

MINUTES
ZONING BOARD OF APPEALS
June 7, 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

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

POSTPONED ITEM:

KELLEHER SHED 73.05 / 1 / 71; R-40 zone	CONTINUED TO JUNE 21, 2017	ZBA#17-38
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NEW ITEMS:

POND GARAGE 69.18 / 4 / 53; R-15 zone	TOTAL SIDE YARD VARIANCE APPROVED	ZBA#17-39
CASELLA 68.19 / 3 / 77; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#17-40
AGOSTI 68.18 / 4 / 40; R-15 zone	FLOOR AREA RATIO, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#17-41
WERNICKI 77.20 / 2 / 53; R-15 zone	CONTINUED TO JULY 19,2017	ZBA#17-42
ANDRIANOS 80.05 / 1 / 20; R-40 zone	FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, REAR YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#17-43



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: Linen Choice Site Plan, 57 North Troop Road (Glenshaw Street), Orangeburg, NY; 70.18 / 2 / 17; LI zone; Wyeth Holding, LLC Site Plan, 401 North Middletown Road, Pearl River, N.Y.; 68.07 / 2 / 39; LI/LO zone; 275 North Middletown Road Internal Commercial Subdivision Plan, 275 N. Middletown Road, Pearl River, NY 68.12 / 3 / 25; CO zoning district; U.S. Information Systems Project Site Plan, 25 Ramland Road, Orangeburg, NY 73.20 / 1 / 26; LIO zoning district; Nolan Monument Site Plan Addition, 508 Route 303, Orangeburg, NY, 74.07 / 1 / 7; CC zoning district; 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 10:30 P.M.

Dated: June 7, 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



DECISION

TOTAL SIDE YARD VARIANCE APPROVED

To: Donald Pond
531 Gilbert Avenue
Pearl River, New York 10965

ZBA #17-39
Date: June 7, 2017
Permit # 46307



FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-39: Application of Donald Pond for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 10 (Total Side Yard: 50' required, 39.4' proposed) for an addition to an existing single family residence. The premises are located at 531 Gilbert Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.18, Block 4, Lot 53; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 7, 2017 at which time the Board made the determination hereinafter set forth.

Donald Pond appeared and testified.

The following documents were presented:

1. Architectural plans dated January 29, 2016 with the latest revision date of January 28, 2017 by John Perkins, Registered Architect.
2. Survey dated January 20, 2016 with the latest revision date of March 3, 2017 signed and sealed by Robert E. Sorace, PLS.
3. A letter dated May 30, 2017 from the County of Rockland Department of Planning signed by Douglas Schuetz, Acting Commissioner of Planning.
4. A letter dated May 26, 2017 from the County of Rockland Highway Department signed by Joseph Arena, Engineer II.
5. A letter dated May 5, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
6. A letter dated May 5, 2017 from Rockland County Sewer District #1 signed by Joseph La Fiandra, Engineer II.

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.

Donald Pond testified that he is proposing to add a single car garage and a covered patio to his house; that he would have to move the driveway over to accommodate the new garage; that he has already spoke to the County Highway and they issued a permit; that he will check to make sure that the permit is still good; that he purchased his house 13 years ago; that they did some work two years ago replacing the front door and insulation and some electrical work and they also put a pool in last November; and that he has no problems with the conditions set forth by the Rockland County Planning letter dated May 30, 2017.

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 total side yard 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 neighborhood.
2. The requested total side yard 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 neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested total side yard variance is not substantial. Similar additions have been constructed in the neighborhood.
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 total side yard variance is APPROVED with the following conditions: (1) Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code; (2) A Work Permit from the Rockland County Highway Department will be required for the proposed construction including the relocation of the driveway, sidewalk and curb restoration, the applicant shall be aware that the Rockland County Highway Department limits the size of residential driveway openings to a maximum of 20 feet in width; the area is within the Town of Orangetown School Safety Zone, therefore the maintenance of the sidewalks fall under the preview of the Town of Orangetown Highway Department, and they should be notified of any changes proposed to the existing sidewalk; 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 total side yard variance with the aforesaid conditions, was presented and moved by Mr. Sullivan, 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: June 7, 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



DECISION

REAR YARD VARIANCE APPROVED

To: John Casella
149 Springsteen Avenue
Pearl River, New York 10965

ZBA #17-40
Date: June 7, 2017
Permit # 46332



FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-40: Application of John Casella for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 27' 9" proposed) for the construction of a deck at an existing single-family residence. The premises are located at 149 Springsteen Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.19, Block 3, Lot 77; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 7, 2017 at which time the Board made the determination hereinafter set forth.

John Casella appeared and testified.

The following documents were presented:

1. Survey for John Diane Casella dated May 5, 2016 by Howard W. Weeden, P. L.S..
2. Deck plans 3 pages.
3. A letter dated May 5, 2017 from the Rockland County Health Division of Environmental Health signed by Scott McKane, P.E., Senior Public Health Engineer.
4. A letter dated May 5, 2017 from the Rockland County Sewer District # 1 signed by Joseph LaFiandra, Engineer II.
5. A letter dated May 24, 2017 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated May 26, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.

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.

John Casella testified that they purchased the house one year ago to be closer to their grandchildren; that he would like to extend the existing deck to the end of the existing building; that the deck would remain the same width and not extend past the building; that the expansion would make the deck usable space; that presently it is only three feet wide, and it would cover over the existing patio.



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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The expansion of the deck will end at the end of the house and cover the existing patio; that the proposed expansion will make the deck a usable space.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The expansion of the deck will end at the end of the house and cover the existing patio; that the proposed expansion will make the deck a usable space.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear yard variance, 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 expansion of the deck will end at the end of the house and cover the existing patio; that the proposed expansion will make the deck a usable space.
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 rear yard variance is 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 rear yard variance was presented and moved by Mr. Quinn, seconded by Mr. Bosco 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: June 7, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Deborah Arbolino*
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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



DECISION

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

To: Bridget Agosti
73 South Nauraushaun Road
Pearl River, New York 10965

ZBA #17- 41
Date: June 7, 2017
Permit # 46296



FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-41: Application of Bridget Agosti for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .208 proposed), 8 (Front Yard: 30' required, 26.5' proposed), 9 (Side Yard: 20' required, 15.5' and 17' proposed), 10 (Total Side Yard: 50' required, 31' proposed) and 12 (Building Height: 15.5' permitted, 24' proposed) for an addition to an existing single family residence. The premises are located at 73 S. Nauraushaun Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.18, Block 4, Lot 40; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 7, 2017 at which time the Board made the determination hereinafter set forth.

Bridget Agosti appeared and testified.

The following documents were presented:

1. Survey dated November 5, 1976 by William Youngblood Associates. And the same survey with the proposed additions hand drawn on the survey
2. Architectural plans dated February 14, 2017 by Robert Paul Depippa, Registered Architect 2 pages.
3. A letter dated May 8, 2017 from Rockland County Sewer District #1 signed by Joseph LaFiandria, Engineer II.
4. A letter dated May 8, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated May 31, 2017 from Rockland county Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated May 21, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.
7. A letter dated May 8, 2007 from the Rockland County Sewer District signed by Joseph LaFiandra, Engineer II.

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.

Bridget Agosti testified that the existing house is tall and narrow; that they are proposing a 1,000 sq. ft. addition that will include two bedrooms and a second bathroom; that they



they want to keep the integrity of the 1930 style house; that they purchased the house in 2011 and the previous owners lived there for 35 years; that they have two children ages 6 and 11; that the lot is only 14,385 sq. ft. and it is very narrow and deep; that they are matching the same side yard as the neighbor directly across the street; that they have shown the neighbors the plans and they are excited for them; and that the lot is only 78 feet wide.

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 floor area ratio, front yard, 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 and the building inspector is not requiring a stormwater management system. The lot is undersized by 614 sq. ft. and it is only 78 feet wide.
2. The requested floor area ratio, front yard, 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 and the building inspector is not requiring a stormwater management system. The lot is undersized by 614 sq. ft. and it is only 78 feet wide.
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, front yard, 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. Similar additions have been constructed in the neighborhood and the building inspector is not requiring a stormwater management system. The lot is undersized by 614 sq. ft. and it is only 78 feet wide.



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, front yard, 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, front yard, side yard, total side yard and building height variances was presented and moved by Mr. Sullivan, seconded by Ms. Salomon 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: June 7, 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
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

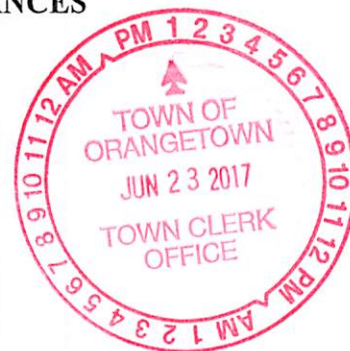


DECISION

**FRONT YARD, AND TOTAL SIDE YARD, VARIANCES FOR THE HOUSE;
SIDE YARD, REAR YARD, AND BUILDING HEIGHT VARIANCES FOR THE
ACCESSORY GARAGE; AND § 6.332 GRAVEL DRIVEWAY VARIANCES
APPROVED**

To: Christopher Andrianos
46 Closter Road
Palisades, New York 10964

ZBA #17-43
Date: June 7, 2017
Permit # 44662



FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-43: Application of Christopher Andrianos for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Columns 8 (Front Yard: 50' required, 32.66' proposed) 9 (Side Yard: 30' required, 26.7 and 35' proposed for house; 10.5' for garage), 10 (Total Side Yard: 80' required, 61.7' proposed for house), 11 (Rear Yard: 50' required, 10' proposed for garage), 12 (Building Height: 6' 8" permitted, 15' proposed for garage) and from Section 6.332: Asphalt Driveway required, Gravel proposed) for a renovation and addition to an existing single family residence. The premises are located at 46 Closter Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 80.05, Block 1, Lot 20; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 7, 2017 at which time the Board made the determination hereinafter set forth.

Christopher Andrianos, Karla Maloof and Kier Levesque, Architect, appeared and testified.

The following documents were presented:

1. Survey dated May 15, 2013 by W.E. James, P.E., P. L.S..
2. Architectural plans dated August 24, 2015 with the latest revision date of April 11, 2017, signed and sealed by Kier Levesque. Registered Architect. (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.

Kier Levesque, Architect, testified that they have been redesigning the plans that were approved in 2015 and making the project smaller; that they have added a front porch to the house; that they no longer need a floor area ratio variance; that they are still proposing the detached one car garage but no longer are requesting the carport; that the building height request is for the one car garage and not the house; that the 10' rear yard and 10.5' side yard are also for the detached garage; and they are requesting the gravel driveway because the area is very wet; and this lot is much smaller than most lots in the R-40 district.



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 total side yard, variances for the house, and the rear yard, side yard and building height for the one car detached garage and the § 6.332 gravel driveway variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is substantially smaller than other lots in the R-40 zoning district, and the propped gravel driveway and detached one-car garage tucked into the corner of the property are in harmony with the neighborhood.
2. The requested front yard, and total side yard, variances for the house, and the rear yard, side yard and building height variances for the detached garage and the § 6.332 gravel driveway variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is substantially smaller than other lots in the R-40 zoning district, and the propped gravel driveway and detached one-car garage tucked into the corner of the property are in harmony with 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 front yard, and total side yard, variances for the house, and the rear yard, side yard and building height variances for the detached garage and the § 6.332 gravel driveway 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 lot is substantially smaller than other lots in the R-40 zoning district, and the propped gravel driveway and detached one-car garage tucked into the corner of the property are in harmony with the neighborhood.
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 front yard, and total side yard variances for the house, and the rear yard, side yard and building height variances for the detached garage, and the § 6.332 gravel driveway 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 front yard, and total side yard, variances for the house, and the rear yard, side yard and building height variances for the detached garage, and the § 6.332 gravel driveway variances was presented and moved by Ms. Salomon, seconded by Ms. Castelli 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: June 7, 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

