

MINUTES  
ZONING BOARD OF APPEALS  
October 7, 2020

MEMBERS PRESENT: DAN SULLIVAN  
PATRICIA CASTELLI  
ROB BONOMOLO, JR.  
BILLY VALENTINE  
THOMAS QUINN

ABSENT: MICHAEL BOSCO

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:

CHEFMAN 29 Corporate Drive Orangeburg, New York 73.19 / 1 / 8; LIO zone	FRONT YARD, SIDE YARD, REAR YARD, BUILDING HEIGHT, OUTDOOR LOADING BERTHS, PARKING IN YARDS VARIANCES APPROVED	ZBA#20-63
DELIA 208 Cardean Place Pearl River, NY 68.12 / 6 / 31; RG zone	REAR YARD VARIANCE APPROVED	ZBA#20-64
THOMAS 29 Wayne Lane Tappan, NY 74.17 / 4 / 12; R-15 zone	SIDE YARD VARIANCE APPROVED	ZBA#20-65
SPICER 104 Sunset Road Blauvelt, New York 70.09 / 1 / 13; R-40 zone	SIDE YARD VARIANCE APPROVED UNDERSIZED LOT ACKNOWLEDGED	ZBA#20-66
BOSSMANN 48 Roosevelt Street Pearl River, New York 68.16 / 5 / 40; RG zone	SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#20-67

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VERIZON GENERATOR  
PERFORMANCE STANDARDS  
179 North Middletown Road  
Pearl River, New York  
68.12 / 4 / 17; CC zone

CONFORMANCE ZBA#20-68  
OF PERFORMANCE STANDARDS  
GRANTED WITH SPPECIFIC CONDITIONS

MARTINEZ  
29 Merritt Drive  
Nanuet, New York  
64.18 / 1 / 76.1; R-15 zone

FRONT YARD FENCE ZBA#20-69  
FENCE HEIGHT VARIANCE  
APPROVED

D'ALISERA  
85 Ehrhardt Road  
Pearl River, New York  
69.09 / 5 / 29; R-15 zone

FRONT YARD FENCE HEIGHT ZBA#20-70  
AND ACCESSORY STRUCTURE  
IN FRONT YARD VARIANCE  
APPROVED

KATZ  
11 Lawrence Lane  
Palisades, New York  
80.08 / 1 / 32; R-40 zone

GRAVEL DRIVEWAY ZBA#20-71  
VARIANCE APPROVED

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: The Carpentry Shop, 238 Oak Tree Road, Tappan, NY, 77.14 / 3 / 18; LIO zone; Ebenzer Full Gospel Church Building Addition Site, 136 Sunset Road, Blauvelt, 70.05 / 1 / 16; R-80 zone; 700 Bradley Road Site Improvement Plan, 700 Bradley Hill Road, Blauvelt, NY, 65.18 / 1 / 4; LI zone; 800 Bradley Hill Road Site Improvement Plan , 800 Bradley Hill Road, Blauvelt, NY, 65.18 / 1 / 3; LI zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:15 P.M.

Dated: October 7, 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  
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TOWN CLERK'S OFFICE

DECISION

**FRONT YARD, SIDE YARD, REAR YARD, BUILDING HEIGHT, OUTDOOR  
LOADING BERTHS AND PARKING IN FRONT YARD VARIANCES APPROVED**

To: Donald Brenner (Chefman)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #20-63  
Date: October 7, 2020  
Permit #49378

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-63: Application of Chefman for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Group CC, Section 3.12, Columns 7 (Front Yard: 100' required, 129' existing, 57.1' proposed), 9 (Side Yard: 100' required, 100.4' existing, 57' proposed), 11 (Rear Yard: 100' required, 66' existing, 1' proposed; to 100' buffer); and 12 Building Height: 14.25' permitted, 27.8' proposed) and from Section 3.11 Column 7 refers to LO District, Column 7 #2 (All loading berths shall be within completely enclosed buildings: 4 new outdoor loading berths proposed), #3 (No parking is permitted in any required yard, 8 parking spots are proposed in the front yard) for an expansion to an existing building. The property is located at 29 Corporate Drive, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 73.19, Block 1, Lot 8 in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, and David Higgins, P.E., appeared and testified.

The following documents were presented:

1. Plans labeled "Site Plan prepared for Chefman" dated August 12, 2019 with the latest revision date of June 26, 2020 signed and sealed by David Edward Higgins, P.E.. (5 pages).
2. A memorandum dated July 31, 2020 from Jane Slavin, RA, Director, O.B.Z.P.A.E., Orangetown.
3. Planning Board Decision #49378 dated June 15, 2020.
4. A memorandum dated August 25, 2020 from Rockland County Department of Planning stating that the application was not in their jurisdiction.
5. A letter dated September 21, 2020 from the Rockland County Sewer District no.1 signed by Joseph LaFiandra, Engineer II.
6. A sign off dated September 2, 2020 from the County of Rockland Highway Department signed by Dyan Rajasingham, P.E..

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 since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency

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for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on June 15, 2020 (asset forth is PB#20-03), rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a “Negative Declarations” of “Neg Dec.”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Mr. Valentine, aye. Mr. Bosco was absent.

Donald Brenner, Attorney testified that this is the old Keebler building that was built in 1990 and is 30 years old; that the current owner needs to renovate and retrofit the building to work for todays distribution center needs; that Chefman handles the distribution of small kitchen appliances for major companies like Walmart and Amazon; that the need to keep a large inventory of items in order to service their accounts; that presently they are using three buildings and they want to consolidate into this larger building so that they can be more efficient; that the building is a two million dollar tax ratable; that they have appeared before the Planning Board and they are meeting todays standards for storm water treatment and this will be better for the environment; and that other buildings in the area, like Bloomberg were granted similar variances.

David Higgins, P.E. testified that Ralph Newhouse and Chefman distribute small kitchen appliances to many large stores and to Amazon; that the existing building is approximately 50,000 sq. ft. and the are proposing to add onto three sides of the building, adding an additional 47,335 sq. ft.; that they do need several variances to accomplish this; that they are requesting a 57.1’ front yard and 100’ is required; that they are requesting a 57’ side yard and 100’ is required; that they are asking to match the existing building at 27.8’ and they are only permitted 14’ 3””; that they do not believe a rear yard variance is necessary because they do not abut a residential zone in Orangetown; and they also need a variance for eight parking spaces in the front yard; that these additions will allow for improved circulation within the building; that they presently have five or six employees and plan to hire an additional 15 employees when the expansion is complete; and they have no problem meeting the restrictions for trucking hours of 7:00 a.m. to 10:00 p.m..

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.

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FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested front yard, side yard, rear yard, building height, outdoor loading docks and parking in the front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested front yard, side yard, rear yard, building height, outdoor loading docks and parking in the front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard, side yard, rear yard, building height, outdoor loading docks and parking in the front 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. 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested front yard, side yard, rear yard, building height, outdoor loading berths and parking in the front 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.

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(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

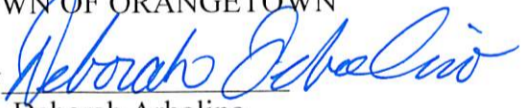
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application for the requested front yard, side yard, rear yard, building height, outdoor loading docks and parking in the front yard variances are APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

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

DATED: October 7, 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-

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

TOWN CLERK'S OFFICE  
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DECISION

**REAR YARD VARIANCE APPROVED**

To: Karl Ackermann (Delia)  
159 E. Central Avenue  
Pearl River, New York 10965

ZBA #20-64  
Date: October 7, 2020  
Permit #50318

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-64: Application of Anthony Delia for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, RG District, Group Q, Section 3.12, Column 3 (Rear Yard: 25' required, 18' proposed) for an existing deck at an existing single-family residence. The premises are located at 208 Cardean Place, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.12, Block 6, Lot 31 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Karl Ackermann, Architect, and Anthony and Louise Delia appeared and testified.

The following documents were presented:

1. Plans labeled "Existing Wood Deck Variance /CO for Mr. Delia" dated July 30, 2020 signed and sealed by Karl Ackermann, Architect. (2 pages).
2. A letter signed by six abutting neighbors in support of the granting of the variance for the existing deck.

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

Anthony Delia testified that they purchased the house in 1975; that the deck was built in 1990; that they applied for a permit for a bathroom and were told that they needed to legalize the existing deck and that is how they got here; that there are trees and a fence between their property and the neighbor closest to the deck.

Karl Ackermann, Architect, testified that the deck is twenty years old and they are before the Board to ask for relief because it was built without a permit and it is only 18' to the neighbor.

Public Comment:

No public comment.

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The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

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

**FINDINGS OF FACT AND CONCLUSIONS:**

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The deck has existed for many years without incident or complaint.
2. The requested rear variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. . The deck has existed for many years without incident or complaint.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear yard variance 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 deck has existed for many years without incident or complaint.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


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

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

DATED: October 7, 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

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DECISION

**SIDE YARD VARIANCE APPROVED**

To: Kerry Thomas  
29 Wayne Lane  
Tappan, New York 10983

ZBA #20-65  
Date: October 7, 2020  
Permit #50288

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 20-65: Application of Kerry Thomas for a 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, 10' proposed) for the installation of an above-ground pool at an existing single-family residence. The premises are located at 29 Wayne Lane, Tappan, New York and are identified on the Orangetown Tax Map as Section 74.17, Block 4, Lot 12; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Kerry Thomas appeared and testified.

The following documents were presented:

1. Survey with the pool drawn on it.
2. Survey drawing was modified at hearing to add an existing 12' x 14' shed, plans dated and signed by applicant.

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. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Kerry Thomas testified that she would like to install an above-ground pool in the rear yard; that she is requesting a 10 foot side yard because her yard is very hilly; that if the pool has a ten foot side yard she will still have some usable flat yard for her children to play in; that the neighbor on Hardwood has not expressed any concern about the proposed location of the pool; and that the shed is 12' x 14' and was there when she purchased the house in 2018.

Public Comment:

No public comment.

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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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The topography of the property is hilly and there is not a lot of flat areas in the rear yard, allowing a ten foot set back affords the applicant some usable flat area in the rear of the house.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The topography of the property is hilly and there is not a lot of flat areas in the rear yard, allowing a ten foot set back affords the applicant some usable flat area in the rear of the house.
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 side 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 topography of the property is hilly and there is not a lot of flat areas in the rear yard, allowing a ten foot set back affords the applicant some usable flat area in the rear of the house.
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.

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

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

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

DATED: October 7, 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 OF ORANGETOWN  
2020 OCT 20 P 12: 27  
TOWN CLERK'S OFFICE

DECISION

**SIDE YARD VARIANCE APPROVED; UNDERSIZED LOT ACKNOWLEDGED**

To: Marino Fontana (Spicer)  
4 1<sup>st</sup> Lt. Ferris Court  
Pearl River, New York 10965

ZBA #20-66  
Date: October 7, 2020  
Permit #50260

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-66: Application of Ryan Spicer for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-40 District, Group E, Section 3.12, Column 9 (Side Yard: 20' required, 6.3 exists for the house, 9.4' exists for the deck) ( Section 5.21 a Undersized lot applies) for an existing deck at an existing single-family dwelling. The property is located at 104 Sunset Road, Blauvelt, New York and is identified on the Orangetown Tax Map as Section 70.09, Block 1, Lot 13 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Marino Fontana, father -in-law and Ryan Spicer, appeared and testified.

The following documents were presented:

1. Survey of the property showing the deck.
2. Zoning Board Decision dated June 3, 1966.

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. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Marino Fontana testified that his daughter and son-in-law purchased the house in 2017 with a clear title; that when they went to sell the house in 2020 they were told the house is in violation for the existing deck; that the deck existed in its present location when they purchased the house and was not changed when they sold the house; that the house has sold and there is money in escrow until they can legalize the deck; and that they have had it certified by an engineer.

Public Comment:

No public comment.

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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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the undersized lot and noted that the existing house has a smaller side yard than the existing deck.
2. The requested side 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 undersized lot and noted that the existing house has a smaller side yard than the existing deck.
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 side yard 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 undersized lot and noted that the existing house has a smaller side yard than the existing deck.
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 OCT 20 P 12: 27  
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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side 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 side yard variance is APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

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

DATED: October 7, 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-Dom M.

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

TOWN OF ORANGETOWN  
2020 OCT 20 P 12:27  
TOWN CLERK'S OFFICE

DECISION

**SIDE YARD & TOTAL SIDE YARD VARIANCES APPROVED; UNDERSIZED LOT ACKNOWLEDGED**

To: Ralph Bossmann  
48 Roosevelt Street  
Pearl River, New York 10965

ZBA #20-67  
Date: October 7, 2020  
Permit #50363

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-67: Application of Ralph Bossmann for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Section 3.12, Group Q, Columns 9 (Side Yard: 10' required, 6' proposed, 8.5' existing) and 10 (Total Side Yard: 30' required, 14.5' proposed ) for an addition to an existing single-family residence. The premises are located at 48 Roosevelt Street, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.16, Block 5, Lot 40 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Ralph and Evelyn Bossmann appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Rear Addition and Second Floor Dormer for Bossmann Residence" dated July 23, 2020 signed and sealed by Robert J. Murphy, Architect. (6 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 Ms. Castelli and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bonomolo recused himself because he is a neighbor. Mr. Bosco was absent.

Ralph Bossmann testified that they are planning on three changes to the house; first is a full dormer on the second floor rear of the house for an extra bedroom and bathroom, second they are extending the kitchen by four feet onto the existing deck and then they are extending the deck to make up for the area that was taken away for the kitchen; that the side yards stay the same and the rear yard gets a bit shorter to 70'; that they have owned the house since 1983; that their son and his two children are moving in with them and that is why they need more room.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE  
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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 total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the undersized lot and noted that similar additions have been constructed in the neighborhood.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the undersized lot and noted that similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and total 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 Board acknowledged the undersized lot and noted that 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 OCT 20 P 12: 26  
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 and total side 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  
2020 OCT 20 P 12: 29  
TOWN CLERK'S OFFICE

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

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: October 7, 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 OF ORANGETOWN  
2020 OCT 20 P 12:26  
TOWN CLERK'S OFFICE

DECISION

**PERFORMANCE STANDARDS CONFORMANCE APPROVED**

To: Frank Muoio (Verizon)  
ARBPE  
24 North Greeley Avenue  
Chappaqua, New York 10514

ZBA #20-68  
Date: October 7, 2020  
Permit #50306

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-68: Application of Verizon requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code ( Orangetown Code Chapter 43) Section 4.1 Performance Standards: review of replacement of an emergency generator at 179 North Middletown Road ,Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 4, Lot 17; in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Frank Muoio, P.E., Anthony Morando, Attorney, Jennifer DiPilato, Environmental Engineer, and John Mangan, Verizon, appeared and testified.

The following documents were presented:

1. Plans labeled " Verizon Pearl River Generator Space Preparation" dated 06/18/2020 with a revision date of 08/07/2020 signed and sealed by James Dowait, P.E. (9 pages).
2. Traffic Impact Study dated December 5, 2019 by Maser Consulting P.A. signed by John T. Collins, Ph.D. , P.E.
3. Resume of Operations (15 pages).
4. Memorandum dated September 9, 2020 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
5. Memorandum dated September 2, 2020 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown.
6. Memorandum dated September 2, 2020 from Dylan Hofsiss, Junior Public Heath Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
7. A memorandum dated August 17, 2020 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown.
8. A memorandum dated September 29, 2020 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.
9. A letter dated August 20, 2020 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
10. A no comment letter dated August 18, 2020 from Dyan Rajasingham, Rockland County Highway Department.

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

TOWN CLERK'S OFFICE  
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On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application seeks a Performance Standards Review for an emergency generator in a lot zoned CC lot, the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (34); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Frank Muoio, P.E., testified that the existing generator is at least 20 years old and must be updated; that the existing 300 gallon tank is being replaced with the same size tank; that the temporary generator will be on site during construction, which is expected to take three months; that the generator will run once a month for testing; that the original generator was 200 kw and the new generator is 600 kw; and that the new size is needed because of the amount of power in the building.

Jennifer DiPilato, Environmental Engineer for the project, testified that the new generator will generate about the same amount of noise as the existing one but it will be installed with a silencer; that it will be in the same location as the existing one and will be exhausted above the building; and this one will be more efficient.

John Mangan, Verizon, testified that this generator is a backup for Verizon for all of Pearl River and 911 and data; that the building has been updated with more air conditioning and there is a real need for emergency power to maintain communication for Pearl River; and that the DEC does not require a permit for an emergency generator.

The Board reviewed the Performance Standards and Fire Supplement forms.

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.

TOWN CLERK'S OFFICE  
2020 OCT 20 P 12:26  
TOWN OF ORANGETOWN

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all of the documents submitted, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment, and the Fire Prevention Supplement; the reports dated September 2, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated August 17, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); memo dated September 2, 2020, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the Memorandum dated September 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated September 29, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); Rockland County Department of Planning dated August 20, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; the other documents submitted to the Board, and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS that the Applicant: ( 1) Submit a revised Resume of Operations that complies with the comments contained in: (2) memo dated September 2, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated August 17, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated September 2, 2020, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (4) the Memorandum dated September 9, 2020, from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated September 29, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); Rockland County Planning letter dated August 20, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; 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.

TOWN CLERK'S OFFICE

2020 OCT 20 P 12:26

TOWN OF ORANGETOWN

General Conditions:

(i) The approval of any variance, Performance Standards Conformance, 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, Performance Standards Conformance, or Special Permit by the Board is limited to the specific variance, Performance Standards Conformance, 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 Performance Standards Conformance, variances, or Special Permit 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, Performance Standards Conformance, 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 approved variance, Performance Standards Conformance, or Special Permit will lapse if any contemplated construction of the project or any use for which the variance, Performance Standards Conformance 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.

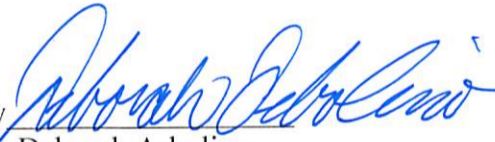
TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions that the applicant: ( 1) memo dated September 2, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated August 17 ,2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated September 2, 2020, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (4) the Memorandum dated September 9, 2020, from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated September 29, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); Rockland County Planning letter dated August 20, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bonomolo, aye; Mr. Quinn, aye; Mr. Sullivan, aye, Mr. Valentine, aye, and Ms. Castelli, 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: October 7, 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 OCT 20 P 12:26  
TOWN OF ORANGETOWN

DECISION

**SECTION 5.226 FRONT YARD FENCE HEIGHT VARIANCE APPROVED**

To: Christian Martinez  
29 Merritt Drive  
Nanuet, New York 10954

ZBA #20-69  
Date: October 7, 2020  
Permit #50153

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 20-69: Application of Christian Martinez for a variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Section 5.226 ( Front Yard Fence: 4 ½' permitted, 6' proposed) for a fence at an existing single-family residence. The premises are located at 29 Merritt Drive, Nanuet, New York and are identified on the Orangetown Tax Map as Section 64.18, Block 1, Lot 78.1; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Christian and Doraliza Martinez appeared and testified.

The following documents were presented:

1. Survey with the fence drawn on it prepared by Christian Martinez dated 6/11/2020.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Quinn 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. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Ms. Castelli, aye.

Christian Martinez testified that is side yard is really his back yard; that they have three children and one more on the way; that the kids are 8,6, and 2; that they installed a six-foot fence with a high latch to keep the kids in the yard because they yard backs up to a busy road; that the fence is about 20' off the main road and about 30 or 35 feet off of Merritt Drive; and they purchased the house in November 2018.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE  
2020 OCT 20 P 1:42  
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 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 Section 5.226 front yard fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has three front yards and one road is very busy, with children in the yard, the fence is necessary for safety reasons; the extra height affords the family some privacy in their yard.
2. The requested Section 5.226 front yard fence height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has three front yards and one road is very busy, with children in the yard, the fence is necessary for safety reasons; the extra height affords the family some privacy in their yard.
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 Section 5.226 front yard fence height 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 applicant has three front yards and one road is very busy, with children in the yard, the fence is necessary for safety reasons; the extra height affords the family some privacy in their yard.
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 OCT 20 P 1:42  
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 Section 5.226 front yard fence height 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 OF ORANGETOWN  
2020 OCT 20 P 1:42  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested Section 5.226 front yard fence height variance is APPROVED; was presented and moved by Mr. Bonomolo, seconded by Mr. Quinn and carried as follows: Ms. Castelli, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Mr. Valentine, 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: October 7, 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-Dom. M.

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

TOWN OF ORANGETOWN  
2020 OCT 20 P 1:42  
TOWN CLERK'S OFFICE



DECISION

**§ 5.226 FRONT YARD FENCE HEIGHT AND § 5.227 ACCESSORY STRUCTURE IN FRONT YARD VARIANCES APPROVED**

To: Vincent D'Alisera  
85 Ehrhardt Road  
Pearl River, New York 10965

ZBA #20-70  
Date: October 7, 2020  
Permit #49862

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 20-70: Application of Vincent D'Alisera for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Section 5.226 ( Front Yard Fence: 4 ½' permitted, 5' proposed) and from Section 5.227 ( Accessory Structures are not permitted in front yard: 20' x 18' pavilion proposed) at an existing single-family residence with two front yards . The premises are located at 85 Ehrhardt Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.09, Block 5, Lot 29; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Vincent and Danielle D'Alisera appeared and testified.

The following documents were presented:

1. Plans labeled "Site plan & Pavilion Plan and Elevations" dated August 21, 2020 signed and sealed by John J. Gilchrist, Architect. (1 page).
2. An e-mail dated August 26, 2020 from building inspector Glenn Maier.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Quinn, 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. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Ms. Castelli, aye.

Vincent D'Aliseri testified that they were installing an in-ground pool in the rear yard and because they have very little shade in the yard, they decided to add a pavilion for shade at the same time; that they also installed a five foot fence instead of the permitted 4 ½' fence, not realizing that they had two front yards and these were not permitted; that the building inspector was doing an inspection for the pool and sent them to this Board for approval because they have two front yards.

TOWN CLERK'S OFFICE  
2020 OCT 20 P 12:26  
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 § 5.226 front yard fence height and § 5.227 accessory structure in front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has two front yards and just installed an in-ground pool that did not require any variances, and because the pool is in the rear of the house he did not realize that the fence and accessory structure could not be constructed without the need for variances. The accessory structure and the fence will not interfere with traffic and will afford the applicant privacy.
2. The requested § 5.226 front yard fence height and § 5.227 accessory structure in front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has two front yards and just installed an in-ground pool that did not require any variances, and because the pool is in the rear of the house he did not realize that the fence and accessory structure could not be constructed without the need for variances. The accessory structure and the fence will not interfere with traffic and will afford the applicant privacy.
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 § 5.226 front yard fence height and § 5.227 accessory structure in front 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 applicant has two front yards and just installed an in-ground pool that did not require any variances, and because the pool is in the rear of the house he did not realize that the fence and accessory structure could not be constructed without the need for variances. The accessory structure and the fence will not interfere with traffic and will afford the applicant privacy.

TOWN CLERK'S OFFICE

2020 OCT 20 P 12:26

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 § 5.226 front yard fence height and § 5.227 accessory structure in front 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.

TOWN CLERK'S OFFICE

2020 OCT 20 P 12:26

TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested § 5.226 front yard fence height and § 5.227 accessory structure in front yard variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Bonomolo, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Valentine, aye; and Ms. Castelli, 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: October 7, 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 OCT 20 P 12: 26  
TOWN CLERK'S OFFICE

DECISION

**GRAVEL DRIVEWAY APPROVED**

To: Kevin Conway (Katz)  
80 Red Schoolhouse Road  
Spring Valley, New York 10977

ZBA #20-71  
Date: October 7, 2020  
Permit #50102

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-71: Application of Julie Katz for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Section 6.332 ( Driveways shall be installed with at least three inches of binder mix with a top wearing course of 1 ½ inches of fine mix asphalt concrete, rolled with a four to six ton tandem roller: gravel driveway proposed) for a single-family residence. The premises are located at 11 Lawrence Lane, Palisades, New York and are identified on the Orangetown Tax Map as Section 80.08, Block 1, Lot 32; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 7, 2020 at which time the Board made the determination hereinafter set forth.

Kevin Conway, Attorney, appeared and testified.

The following documents were presented:

1. Plans labeled "Final As-Built Survey for Katz" dated March 1, 2019 by Sparaco & Youngblood, PLLC. (1 page).
2. Six color photographs (4" x 6") of other driveways with gravel in the neighborhood.

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

Kevin Conway, Attorney, testified that they are before the Board to seek relief to keep a gravel driveway instead of paving a driveway; that the majority of the driveways in the neighborhood are gravel on Washington Spring Road, Lawrence Lane, Woods Road; that the existing gravel driveway goes with the 1860 structure that was renovated in 1993; that the addition of the kitchen and dining room onto the existing 3,000 sq. ft. house makes the house a 52,000 sq. ft. home with the attention to detail of the period; that the gravel driveway is a focal point of the home that is not an aesthetic detriment to the home; and they may choose to add an apron of Belgium Block or Bluestone.

Julie Katz, property owner handed out pictures to the Board of other similar driveways in the area.

TOWN CLERK'S OFFICE  
2020 OCT 20 P 12:26  
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 Section 6.332 gravel driveway variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar driveways have been constructed in the neighborhood. The Board likes the idea of the applicant having a choice between all gravel driveway, or a gravel driveway with an apron of bluestone or Belgium Block.
2. The requested Section 6.332 gravel driveway variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar driveways 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 Section 6.332 gravel driveway 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 driveways 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 OCT 20 P 12:26  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Section 6.332 gravel driveway variance is APPROVED with the options of adding a bluestone apron, Belgium Block apron or remaining all gravel; 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 OCT 20 P 12:26  
TOWN CLERK'S OFFICE

Katz  
ZBA#20-71  
Page 4 of 4

Permit #50102

The foregoing resolution to approve the application for the requested Section 6.332 gravel driveway variance is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

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

DATED: October 7, 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 CLERK'S OFFICE  
2020 OCT 20 P 12:25  
TOWN OF ORANGETOWN