified that there will not be an entrance to, or exit from, the lot from East Road.
3. The requested building height and front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The changes to the building, although alarming to the neighbors during the beginning of construction, are not going to be that much different in the end than what was previously approved in ZBA# 16-14 dated March 2, 2016; the height of the building will be 7.2" higher than the height permitted without a variance and the front yard has encroached one more foot, from 39.7 to 38.7.
4. 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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5. The requested building height and front yard 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. The changes to the building, although alarming to the neighbors during the beginning of construction, are not going to be that much different in the end than what was previously approved in ZBA# 16-14 dated March 2, 2016; the height of the building will be 7.2" higher than the height permitted without a variance and the front yard has encroached one more foot, from 39.7 to 38.7.
6. 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested building height and front yard variances are APPROVED with the CONDITION that there shall not be an entrance to, or exit from, the lot from East Road; 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.

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OFFICE OF BUILDING, ZONING AND PLANNING ADMINISTRATION AND ENFORCEMENT
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(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 building height and front yard variances with condition that there shall not be an entrance to, or exit from, the lot from East Road, was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Sullivan, 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: March 15, 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

TOWN CLERKS OFFICE
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DECISION

SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED; § 5.21 (c) UNDERSIZED LOT APPLIES

To: John Perkins (Collorafi)
P.O. Box 271
Tomkins Cove, New York 10986

ZBA #17-24
Date: March 15, 2017
Permit # 46126

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-24: Application of Chris and Deborah Collorafi for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 9 (Side Yard: 15' required, 9.7' proposed), 10 (Total Side Yard: 30' required, 23.3' proposed) and 12 (Building Height: 20' permitted, 25' proposed) (Section 5.21(c) applies Undersized Lot) for an addition to an existing single-family residence. The premises are located at 545 Highview Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 8; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 15, 2017 at which time the Board made the determination hereinafter set forth.

John Perkins, Architect, and Chris and Deborah Collorafi appeared and testified.

The following documents were presented:

1. Survey for Proposed Addition for Collorafi dated June 10, 2016 signed and sealed by Anthony R. Celentano, L.S..
2. Architectural plans dated May 24, 2016 with the latest revision date of January 17, 2017, signed and sealed by John Perkins, Registered Architect.
3. Two letters from abutting property owners in support of the application.
4. Two pictures of house in the area that have similar additions.

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; and Mr. Bosco, aye.

John Perkins, Architect, testified that some of the requested variances are a function of the lot; that the lot is undersized in both width and square footage; that the existing residence is non-conforming; that they are not increasing the side yard or the front yard; that the existing three car garage is being removed and a new three car garage is being constructed at the rear of the dwelling and is being attached to the existing house with additional living quarters above it; that the existing structure is a split level house; that the living quarters for Deborah's parents will not have a kitchen; it will have a living area, bedroom and handicap accessible bathroom and the single straight stairway outside will accommodate a chairlift if and when it is needed; that the existing kitchen will be modified with a bump-out that the sloped ceilings in the existing house will be eliminated on the first floor to bring the first floor level and the walls out closer to the front yard; and he would like to submit two pictures of similar additions in the area and two letters in support of the project from neighbors.

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Deborah Collorafi testified that she grew up on Highview Avenue; that in 2006 she purchased her house to be closer to her parents and back in her old neighborhood; that her dad has been ill and because of the illness, her parents had to sell their home and they are currently living in a condo; that she wants to have them close to her so that she and her husband can help her mom take care of her dad; that it is a matter of quality of life and she would like to have the addition to accommodate them.

Public Comment:

John Slaybaugh, 17 Hovenkamp, testified that he lives directly behind the house; that he would like to understand the height variance and the location of the new garage.

Tom Gillians, 549 Highview Avenue, testified that the Collorafi's are fantastic neighbors; that this extension will increase the property values for the neighborhood; that they need it to take care of her parents; and he did a similar addition.

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 side yard, total side 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 neighborhood.
2. The requested side yard, total side 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 neighborhood.
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 side yard, total side 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 and nearby community. Similar additions have been constructed in the neighborhood.

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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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested side yard, total side 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 side yard, total side yard and building height variances was presented and moved by Ms. Castelli, seconded by Mr. Bosco and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Bosco, 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: March 15, 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-R.A.O.

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

TOWN OF ORANGETOWN
2017 APR 6 PM 1 56
TOWN CLERKS OFFICE