

Name of Municipality: **TOWN OF ORANGETOWN**

Date Submitted: 2/21/21

2021 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: _____

ASSIGNED _____

INSPECTOR#: _____

Referred from Planning Board: YES / NO
 If yes provide date of Planning Board meeting: _____

Project Name: Pool Installation

Street Address: 47 Salina Road
Pearl River, Ny 10965

Tax Map Designation:

Section: 68.11 Block: 2 Lot(s): 63
Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the North side of Salina Road, approximately 550 feet North West of the intersection of West Crooked Hill Road, in the Town of ORANGETOWN in the hamlet/village of Pearl River.

Acreage of Parcel .34
School District Pearl River
Ambulance District Pearl River
Water District Sub

Zoning District R-15
Postal District 10965, Pearl River
Fire District Pearl River
Sewer District _____

Project Description: (If additional space required, please attach a narrative summary.)

Installing an underground pool

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 2/22/21 Applicant's Signature: Johna McCormack

APPLICATION REVIEW FORM

Applicant: Sibban McCormack Phone # 845-661-1710

Address: 47 Soluna Road Pearl River NY 10965
Street Name & Number (Post Office) City State Zip Code

Property Owner: Ryan Sibban McCormack Phone # 845-661-1710

Address: 47 Soluna Road Pearl River NY 10965
Street Name & Number (Post Office) City State Zip Code

Engineer/Architect/Surveyor: Spencer & Unghland Phone # 845-782-8543

Address: 18 North Main Street Robertus NY 10926
Street Name & Number (Post Office) City State Zip Code

Attorney: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Contact Person: Sibban McCormack Phone # 845-661-1710

Address: 47 Soluna Road Pearl River NY 10965
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of:
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

- | | |
|---|---|
| <input type="checkbox"/> State or County Road | <input type="checkbox"/> State or County Park |
| <input type="checkbox"/> Long Path | <input type="checkbox"/> County Stream |
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> County Facility |

List name(s) of facility checked above:

Referral Agencies:

- | | |
|--|--|
| <input type="checkbox"/> RC Highway Department | <input type="checkbox"/> RC Division of Environmental Resources |
| <input type="checkbox"/> RC Drainage Agency | <input type="checkbox"/> RC Dept. of Health |
| <input type="checkbox"/> NYS Dept. of Transportation | <input type="checkbox"/> NYS Dept. of Environmental Conservation |
| <input type="checkbox"/> NYS Thruway Authority | <input type="checkbox"/> Palisades Interstate Park Commission |
| <input type="checkbox"/> Adjacent Municipality | |
| <input type="checkbox"/> Other | |

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Existing square footage _____
- 2) Total square footage _____
- 3) Number of dwelling units _____

If special permit, list special permit use and what the property will be used for.

Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area _____

Are there **streams** on the site? If yes, please provide the names. _____

Are there **wetlands** on the site? If yes, please provide the names and type: _____

Project History:

Has this project ever been reviewed before? No _____

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

APPLICATION REVIEW FORM

Applicant's Signature and Certification

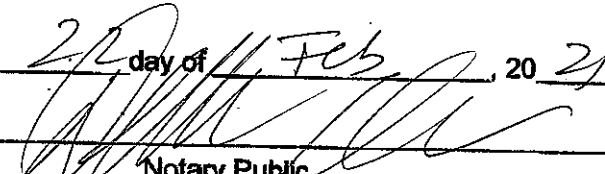
State of New York)
County of Rockland) SS.:
Town/Village of _____

I, Stephen McCormach hereby depose and say that all the above statements contained in the papers submitted herewith are true.

Signature: 

Mailing Address: _____

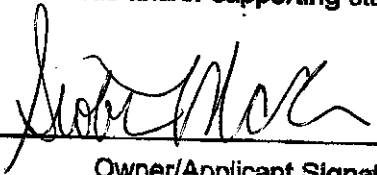
SWORN to before this

22 day of Feb, 2021

Notary Public

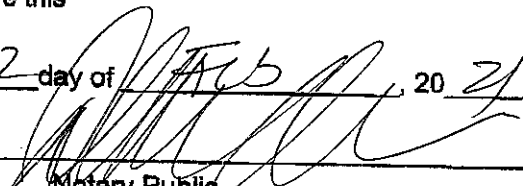
Deborah Arbolino
Notary Public, State of New York
No. 01AR6199210
Qualified in Rockland County
Commission Expires Jan. 12, 2025

Owner/Applicant's Consent Form to Visit Property

I, Stephen McCormach, owner/applicant of the property described in the application submitted to the town/village board, planning board, zoning board of appeals and/or supporting staff, do hereby give permission to members of said boards and/or supporting staff to visit the property in question at a reasonable time during the day.


Owner/Applicant Signature

SWORN to before this

22 day of Feb, 2021

Notary Public

Deborah Arbolino
Notary Public, State of New York
No. 01AR6199210
Qualified in Rockland County
Commission Expires Jan. 12, 2025

APPLICATION REVIEW FORM

Affidavit of Ownership/Owner's Consent

State of New York)
County of Rockland) SS.:
Town/Village of _____

I, Stephen McCormack being duly sworn, hereby depose and say that I reside in the county of Rockland in the state of New York.

I am the (* _____) owner in the fee simple of premises located at: 47 Saline Road Pearl River, NY 10968
described in a certain deed of said premises recorded in the Rockland County Clerk's Office in Liber _____ of conveyances, page _____.

Said premises have been in my/its possession since 2015
Said premises are also known and designated on the Town of Orangeburg
Tax Map as: section: 68-11 block: 2 lot(s): 63.

I hereby authorize the within application on my behalf and that the statement of fact contained in said application are true, and agree to be bound by the determination of the board.

Owner Signature: [Signature]
Mailing Address: 47 Saline Road
Pearl River, NY 10968

SWORN to before this
22 day of Feb, 2021
[Signature]
Notary Public

Deborah Arbolino
Notary Public, State of New York
No: 01AR6199210
Qualified in Rockland County
Commission Expires Jan. 12, 2025

*If owner is a corporation, fill in the office held by deponent and name of corporation, and provide a list of all directors, officers and stockholders owning more than 5% of any class of stock.

APPLICATION REVIEW FORM

Affidavit Pursuant to Section 809 of the General Municipal Law

State of New York)
County of Rockland) SS.:
Town/Village of _____

I, Siobhan McConnel, being duly sworn, hereby depose and say that all the following statements and the statements contained in the papers submitted herewith are true and that the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

1. Print or type full name and post office address

47 Lake Road
Pearl River NY 10965

Certifies that he/she is owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner that he/she has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application for the relief set forth:

2. To the WBA of the Town/Village of Arayton, Rockland County, New York:

Application, petition or request is hereby submitted for:

- (X) Variance or modification from the requirement of Section 242
() Special permit per the requirements of Section
() Review and approval of proposed subdivision plat;
() Exemption from a plat or official map;
() An order to issue a certificate, permit or license;
() An amendment to the Zoning Ordinance of Official Map or change thereof;
() Other (explain)

To permit construction, maintenance and use of Inground pool

3. Premises affected are in a R15 zone and from the Town of Arayton
Tax map, the property is known as Section 48.11, Block, 2, Lot(s) 13

APPLICATION REVIEW FORM

4. There is no state officer, Rockland County officer or employee or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

5. To the extent that the same is known to your applicant, and to the owner of the subject premises there is disclosed herewith the interest of the following officer or employee of the State of New York or the County of Rockland or of the Town/Village of ORANGETOWN in the petition, request or application or in the property or subject matter to which it relates:

(IF NONE, SO STATE)

- a. Name and address of officer or employee
b. Nature of interest
c. If stockholder, number of shares
d. If officer or partner, nature of office and name of partnership
e. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership.
f. In the event of corporate or limited liability company ownership: A list of all directors, officers and stockholders of each corporation or members of each limited liability company owning more than five (5%) percent of any class of stock or more than five (5%) percent beneficial interest, must be attached, if any of these are officers or employees of the State of New York, or of the County of Rockland, or of the Town of Orangetown.

6. I do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Signature: [Handwritten Signature]

Mailing Address: [Handwritten Address]

SWORN to before this

22 day of [Handwritten Month], 20 21

[Handwritten Signature]
Notary Public

Deborah Arbolino
Notary Public, State of New York
No. 01AR6199210
Qualified in Rockland County
Commission Expires Jan. 12, 2025

APPLICATION REVIEW FORM

Reimbursement for Professional Consulting Services

The Town/Village Board, Planning Board and Zoning Board of Appeals in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with such charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the town/village for the cost of such consultant services upon receipt of the bill. Such reimbursement shall be made prior to final action on the application.

Permits will not be issued and site plan or subdivision will not be signed until bill is paid in full.

Applicant's Signature: [Handwritten Signature]

SWORN to before this [Handwritten] day of [Handwritten] 20[Handwritten]. [Handwritten Signature] Notary Public

Deborah Arbolino
Notary Public, State of New York
No. 01AR6199210
Qualified in Rockland County
Commission Expires Jan. 12, 2025

APPLICATION REVIEW FORM

PART II

Application before the Zoning Board of Appeals

Application, petition or request is hereby submitted for:

- Variance from the requirement of Section SY RY
- Special permit per the requirements of Section _____
- Review of an administrative decision of the Building Inspector;
- An order to issue a Certificate of Occupancy;
- An order to issue a Building Permit;
- An interpretation of the Zoning Ordinance or Map;
- Certification of an existing non-conforming structure or use;
- Other (*explain*)

To permit construction, maintenance or use of

If an area variance is required, please fill out below:

This application seeks a variance from the provisions of Article _____, Section(s) _____
Specifically, the applicant seeks a _____
(*side yard, lot area, height, etc.*) of _____ (*feet, height, floor area ratio, etc.*)

392489,68.11-2-59,Bernice Ball,40 Salina Rd,Pearl River, NY 10965
392489,68.11-2-60,Rafal Swierzawski,48 Salina Rd,Pearl River, NY 10965
392489,68.11-2-61,Michael J Cassidy Jr,56 Salina Rd,Pearl River, NY 10965
392489,68.11-2-62,Patrick John Doyle,55 Salina Rd,Pearl River, NY 10965
392489,68.11-2-63,Siobhan Mc Cormack,47 Salina Rd,Pearl River, NY 10965
392489,68.11-2-64,Stephen P Fitzgerald,39 Salina Rd,Pearl River, NY 10965
392489,68.11-2-65,Thomas P Mc Guire,31 Salina Rd,Pearl River, NY 10965
392489,68.11-2-70,Michael Maloney,60 Fisher Ave,Pearl River, NY 10965
392489,68.11-2-71,Daniel Miller,50 Fisher Ave,Pearl River, NY 10965
392489,68.11-2-72,Bartlomiej Gaska,40 Fisher Ave,Pearl River, NY 10965
392489,68.11-2-73,Kenneth Mc Intyre,36 Fisher Ave,Pearl River, NY 10965
392489,68.11-2-74,Grzegorz Kida,20 Fisher Ave,Pearl River, NY 10965

*Mc Cormack
11 letters*



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: February 18, 2021

Applicant: McCormack

Address: 47 Salina Rd, Pearl River, NY

RE: Application Made at: same

Chapter 43, Section 5.227, Pool Setback required 20' with 8' side yard and 10' rear yard proposed

Two Variances required

Section: 68.11

Block: 2

Lot: 63

Dear McCormack:

Please be advised that the Building Permit Application, which you submitted on

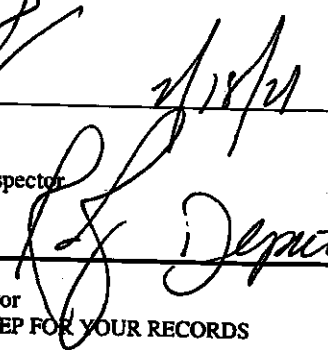
February 12, 2021, has been denied. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for denial.


In Accordance with Zoning, Chapter 43 Section 10.322 the time to appeal a determination of a Building Inspector or Similar administrative office is thirty (30) days from the filing of such a determination with the Town Clerk.

The Clerk to the Zoning Board of Appeals, Debbie Arbolino, will assist you in the preparation necessary to appear before the board.

Sincerely,


Richard Oliver
Deputy Building Inspector


Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
12-31-18-CCC


Date
CC: Rosanna Sfraga
Liz Decort
Debbie Arbolino

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.

APPLICATION FOR BUILDING / DEMOLITION PERMIT

TOWN OF ORANGETOWN

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

ZONE: <u>R-1S (CMM)</u>	OFFICIAL USE ONLY	ACREAGE: <u>.39</u>
Inspector: <u>MMA</u>	Date App Received: <u>12-12-21</u>	Received By: <u>U3</u>
Permit No. <u>51110</u>	Date Issued: _____	
CO No. _____	Date Issued: _____	
Permit Fee: <u>\$1212</u>	Ck# <u>108</u>	Paid By <u>McCormack</u>
GIS Fee: <u>\$20</u>	Ck# <u>107</u>	Paid By _____
Stream Maintenance Fee: _____	Ck# _____	Paid By _____
Additional Fee: _____	Ck# _____	Date Paid _____ Paid By _____
1 st 6 mo. Ext.: _____	Ck# _____	Exp. Date: _____ Paid By _____
2 nd 6 mo. Ext.: _____	Ck# _____	Exp. Date: _____ Paid By _____

RECEIVED

FEB 18 2021

TOWN OF ORANGETOWN
BUILDING DEPARTMENT

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application.

PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must be signed by the applicant.

Property Location: 47 SALINA ROAD PEARL RIVER NY 10965

Section: C8.11 Block: 2 Lot: 63

Property Owner: SIOBHAN MCCORMACK

Mailing Address: 47 SALINA ROAD PEARL RIVER NY 10965

Email: SIOBHAN.MCCORMACK@OUTLOOK.COM Phone #: 845-661-1710

Lessee (Business Name): _____

Mailing Address: _____

Email: _____ Phone #: _____

Type of Business / Use: _____

Contact Person: ROY ROBINSON Relation to Project: Contractor

Email: galehc.projects@gmail.com Phone#: 845-753-2100

Architect/Engineer: _____ NYS Lic # _____

Address: _____ Phone#: _____

Builder/General Contractor: PACIFIC POOLAND SPA

Address: 110 ROUTE 17 SLOTERBERG NY RC Lic # A-03701

Phone#: 845-753-2100

Plumber: _____ RC Lic # _____

Address: _____ Phone#: _____

Electrician: AMES MURPHY ELECTRIC INC RC Lic # E-001700

Address: 30 OLD SCHOOL LN ORANGETOWN NY Phone#: 845-558-7000

Heat/Cooling: _____ RC Lic #: _____

Address: _____ Phone#: _____

Existing use of structure or land: _____

Proposed Project Description: INGROUND POOL 18x36

Proposed Square Footage: 600 SQFT Estimated Construction Value (\$): 60,000.00

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR: _____

Chapter 43, Section 5.27, Pool minimum side and rear setback 20' w/ 8' side and 10' rear proposed 2 variances requested.

FOR OFFICE USE ONLY SECTION BLOCK LOT NAME PERMIT #

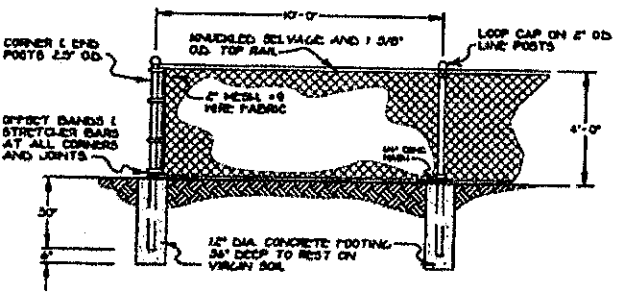
RF Deputy 2/18/21

TAX LOT: SECTION 48(1), BLOCK 2, LOT 43

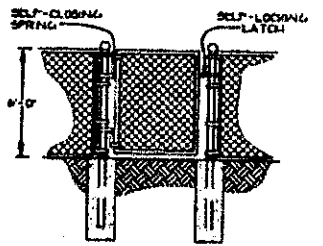
MAP REFERENCE:
 BEING KNOWN AND DESIGNATED AS LOT 8 ON A CERTAIN MAP ENTITLED "SECTION 2, PEARL RIVER NORTH SUBDIVISION OF PROPERTY FOR PELLA CONSTR. CORP." FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON APRIL 2, 1965 AS MAP #3022.

MAP OF JOSEPH A. FISHER, PEARL RIVER LIGHTS, FORMERLY LOTS OF FISHER AND EVANS, FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON MAY 13, 1937 AS MAP #339.

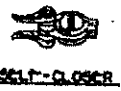
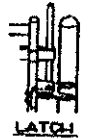
DEED REFERENCE:
 2005/9001
 2009/805
 2000/3022
 2009/01
 2004/1030
 216/2349
 206/503



CHAIN LINK FENCE
NTS

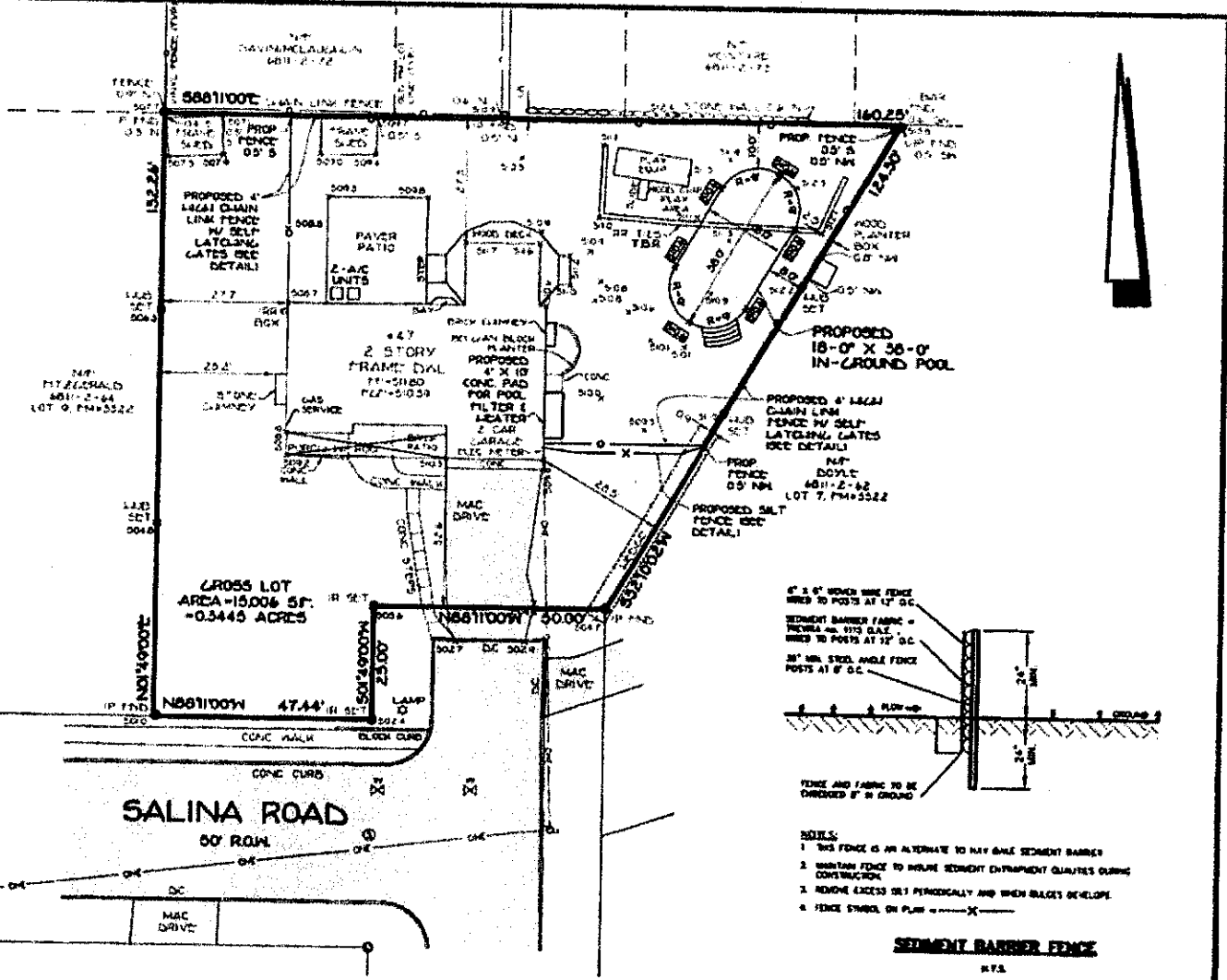


GATE & LATCH DETAIL
NTS



CHILD-PROOF LATCH
NTS

ALL UTILITIES ARE SHOWN IN AN APPROXIMATE WAY FROM AVAILABLE INFORMATION. THE CONTRACTOR SHALL CALL THE LOCAL UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION TO HAVE ALL UNDERGROUND UTILITIES MARKED IN THE FIELD PRIOR TO ANY CLEARING OR ANY CONSTRUCTION. THE CONTRACTOR SHALL ALSO VERIFY THE LOCATION, SIZE AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. ANY UTILITY FOR WHICH NO EVIDENCE CAN BE SEEN ON THE SURFACE OF THE LANDS MAY NOT BE SHOWN ON THIS DRAWING.



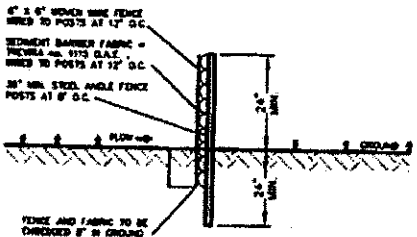
BULK TABLE

R-10 USE GROUP, M	MINIMUM LOT AREA (SQ FT)	MINIMUM STREET FRONTAGE (FEET)	LOT WIDTH (FEET)	FRONT YARD (FEET)	SIDE YARD (FEET)	TOTAL SIDE YARD (FEET)	REAR YARD (FEET)	MAXIMUM HEIGHT (FEET)	FLOOR AREA RATIO (FAR)	PARKING
REQD.	15000	75	100	30	20	50	30	32.5	20	2
EXISTING	15006	122.44	115	32.6	27.7 TO 0.00	04.2	24.5 TO 0.00	32.6	2.994 / 15006 = 0.20	2
PROPOSED	15006	122.44	115	32.6	27.7 TO 0.00	04.2	24.5 TO 0.00	32.6	2.994 / 15006 = 0.20	2

* PRE-EXISTING NON-CONFORMING CONDITION
 * MAXIMUM HEIGHT = ONE FOOT PER FOOT FROM LOT LINE (32.6' X 1' = 32.6' PROPOSED MAX HEIGHT ALLOWED)
 ** VARIANCE REQUIRED FOR POOL IN SIDE AND REAR YARDS
 *** FLOOR AREA RATIO SHOWN AS APPROXIMATE BUILDING GROSS FLOOR AREA NOT MEASURED AT TIME OF SURVEY

NOTE:
 SWIMMING POOLS MAY BE SET BACK NOT LESS THAN 20 FEET FROM THE REAR LOT LINE IN ALL RESIDENTIAL ZONES OTHER THAN R2 PER SECTION 5.2.27 OF THE TOWN ZONING CODE.

EXISTING IMPERVIOUS SURFACE = 5812 SF
 PROPOSED IMPERVIOUS SURFACE = 4499 SF
 IMPERVIOUS SURFACE INCREASE = 687 SF



- NOTES:**
1. THIS FENCE IS AN ALTERNATE TO ANY SOIL SEDIMENT BARRIER
 2. INSTALLED FENCE TO IMPROVE SEDIMENT ENTRAPMENT CAPACITIES DURING CONSTRUCTION
 3. REMOVE EXCESS SOIL PERIODICALLY AND WHEN BARRIERS DEVELOPE
 4. FENCE SHOWN ON PLAN

SEDIMENT BARRIER FENCE
NTS

POOL PLOT PLAN OF 47 SALINA ROAD
 LOCATED IN HAMLET OF PEARL RIVER TOWN OF ORANGETOWN ROCKLAND COUNTY, NEW YORK

REV 1-28-21-GENERAL REVISIONS



SPARACO & YOUNGBLOOD, PLLC
 CIVIL ENGINEERING • LAND SURVEYING
 SITE PLANNING
 18 NORTH MAIN STREET
 P.O. BOX 818
 HAERAMAN NY 10928
 TEL: 845.782.8565
 FAX: 845.782.9400
 WWW.SPACOENR.COM

57-1602
 NOV. 4, 2020
 1"=20'

DECISION

ZONING CODE SECTION 5.227 (REAR YARD: SWIMMING POOL) AND SIDE YARD VARIANCES APPROVED

To: Michael Woods
7 Salina Road
Pearl River, New York 10976

ZBA # 12-09
Date: February 1, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 12-09: Application of Michael Woods for variances from Chapter 43 (Zoning), Section 3.12, Group M, Columns 9 (Side Yard: 20' required, 8' proposed) and from Section 5.227 (Rear Yard for Swimming Pools: 20' required, 13' proposed) for the construction of an in-ground pool at an existing single-family residence. The premises is located at 7 Salina Road, Pearl River, New York an identified on the Orangetown tax Map as Section 68.11, Block 2, Lot 68; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 1, 2012 at which time the Board made the determination hereinafter set forth.

Michael Woods and Steve Landau, pool contractor, appeared and testified.

The following documents were presented:

1. Copy of survey with pool drawn on it.
2. One page pool plan.
3. A letter dated January 27, 2012 from the County of Rockland Department of Planning signed by Thomas Vanderbeek, Commissioner of Planning.
4. A letter dated January 27, 2012 from the Village of Chestnut Ridge signed by Allan Rubin, Chairman, Planning Board.
5. A letter dated January 23, 2012 from the County of Rockland Sewer District No.1 signed by Joseph Lafiandra, Engineer II.
6. A letter dated February 1, 2012 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
7. A letter dated December 28, 2011 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior public Health Engineer.
8. Six letters in support of the application by abutting property owners.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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 Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Mr. Warren, aye; and Ms. Castelli, aye; and Mr. Mowerson was absent.

Michael Woods testified that he would like to install an in-ground pool at his house; that he has owned the home for seventeen years; that he and his wife have three daughters aged 7 to 15; that they are all avid swimmers; that he has two front yards on his property; that the pool is not permitted in the front yard; that the existing shed and swing set are being removed; that the proposed area of the yard is the only place that the proposed pool can fit; and that the pool would not cause any drainage problems for his new neighbors in Chestnut Ridge because drainage berms were added at the time of construction of the four new houses behind him.

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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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 and § 5.227 (Rear Yard for swimming pool) variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is a corner lot with two front yards and the proposed location is the only area that the proposed pool would fit onto the property.
2. The requested side yard and § 5.227 (Rear Yard for swimming pool) variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is oddly shaped with two front yards.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The property is oddly shaped with two front yards.
4. The requested side yard and § 5.227 (rear yard for swimming pool) variances, although somewhat substantial, 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. The property is a corner lot with two front yards and the proposed location is the only area that the proposed pool would fit onto the property.
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 § 5.227 (Rear Yard for swimming pools) and side yard 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.

Woods
ZBA#12-09
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The foregoing resolution to approve the application for the requested side yard and § 5.227 (Rear Yard for swimming pools) variances was presented and moved by Ms. Albanese, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Warren, aye. Mr. Mowerson 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: February 1, 2012

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

Stephen and Katherine Fitzgerald
39 Salina Road
Pearl River, New York 10965
January 19, 2021

Orangetown Zoning Appeals Board
20 Greenbush Road
Orangeburg, New York 10962

Dear Orangetown Zoning Appeals Board:

We would like to express our endorsement of a land variance approval for the in-ground pool installation of our neighbors, The McCormacks, at 47 Salina Road in Pearl River. The McCormacks purchased the house Stephen grew up in six years ago and have diligently worked to update and maintain their home in order to ensure our neighborhood remains idyllic. Over the course of those six years, the McCormacks have been respectful and caring neighbors who value the importance of improving their home. Therefore, we know the installation of the in-ground pool will be a benefit to the overall aesthetic of the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Kath Fitzgerald", with a long horizontal flourish extending to the right.

Stephen and Katherine Fitzgerald
39 Salina Road Pearl River, New York 10965

Brian and Maura McAleer
23 Salina Road
Pearl River, New York 10965
January 19, 2021

Orangetown Zoning Appeals Board
20 Greenbush Road
Orangeburg, New York 10962

Dear Orangetown Zoning Appeals Board:

We would like to express our support in the approval of a land variance for our neighbors, Ryan & Siobhan McCormack, with the installation of their in-ground pool. The McCormack's are life-long Pearl River residents who has shown their dedication to ensuring Orangetown is a safe and beautiful place to live. We support the McCormack's in their endeavor to create a beautiful and safe living space for their three young children.

Sincerely,

A handwritten signature in black ink that reads "Maureen McAleer". The signature is written in a cursive style with a large, stylized initial 'M'.

Brian and Maura McAleer
23 Salina Road Pearl River, New York 10965

Justina Swierzawski
48 Salina Road
Pearl River, New York 10965
January 19, 2021

Orangetown Zoning Appeals Board
20 Greenbush Road
Orangeburg, New York 10962

Dear Orangetown Zoning Appeals Board:

I write to request your approval, in regards to, the yard variance for the installation of the in-ground pool at the McCormack's residence of 47 Salina Road. The in-ground pool speaks to the McCormack's continued dedication to ensuring our street is a safe, desirable and pretty neighborhood to live.

Sincerely,

A handwritten signature in cursive script, appearing to read "Justina Swierzawski".

Justina Swierzawski
48 Salina Road Pearl River, New York 10965