

MINUTES
ZONING BOARD OF APPEALS
November 18, 2020

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

ABSENT: THOMAS QUINN
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:

AMAZON SIGNS 400 Oritani Drive Blauvelt, New York 70.06 / 1 / 1.12; LO zone	SIGN SIZE VARIANCE APPROVED WITH SPECIFIC CONDITION	ZBA#20-77
SCHOONMAKER 14 Yadanza Court Palisades, New York 77.20 / 2 / 25.3; R-15 zone	SIDE YARD AND REAR YARD VARIANCES APPROVED	ZBA#20-78
WOLK 360 Oak Tree Road Palisades, New York 77.16 / 1 / 23; LIO zone	GRAVEL DRIVEWAY VARIANCE APPROVED	ZBA#20-79
BARRIS 80 Washington Spring Road Palisades, New York 78.18 / 1 / 12; R-22 zone	FRONT YARD VARIANCE APPROVED	ZBA#20-80
NICOSIA 58 Lt. Cox Drive Pearl River, New York 68.15 / 4 / 36; RG zone	FRONT YARD VARIANCE APPROVED	ZBA#20-81

TOWN OF ORANGETOWN
2020 NOV 25 A 9:50
TOWN CLERK'S OFFICE

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: Johnston Plan Critical Environmental Area, 155 Tweed Boulevard, Grandview, NY, 75.05 / 1 / 16; R-22 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

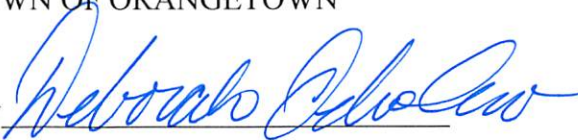
The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:15 P.M.

Dated: November 18, 2020

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 OF ORANGETOWN
2020 NOV 25 A 9:50
TOWN CLERK'S OFFICE

DECISION

SIGN VARIANCE APPROVED WITH SPECIFIC CONDITION THAT ITEM #2 SIGNS CLOSEST TO RESIDENCES SHALL BE HALO LIT LED'S (THAT LIGHTLY SPLASHES AGAINST WALL AND IS SOFTER) AND THESE LIGHTS SHALL BE TIMED TO GO OFF ONE HOUR (1HOUR) AFTER CUSTOMER SERVICE AREA CLOSES

To: Brian O'Connor
711 Executive Blvd. Suite G
Valley Cottage, New York

ZBA #20-77
Date: November 18, 2020
Permit #50456

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-77: Application of Amazon for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.11, LO District, Column 5 General Accessory Uses, Paragraph 11 (30 sq. ft. permitted for total sign area: 333.79 sq. ft. proposed) for last-mile distribution facility. The property is located at 400 Oritani Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.06, Block 1, lot 1.12 in the LO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2020 at which time the Board made the determination hereinafter set forth.

Brian O'Connor, Frohling Sign Co. appeared and testified.

The following documents were presented:

1. Plans labeled "Amazon Sign Program for 400 Oritani Drive, Orangetown, NY 10913" (6 pages).
2. A letter dated October 21, 2020 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A sign off sheet dated 10/13/2020 from Dyan Rajasingham, PE. Rockland County Highway Department.
4. An e-mail stating concerns about lights dated November 18, 2020 from an abutting property owner.

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 seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9); which does not require SEQRA environmental review. **The motion** was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were absent.

TOWN OF ORANGETOWN
2020 NOV 25 A 9:50
TOWN CLERK'S OFFICE

Brian O'Connor, Frohling Sign Company, testified that this is the first time that he can remember ever getting an approval from Rockland County Planning for a sign size variance; that these signs are proposed for a large building on the interior of the Hudson Crossing Industrial Park; that there are five signs proposed for the building; that the first sign on the southeast side of the building is the largest and will identify the building for customers and truck drivers and it faces the railroad tracks along Bradley Hill Road; that the sign labeled #1 on page 3 is for the northeast elevation for customer service and pick up/returns and a non-illuminated sign for the associates entrance; that each sign has a specific function for multiple entrances; that they would not object to having the customer entrance light on a timer to go off one hour after closing; and that they could change the lighting on that sign to "halo lit" which would be back lit LED lights that would lightly "splash" against the wall and be much softer.

Public Comment:

Dan Fuller, 120 Leber Road, testified that he would like to mimic Pat VanDerBeek's e-mail; that the lighting is extremely bright and lights up the 2nd floor of his home like a football field at a night game; that they would appreciate it if the lights went off after closing and if they could not be so bright.

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. Bonomolo 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 sign variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the size of the building and in comparison the proposed signage is not too large and the applicant has agreed to change the type of lighting that will come from the signs with lights on the north east elevation of the building (see page 2 Item 2 _ " Amazon Hub and below "package pick up and returns customer service") these signs will be backlit by halo lit LED's behind solid aluminum letters which will have the lighting splashing against the wall and be much softer; and the applicant has agreed to turn these lights off one hour after closing to be a good neighbor in the neighborhood.

TOWN OF ORANGETOWN
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

2. The requested sign size variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the size of the building and in comparison the proposed signage is not too large and the applicant has agreed to change the type of lighting that will come from the signs with lights on the north east elevation of the building (see page 2 Item 2 _” Amazon Hub and below “package pick up and returns customer service”) these signs will be backlit by halo lit LED’s behind solid aluminum letters which will have the lighting splashing against the wall and be much softer; and the applicant has agreed to turn these lights off one hour after closing to be a good neighbor 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 sign size variance although 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 size of the building and in comparison the proposed signage is not too large and the applicant has agreed to change the type of lighting on the Northeast elevation facing the residential neighborhood to a gentler type of lighting and have timer constraints for the lighting so as to be a good neighbor 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 variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested sign size variance is APPROVED with the following SPECIFIC CONDITIONS: (1) lights on the north east elevation of the building (see page 2 Item 2 _” Amazon Hub and below “package pick up and returns customer service”) will be backlit by halo lit LED’s behind solid aluminum letters which will have the lighting splashing against the wall and be much softer; (2) the applicant has agreed to turn these lights off one hour after closing; 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.

TOWN CLERK'S OFFICE
2020 NOV 25 A 9:49
TOWN OF ORANGETOWN

(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
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested sign size variance with the following SPECIFIC CONDITIONS: (1) lights on the north east elevation of the building (see page 2 Item 2 _” Amazon Hub and below “package pick up and returns customer service”) will be backlit by halo lit LED’s behind solid aluminum letters which will have the lighting splashing against the wall and be much softer; (2) the applicant has agreed to turn these lights off one hour after closing: is 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; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were 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: November 18, 2020

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
2020 NOV 25 A 9:49
TOWN OF ORANGETOWN

DECISION

SIDE YARD VARIANCE APPROVED, REAR YARD VARIANCE FOR POOL APPROVED

To: Evan Schoonmaker
14 Yadanza Court
Palisades, New York

ZBA #20-78
Date: November 18, 2020
Permit #50429

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-78: Application of Evan Schoonmaker for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 9 (Side Yard: 20' required, 10' 7" existing) and from Section 5.227 (Rear Yard setback for a pool: 20' required, 6' 3" existing) for an existing above ground pool with a deck at an existing single-family residence. The property is located at 14 Yadanza Court, Palisades, New York and are identified on the Orangetown Tax Map as Section 77.20., Block 2, Lot 25.3 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2020 at which time the Board made the determination hereinafter set forth.

Evan Schoonmaker appeared and testified.

The following documents were presented:

1. Site plan showing the pool and deck.
2. Two letters in support of the application from abutting property owners.

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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were absent.

Evan Schoonmaker testified that he purchased the house two years ago with the pool and deck in its present location; that he was applying for solar panels and he found out that the pool /deck did not have a certificate of occupancy; that he needed to apply for a building permit and get an electrical inspection and that he would need a variance for the location of the pool; that it is located close to the edge of the rear of the property and backs up to the Palisades; and that he is trying to fix something that he inherited.

TOWN CLERK'S OFFICE
2020 NOV 25 A 9 49
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 rear yard for a pool and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The pool has existed in its present location for quite a while without incident and the area that the pool is in is close proximity to the woods of the Palisades.
2. The requested rear yard for a pool and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The pool has existed in its present location for quite a while without incident and the area that the pool is in is close proximity to the woods of the Palisades.
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.
4. The requested rear yard for the pool and side 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. The pool has existed in its present location for quite a while without incident and the area that the pool is in is close proximity to the woods of the Palisades.
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 OF ORANGETOWN
2020 NOV 25 A 9 49
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested side yard variance and rear yard variance for a pool 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 OF ORANGETOWN
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested side yard variance and rear yard variance for a pool are APPROVED ; was presented and moved by Ms. Castelli, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were 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: November 18, 2020

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

DECISION

GRAVEL DRIVEWAY VARIANCE APPROVED

To: David Wolk
360 Oak Tree Road
Palisades, New York

ZBA #20-79
Date: November 18, 2020
Permit #49497

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 20-79: Application of David Wolk for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 6.332, LIO District, (all driveways shall be installed with a least three inches of binder mix with a top wearing course of 1 ½” of fine mix asphalt concrete: gravel driveway existing) at an existing single-family residence. The property is located at 360 Oak Tree Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 77.16, Block 1, Lot 23 in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2020 at which time the Board made the determination hereinafter set forth.

David and Cellen Wolk and Julia Burrer appeared and testified.

The following documents were presented:

1. Survey dated June 13, 2020 signed and sealed by William E. James L.S., showing the gravel driveway.
2. A petition in support of the variance signed by four neighbors.

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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were absent.

Cellen Wolk testified that they purchased the house in May of 2019; that the original survey for the house showed an asphalt driveway to a garage; that there never was an asphalt driveway; that the driveway when the house was purchased was mostly mud with bits and pieces of asphalt throughout; that when they started to fix the house the construction vehicles were getting stuck and they added gravel and a turn around for them; that the garage does not exist as a garage, it is storage and work space; that when the additional gravel was delivered, they spread it themselves

TOWN OF ORANGETOWN
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

to save money; that the house is in a flood plain and gravel allows for better percolation and is better for the environment; that they purchased an old falling down house for their children and fixed it up instead of tearing it down; that Ben and Julia have one son and two more on the way and they may need to add to the house in the future ;and that they need to get the gravel driveway approved in order to get a certificate of occupancy for the house so that their children can purchase the house from them.

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 Mr. Bosco 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 gravel driveway variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged that many other gravel driveways exist in this neighborhood.
2. The requested gravel driveway variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged that many other gravel driveways exist in this 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 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 that many other gravel driveways exist in this neighborhood.

TOWN OF ORANGETOWN
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

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 gravel driveway 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.

TOWN CLERK'S OFFICE

NOV 25 A 9 49

TOWN OF ORANGETOWN


(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 gravel driveway variance is APPROVED; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: ; Mr. Bonomolo, aye; Mr. Bosco, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were 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: November 18, 2020

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
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FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
2020 NOV 25 A 9:49
TOWN CLERK'S OFFICE

DECISION

FRONT YARD VARIANCE APPROVED

To: Bill Bosley (Barris)
10 Sugarhill Road
Nyack, New York

ZBA #20-80
Date: November 18, 2020
Permit #49784

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-80: Application of Mary Barris for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Column 8 (Front Yard: 40' required, 18.4 existing) for an existing pavilion at an existing single-family residence. The property is located at 80 Washington Spring Road, Palisades, New York and is identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 12 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2020 at which time the Board made the determination hereinafter set forth.

Mary Barris and Bill Bosley, Contractor, appeared and testified.

The following documents were presented:

1. As-built survey dated November 26, 2019 with the latest revision date of January 31, 2020 signed and sealed by William D. Youngblood, L.S..
2. Hand drawn plans of the pavilion.

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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were absent.

Bill Bosley, contractor, testified that 20 years ago the house was renovated and a timber arbor was built by the pool that did not require a permit because it was not roofed; it was constructed with open beams; that Mr. Barris had skin cancer and they contracted someone else to add a roof onto the existing pavilion; that they were before the Board recently for the walls and fence and they found out from the inspector that this structure needed to be legalized; that aesthetically there is no change to the structure and it may be hidden by all of the new trees that are being planted.

TOWN CLERK'S OFFICE

2020 NOV 25 A 9:49

TOWN OF ORANGETOWN

Mary Barris testified that they lost trees in the last storm and they are replanting now and the structure may be hidden when the planting is done and that they also own the abutting property.

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 Mr. Bosco 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. Similar structures have been constructed in the neighborhood.
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. Similar structures 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 front yard variance 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. Similar structures 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 variance.

TOWN CLERK'S OFFICE
2020 NOV 25 A 9:49
TOWN OF ORANGETOWN

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.

TOWN CLERK'S OFFICE

NOV 25 A 9 49


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard variance is APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were 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: November 18, 2020

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
2020 NOV 25 A 9:49
TOWN OF ORANGETOWN

DECISION

FRONT YARD VARIANCE APPROVED

To: Matthew Nicosia
58 Lt. Cox Drive
Pearl River, New York

ZBA #20-81
Date: November 18, 2020
Permit #

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-81: Application of Matthew Nicosia for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Column 8 (Front Yard: 25' required, 19.3' proposed) for an addition to an existing single-family residence. The property is located at 58 Lt. Cox Drive, Pearl River, New York and is identified on the Orangetown Tax Map as Section 65.15, Block 4, Lot 36 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2020 at which time the Board made the determination hereinafter set forth.

Matthew Nicosia appeared and testified.

The following documents were presented:

1. Plans labeled "Nicosia Addition" dated July 20, 2020 with the latest revision date of August 19, 2020 signed and sealed by Kier B. Levesque, Architect.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bosco 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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were absent.

Matthew Nicosia testified that there is an existing mudroom in the front of the house and they would like to demolish it and add a front porch that would be farther from the front property line than the existing mudroom; that there are a few houses in the area with front porches and they have owned the house for eight years.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE
2020 NOV 25 A 9:49
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. Bosco 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. Similar additions have been constructed in the neighborhood.
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. 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 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. 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 variance.

TOWN OF ORANGETOWN
2020 NOV 25 4 49
TOWN CLERK'S OFFICE

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.

TOWN CLERK'S OFFICE

2020 NOV 25 A 9:48


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard variance is APPROVED; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Valentine were 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: November 18, 2020

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
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TOWN OF ORANGETOWN
2020 NOV 25 A 9:48
TOWN CLERK'S OFFICE