

MINUTES
ZONING BOARD OF APPEALS
February 3, 2021

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN
THOMAS QUINN
MICHAEL BOSCO
PATRICIA CASTELLI
ROB BONOMOLO, JR.

ABSENT: BILLY VALENTINE

ALSO PRESENT: Deborah Arbolino, Administrative Aide
Denise Sullivan, Deputy Town Attorney
Anne Marie Ambrose Official Stenographer

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

NEW ITEMS:

CHATFIELD 17 Kim Court Tappan, New York 74.18 / 2 / 32; R-15 zone	SIDE YARD VARIANCE APPROVED, REAR YARD VARIANCE FOR POOL APPROVED	ZBA#21-11
REID 21 Brightview Avenue Pearl River, New York 68.12 / 5 / 55; RG zone	SIDE YARD, TOTAL SIDE YARD AND REAR YARD VARIANCES APPROVED	ZBA#21-12
LEON 67 Hoffman Lane Blauvelt, New York 70.17 / 3 / 28; R-15 zone	REAR YARD VARIANCE FOR POOL APPROVED	ZBA#21-13
YAVALDAKIS 6 Ryerson Place Tappan, New York 77.14 / 1 / 9; R-15 zone	CONTINUED	ZBA#21-14
KARAVANI 40 Horne Tooke Road Palisades, New York 80.05 / 1 / 5; R-40 zone	37.28' FRONT YARD VARIANCE FOR HORNE TOOK ACKNOWLEDGED (ZBA#16-19) 8' REAR YARD VARIANCE APPROVED FOR EXISTING DECK; 25.91' SIDE YARD VARIANCE APPROVED TWO FRONT YARDS EXIST	ZBA#21-15

TOWN CLERK'S OFFICE

2021 FEB 11 A 9:05

TOWN OF ORANGETOWN

BOCK
192 West Central Avenue
Pearl River, New York
68.19 / 3 / 3; R-22 zone

FRONT YARD VARIANCE
APPROVED

ZBA#21-16

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 application: Alatsas Re-subdivision Plan , 9 & 11 Bergen Avenue, Palisades, NY , 77.20 / 2 / 85 & 86; R-15 zone; Kennedy Plans, 815 Route 9W, Upper Grandview, NY, 75.05 / 1 / 7.1; R-22 zone; 20 Mountainview Avenue, Unit G conditional use permit, Orangeburg, NY, 74.07 / 1 / 27; LI zone; Wells Fargo Lighting Site plan, 26 North Middletown Road, Pearl River, NY, 69.13 / 1 / 9; CC zone; 11 Tweed Boulevard, 11 Tweed Boulevard, Upper Grandview, NY 71.19/ 1 / 52; R-22 zone Critical Environmental Area; 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 8:45 P.M.

Dated: February 3, 2021

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN CLERK'S OFFICE
2021 FEB 11 A 9:05
TOWN OF ORANGETOWN

DECISION

SIDE YARD VARIANCE AND REAR YARD VARIANCE FOR POOL APPROVED

To: Mary Chatfield
17 Kim Court
Tappan, New York 10983

ZBA #21-11
Date: February 3, 2021
Permit #50795

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-11: Application of Mary Chatfield for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 9 (Side Yard: 20' required, 8.3'' proposed) and from Section 5.227 (Rear Yard for pool: 20' required, 19' proposed) for the installation of an in-ground pool at an existing single-family residence. The property is located at 17 Kim Court, Tappan, New York and is identified on the Orangetown Tax Map as Section 74.18, Block 2, Lot 32 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 3, 2021 at which time the Board made the determination hereinafter set forth.

Mary Chatfield appeared and testified.

The following documents were presented:

1. Survey dated February 5, 2016 by William E. James with the pool drawn on it.
2. ZBA Decision dated July 21, 2004 granted to previous owner for floor area ration #04-93 and ZBA Decision dated September 7, 2005 for rear yard granted to previous owner #05-87.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye; and Mr. Quinn, aye.

Mary Chatfield testified that they would like to install an in-ground pool in their back yard; that the house is positioned weirdly on the lot; that the lot is also an odd shape; that the area that they are requesting the 8' side yard would meet their neighbors rear yard and it would be at least 20' from the neighbors' house and there are existing fences in the yard; that they have owned the house for five years; that there is a finished patio below the second floor deck and they did investigate placing the pool on the other side of the yard but there is a grade difference there and they would still require a variance.

TOWN CLERK'S OFFICE

2021 FEB 11 A 9 01

TOWN OF ORANGETOWN

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 side yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the previously granted variance for a rear yard for the existing deck and acknowledged the odd placement of the house on the lot, concluding that the requested placement of the pool in the proposed location affords sight distance from the house and privacy from the neighbors.
2. The requested side yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. properties. The Board acknowledged the previously granted variance for a rear yard for the existing deck and acknowledged the odd placement of the house on the lot, concluding that the requested placement of the pool in the proposed location affords sight distance from the house and privacy from the neighbors.
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 and rear yard variances although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community properties. The Board acknowledged the previously granted variance for a rear yard for the existing deck and acknowledged the odd placement of the house on the lot, concluding that the requested placement of the pool in the proposed location affords sight distance from the house and privacy from the neighbors.

TOWN CLERK'S OFFICE
2021 FEB 11 A 9:03
TOWN OF ORANGETOWN

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 variance.

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


LORETO S. ARNETO, M.D.
2021 FEB 11 AM 9:00
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard and rear yard variances are APPROVED; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: February 3, 2021

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 CLERK'S OFFICE
2021 FEB 11 A 9:05
TOWN OF ORANGETOWN

DECISION

**SIDE YARD, TOTAL SIDE YARD AND REAR YARD VARIANCES APPROVED
UNDERSIZED LOT ACKNOWLEDGED**

To: Sean Reid
21 Brightwood Avenue
Pearl River, New York

ZBA #21-12
Date: February 3, 2021
Permit #50642

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-12: Application of Sean Reid for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12; RG District, Group Q, Columns ((Side Yard: 10' required, 8.08' proposed) 10 (Total Side Yard: 30' required, 23.71' proposed) and 11 (Rear Yard: 25' required, 20.33' proposed to deck and 17.33' to stairs) (Section 5.21 Undersized lot applies) for a deck at an existing single-family residence. The property is located at 21 Brightwood Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 55 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 3, 2021 at which time the Board made the determination hereinafter set forth.

Sean Cleere, Fineline Construction, appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Rear Deck for Existing Residence Reid Residence" dated October 4, 2020 signed and sealed by Manuel Antonio Andrade, Architect. (2 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 Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Sean Cleere, contractor, testified that the applicant is planning on adding a 28' x 16' deck in the rear of the house starting at the corner of the house and extending into the rear yard; that the applicant is also doing some other work on the house; that they are removing the existing kitchen door and installing six-foot sliders to allow more light into the kitchen; that they cannot move the sliders over more because of the existing kitchen cabinets; that the property line slants and that they are using composite materials for the deck.

Public Comment:

No public comment.

TOWN OF ORANGETOWN
CLERK'S OFFICE
2021 FEB 03 11:00 AM

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 Mr. Quinn 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 rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledges the undersize lot and recognizes that the deck does not intrude into the side yard any further than the existing house, however, the side yard is not straight, and similar decks have been constructed in the neighborhood.
2. The requested side yard, total side yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
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 rear yard variances although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.
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 variance.

TOWN CLERK'S OFFICE

NOV 11 11 59 AM '21

TOWN OF ORANGETOWN

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 rear yard variances are APPROVED and the Undersized lot is acknowledged; 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.

TOWN OF ORANGETOWN
2021 FEB 11 AM 9:08
TOWN CLERK'S OFFICE

Reid
ZBA#21-12
Page 4 of 4


Permit #50642

The foregoing resolution to approve the application for the requested side yard, total side yard and rear yard variances are APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: February 3, 2021

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-Dom M.

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

TOWN CLERK'S OFFICE
2021 FEB 11 A 9:04
TOWN OF ORANGETOWN

DECISION

§ 5.227 REAR YARD POOL VARIANCE APPROVED

To: Justin Leon
67 Hoffman Lane
Blauvelt, New York 10913

ZBA #21-13
Date: February 3, 2021
Permit #50940

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 21-13: Application of Justin Leon for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.227 (Rear yard set -back for a pool: 20' required, 15' proposed) for the installation of an in-ground pool at an existing single-family residence. The property is located at 67 Hoffman Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.17, Block 3, Lot 28 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 3, 2021 at which time the Board made the determination hereinafter set forth.

Justin Leon appeared and testified.

The following documents were presented:

1. Copy of the survey with the pool drawn on it.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Justin Leon testified that they would like to install an 18' x 40' rectangular pool; that he is requesting a 15' rear yard set-back because he has young kids and would like to install the pool a little further away from the house for safety reasons; that he rented this house from his grandmother for four years before purchasing it and the house was built by his grandfather in 1962; that the neighbors' house to the rear is at least 25' from his rear fence and he has an above ground temporary pool that he uses occasionally; that the neighbor to the right also has a pool and the neighbor across the street has an above ground pool.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE
2021 FEB 11 A 9:04
TOWN OF ORANGETOWN

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 Mr. Quinn 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 § 5.227 rear yard variance for a pool will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. There are several neighbors with similar pools in the immediate area.
2. The requested § 5.227 rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There are several neighbors with similar pools in the immediate area.
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 § 5.227 rear yard variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. There are several neighbors with similar pools in the immediate area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE
2021 FEB 11 AM 9:09
TOWN OF ORANGETOWN

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 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.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested § 5.227 rear yard variance is APPROVED and the undersized lot is acknowledged; was presented and moved by Ms. Castelli, seconded by Mr. Bosco and carried as follows: Mr. Bonomolo, aye; Mr. Bosco, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: February 3, 2021

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-Dave M.

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

TOWN CLERK'S OFFICE
2021 FEB 11 A 9:04
TOWN OF ORANGETOWN

DECISION

24.91' SIDE YARD AND 8' & 9.72' REAR YARD VARIANCES APPROVED as ADJUSTED; (PREVIOUSLY APPROVED FRONT YARD 37.28' TO HORNE TOOKE ROAD ACKNOWLEDGED ZBA#16-19)

To: Laina Karavani
40 Horne Tooke Road
Palisades, New York 10964

ZBA #21-15
Date: February 3, 2021
Permit #50803

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-15: Application of Laina Karavani for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group I, Section 3.12, Column 9 (Side Yard: 30' required, 24.91) and from Column 11 (Rear Yard; 50; required, 8' existing to shed and 9.72 to extension which would not require a variance because 8' rear yard exists) (Board acknowledges a 37.28 front yard exists for Horne Tooke Road from previous ZBA Decision #16-19) for a shed and deck at an existing single-family house. The premises are located at 40 Horne Tooke Road, Palisades, New York and is identified on the Orangetown Tax Map as Section 80.05 Block 1, Lot 5 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 3, 2021 at which time the Board made the determination hereinafter set forth.

Laina Karavani appeared and testified.

The following documents were presented:

1. Plans labeled "Renovated Shed 40 Horne Tooke Road" dated November 11, 2020 revised December 20, 2020 signed and sealed by Joshua C. Jakob, Architect. (1 page).
2. ZBA Decision #16-19 dated March 16, 2016.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Laina Karavani testified that she is before the Board for variances for a shed that existed when she purchased the house and a deck because she was trying to make the shed more usable space and did not have a permit; that she was told that she needed a permit and when she applied for the permit she was referred to the Zoning Board; that she would like to convert the shed into an office for herself; that she added the deck to the shed so that she would have easy access to the

TOWN CLERK'S OFFICE
FEB 11 A 9 04
TOWN OF ORANGETOWN

shed in her chair; that she is adding electric and heat; that when they first purchased the house there was evidence of insulation and electric in the shed and they thought this would be a reasonable space for her to use; that accessible office space is hard to find and very expensive; and that she is a photographer.

The Board discussed the previous ZBA Decision for this property and corrected the yards and measurements to match the previous decision. The side yard is 24.91, this is not the rear yard; the application has two front yards; the front yard on Horne Tooke is 37.28' and the existing rear yard is 8' ; that 9.72' to the shed addition is not necessary because 8' already exists.

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 side yard and rear yard variances as adjusted will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the lot has two front yards (37.28' front yard variance for Horne Tooke Road granted in ZBA#16-19) and a small side and rear yard because of the placement of the existing house on the lot. The rear yard has been labeled with an 8' setback to the existing shed and a 9.72' setback to its addition and the side yard is 24.91'.
2. The requested side yard and rear yard variances as adjusted will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the lot has two front yards (37.28' front yard variance for Horne Tooke Road granted in ZBA#16-19) and a small side and rear yard because of the placement of the existing house on the lot. The rear yard has been labeled with an 8' setback to the existing shed and a 9.72' setback to its addition and the side yard is 24.91'.

TOWN CLERK'S OFFICE
2021 FEB 11 A 5 08
TOWN OF ORANGETOWN

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 and rear yard variances as adjusted, although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The Board acknowledged the lot has two front yards (37.28' front yard variance for Horne Tooke Road granted in ZBA#16-19) and a small side and rear yard because of the placement of the existing house on the lot. The rear yard has been labeled with an 8' setback to the existing shed and a 9.72' setback to its addition and the side yard is 24.91'.
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 variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested 24.91' side yard and 8' and 9.72' rear yard variances are APPROVED; and the existing 37.28' front yard variance for Horne Tooke Road granted in ZBA#16-19 is acknowledged; 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

TOWN CLERK'S OFFICE
2021 FEB 11 A 9 08
TOWN OF ORANGETOWN

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 side yard and rear yard variances are APPROVED; and the existing 37.28' front yard variance for Horne Tooke Road granted in ZBA#16-19 is acknowledged; was presented and moved by Mr. Quinn, seconded by Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: February 3, 2021

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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2021 FEB 11 A 9:09
TOWN OF ORANGETOWN

DECISION

FRONT YARD VARIANCE APPROVED; PAPER ROAD ACKNOWLEDGED

To: Peter and Linda Bock
192 West Central Avenue
Pearl River, New York 10965

ZBA #21-16
Date: February 3, 2021
Permit #50807

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-16: Application of Peter and Linda Bock for a variance from Zoning Code (Chapter 43) of the Orangetown Code, R-22 District, Group I, Column 8 (Front Yard: 40' required, 28' existing to the deck and 27' to the pool) for an existing pool & deck at an existing single-family residence. The premises are located at 192 West Central Avenue, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.19, Block 3, Lot 3 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 3, 2021 at which time the Board made the determination hereinafter set forth.

Linda Bock and her son-in-law, Joel Stroeltra appeared and testified.

The following documents were presented:

1. Copy of survey with the pool and deck drawn on it.
2. A letter signed and sealed stating that the deck the structurally sound by Barbara Hess, Architect.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Linda Bock testified that she is selling her house and the realtor contacted her and said there were no papers in the building department in regard to her existing above-ground pool and deck; that she had an addition built on the house in 2003 and Building Inspector Mike Manzare came out and inspected; that there is what the town calls a paper road on the side of the property; that she has always maintained it and used it to create a horseshoe turn from her property; that other neighbors have used it, her neighbor Ramsey uses Chestnut to High Street (the paper street) and neighbor Robertson uses High Street and the Sully house used it also; that she needs to make this right so that she can proceed with the sale of the house.

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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the additional front yard is adjacent to a paper street and the existing pool and deck have existed for quite a while without incident.
2. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the additional front yard is adjacent to a paper street and the existing pool and deck have existed for quite a while without incident.
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 front yard variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The Board acknowledged the additional front yard is adjacent to a paper street and the existing pool and deck have existed for quite a while without incident.
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 variance.

THIS CASE TO WHICH
DATE: 11/11/2021
11/11/2021

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested front 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.


APPROVED AND FORWARDED:
TOWN OF ORANGETOWN
ZONING BOARD

The foregoing resolution to approve the application for the requested front yard variance is APPROVED and the paper street is acknowledged; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: February 3, 2021

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
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TOWN CLERK
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ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
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