

ZONING BOARD OF APPEALS

Town of Orangetown
20 Greenbush Road
Orangeburg, New York 10962
(914) 359-8410 (ex. 4331)

Date: February 12, 2020

TO: OBAPAE

- ✓ Environmental Management and Engineering
- ✓ Rockland County Sewer District #1
- New York State Dept. of Transportation
- Palisades Interstate Park Commission
- Orange and Rockland Utilities
- Orangetown Highway
- Fire Prevention (Performance Standards)

- Rockland County Drainage ✓
- Rockland County Health ✓
- Rockland County Planning ✓
- Rockland County Highway ✓

Review of Plans: Edelweiss Construction, 2 South Mary Francis Street, Tappan, NY
Section 74.18 Block 3 Lot 5 R-15 zone
This matter is scheduled for:

Chapter 43, R-15 District, Section 3.12, Group M, Columns 8 (Front Yard: 30' required, 25.5' proposed), 11 (Rear Yard: 35' required, 16.8' proposed) for a deck at a new single-family residence.

Please review the information enclosed and provide comments. These comments may be mailed , e-mailed or faxed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: darbolino@orangetown.com or
- Fax to the Town of Orangetown ZBA @845 359 8526

Zoning Board Meeting Date: March 18, 2020

- () Comments attached
- () No Comments at this time. Please send future correspondence for review.
- () No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on **Wednesday, March 18, 2020**. Kindly forward your completed review to this office by **March 18, 2020**.

Reviewing Agency _____

Name _____ date: _____

Signature: _____

Thank you, Deborah Arbolino



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

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: January 31, 2020

Applicant: Edelweiss

Address: 2 South Mary Francis, Tappan, NY

RE: Application Made at: same

Chapter 43....

DECK: Table 3.12, Column 1 - R-15 District, Column 2 - Group M, Column 3 - SFR

Column 8 Min Front Yard 30' with 25.5' proposed, Column 11 Min REar Yard 35' with 16.8' proposed.

2 variances required

Section: 74.18

Block: 3

Lot: 5

Dear Edelweiss:

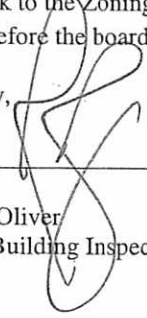
Please be advised that the Building Permit Application, which you submitted on

May 8, 2019, has been denied. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for denial.

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

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

Sincerely,


Richard Oliver
Deputy Building Inspector

Signature of Director

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

Date

CC: Rosanna Sfraga
Liz Decort
Debbie Arbolino

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

TOWN OF ORANGETOWN

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

ZONE: R-15 CML **OFFICIAL USE ONLY** **ACREAGE:** .13
Inspector: D **Date App Received:** 5-8-19 **Received By:** hr
Permit No. 48863 **Date Issued:** _____
CO No. _____ **Date Issued:** _____
Permit Fee: \$3782 **Ck#** 1901 **Paid By** Chalet Suisse Home
GIS Fee: \$20 **Ck#** 1902 **Paid By** Improvement Inc.
Stream Maintenance Fee **Ck #** _____ **Paid By** _____
Additional Fee: _____ **Ck#** _____ **Date Paid** _____ **Paid By** _____
1st 6 mo. Ext.: _____ **Ck #** _____ **Exp. Date:** _____ **Paid By** _____
2nd 6 mo. Ext.: _____ **Ck #** _____ **Exp. Date:** _____ **Paid By** _____

RECEIVED

APPLICANT COMPLETES:

MAY 8 2019

Note: See inside for instructions for completing this application.
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 2 South Mary Francis St TAPPAN NY
Section: 74018 **Block:** 3 **Lot:** 5
Property Owner: Edelweiss Construction Inc.
Mailing Address: 225 Valley Rd Valley Cottage Ny 10989
Email: Chalet Suisse home @ Gmail . com **Phone #:** 845.536.1213
Lessee (Business Name): _____
Mailing Address: _____
Email: _____ **Phone #:** _____
Type of Business /Use: _____
Contact Person: Danny Roggensinger **Relation to Project:** GC
Email: Chalet Suisse home @ Gmail . com **Phone#:** 845.536.1213
Architect/Engineer: _____ **NYS Lic #** _____
Address: _____ **Phone#:** _____
Builder/General Contractor: Chalet Suisse Home Improvement **RC Lic #** _____
Address: 4 Burgener Lane Sparta NY 10976 **Phone#:** 845-536-1213
Plumber: _____ **RC Lic #** _____
Address: _____ **Phone#:** _____
Electrician: _____ **RC Lic #:** _____
Address: _____ **Phone#:** _____
Heat/Cooling: _____ **RC Lic#:** _____
Address: _____ **Phone#:** _____
Existing use of structure or land: fire destroyed house
Proposed Project Description: Demolition of Existing Dwelling. Construction of New Dwelling
Proposed Square Footage: 2820 **Estimated Construction Value (\$):** 200,000

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR: _____

* Chapter 43 Table 3.12, Column 1 - R-15 District, Column 2 - Group M, Column 3 - SFR
 Column 4 - Max FAR 20% w/ 43% proposed, Column 9 - Min Side Yard 15' w/ 7.4'
 proposed, Column 11 - Min Rear Yard 35' w/ 13' proposed, Column 12 - Max Height 20' w/
 28.5' proposed.

* Chapter 2, Section 2-4 Requires ACABOR approval.

Jane H
 5-23-19

FOR OFFICE USE ONLY SECTION 74.18 BLOCK 3 LOT 5 NAME Edelweiss PERMIT# 48863

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: _____

2020 LAND USE BOARD APPLICATION

Please check all that apply:

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

PERMIT#: 48863
ASSIGNED
INSPECTOR: Dm

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

Project Name: 2 S. Mary Francis St Patio Deck

Street Address: 2. S. Mary Francis St. TAPPAN NY 10985

Tax Map Designation:

Section: 74.18 Block: 3 Lot(s): 5

Section: _____ Block: _____ Lot(s): _____

Directional Location:

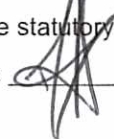
On the left side of Low Lane, approximately _____ feet south of the intersection of Low + S. Mary Francis, in the Town of ORANGETOWN in the hamlet/village of TAPPAN.

Acreage of Parcel <u>.1399</u>	Zoning District <u>R-15</u>
School District <u>SOCSD</u>	Postal District <u>Tappan</u>
Ambulance District <u>SOAC</u>	Fire District <u>Tappan</u>
Water District <u>SWR</u>	Sewer District <u>Orangetown</u>

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

Requesting Variance for Deck off of Sliding Door to backyard

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

Date: 1/31/2020 Applicant's Signature: 

APPLICATION REVIEW FORM

Applicant: Edelweiss Construction Phone # 845-536-1213

Address: 4 Burgener Lane Spadkill NY 10976
Street Name & Number (Post Office) City State Zip Code

Property Owner: " " Phone # _____

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

Engineer/Architect/Surveyor: Josh Jakob Phone # 347-422-7330

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

Attorney: _____ Phone # _____

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

Contact Person: Danny Roggeninger Phone # 845-536-1213

Address: 225 Vally Rd Valley Rd Colby NY 10959
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

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

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

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

List name(s) of facility checked above:

Referral Agencies:

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

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

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

If subdivision:

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

If site plan:

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

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

Environmental Constraints:

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

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

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

Project History:

Has this project ever been reviewed before? Yes

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

ZBA # 19-76 Appeal

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

DECISION

**FLOOR AREA RATIO, LOT AREA, LOT WIDTH, SIDE YARD, REAR YARD,
BUILDING HEIGHT VARIANCES APPROVED: SECTION 5.21 (c) & (e)
UNDERSIZED LOT ACKNOWLEDGED**

To: Edelweiss Construction (2 S. Mary Francis)
225 Valley Road
Valley Cottage, New York 10989

ZBA #19-76
Date: July 24, 2019
Permit #48863

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-76: Application of Edelweiss Construction for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .43 proposed), 5 (Lot Area: 15,000 sq. ft. required, 6,577 sq. ft. existing), 6 (Lot Width: 100' required, 73' and 93' existing), 9 (Side Yard: 15' required, 7.4' proposed), 11 (Rear Yard: 35' required, 13' proposed), and 12 (Building Height: 20' permitted, 28.5' proposed) (Section 5.21 (c) & (e) Undersized lot applies) for a new single-family residence. The premises are located at 2 South Mary Francis Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 74.18, Block 3, Lot 5 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 24, 2019 at which time the Board made the determination hereinafter set forth.

Danny Roggensinger and Dan Roggensinger Jr. appeared and testified.

The following documents were presented:

1. "Plot plan for Lot 74.18-3-5" dated 04/14/2019 signed and sealed by Jay A. Greenwell, PLS.
2. Architectural plans dated 7/1/2019 labeled "New Residence Tax Lot 74.18-3-5" signed and sealed by Joshua C. Jakob, Architect. (2 pages)
3. A letter dated July 2, 2019 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated June 13, 2019 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
5. A letter dated June 18, 2019 from the Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated July 17, 2019 from the County of Rockland Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
7. Eight color pictures of the site and existing house.

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

TOWN CLERK'S OFFICE

2019 AUG - 6 P 2:05

TOWN OF ORANGETOWN

environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon (left early), Mr. Feroldi and Ms. Castelli were absent.

Danny Roggensinger testified that they would like to remove the existing house that is extremely damaged and has been used for squatters and kids parties and is dangerous and build a new house on the site; that they have spoken other neighbors and the neighbor behind them on South Mary Francis is happy because they are increasing that side yard and rear yard setbacks; that they want to enter the property from Lowe Lane.

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 floor area ratio, lot area, lot width, side yard, rear yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the undersize lot and its present derelict condition and although the variances are substantial the improvement to the lot with the new proposed house will be a benefit to the neighborhood.
2. The requested floor area ratio, lot area, lot width, side yard, rear yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the undersize lot and its present derelict condition and although the variances are substantial the improvement to the lot with the new proposed house will be a benefit to the neighborhood.

TOWN OF ORANGETOWN
2019 AUG - 6 - 2: 05
TOWN CLERK'S OFFICE

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. The Board acknowledged the undersize lot and its present derelict condition and although the variances are substantial the improvement to the lot with the new proposed house will be a benefit to the neighborhood.
4. The requested floor area ratio, lot area, lot width, side yard, rear yard and building height variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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

General Conditions:

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

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

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

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

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

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

The foregoing resolution to approve the application for the requested floor area ratio, lot area, lot width, side yard, rear yard and building height variances are APPROVED; was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon (left early) Ms. Castelli and Mr. Feroldi 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: July 24, 2019

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

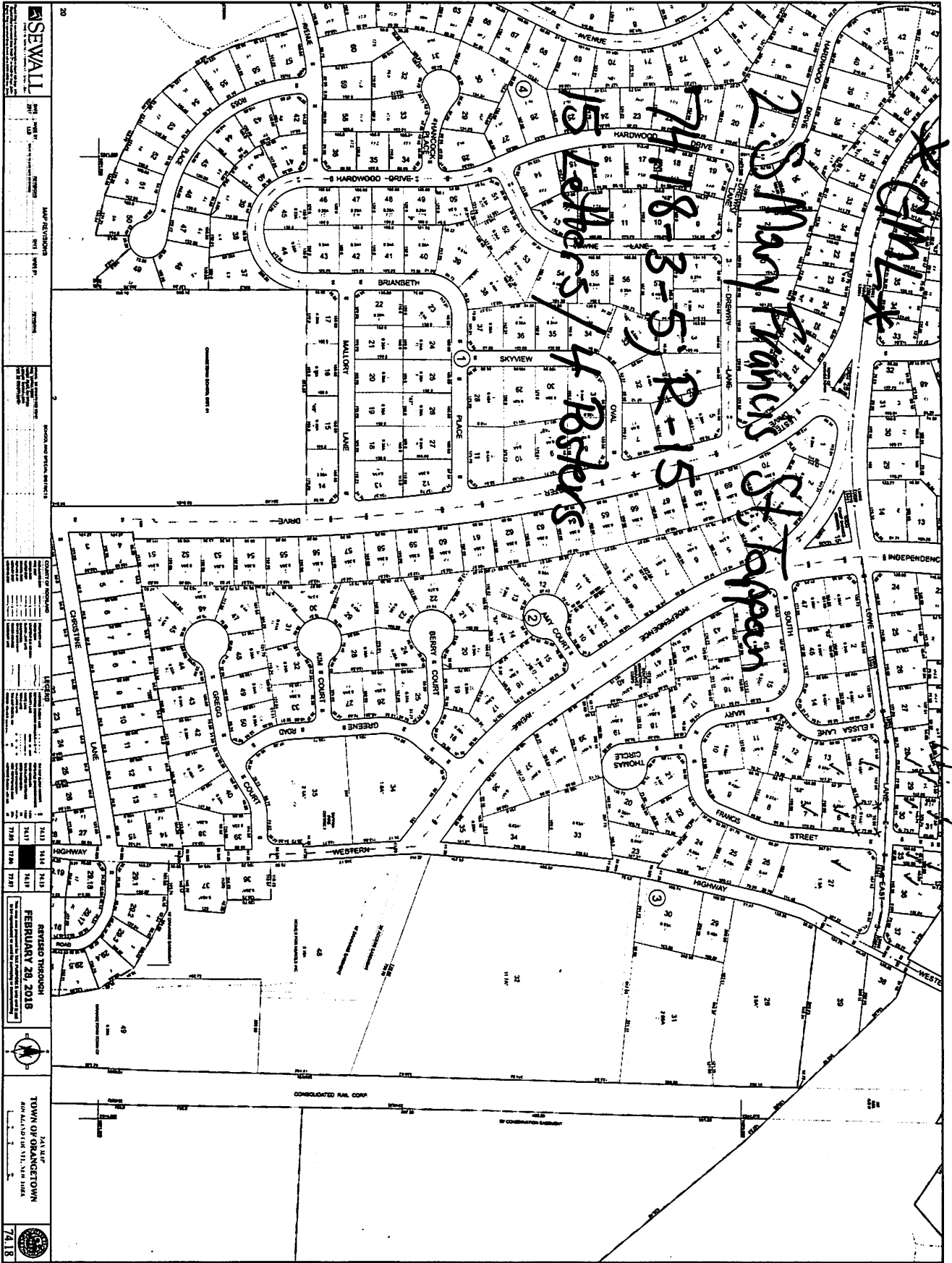
By 
Deborah Arbolino
Administrative Aide

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
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TOWN OF ORANGETOWN



15 Letters / 4 Posters

74-18-3-5 R-15

2 St Mary Francis

St. Jappan

SEAWALL

INDEPENDENCE

HIGHWAY

WESTERN

CONSOLIDATED RAIL CORP

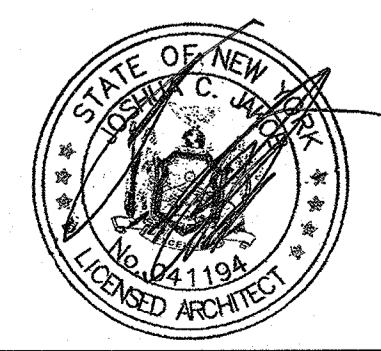


NO.	REVISION	DATE
4	NEW DECK	01-26-2020
3	NOTES AS PER ARCH. REVIEW BOARD & BLDG. DEPT. COMMENTS	11-09-2019
2	ISSUED FOR PERMIT	08-08-2019
1	FOR ZONING APPROVAL	07-01-2019

DRAWING NO. **A2.0**

PROJECT SITE
NEW RESIDENCE
 TAX LOT 74.18-3-5
 2 S. MARY FRANCES ST.
 TAPPAN, NEW YORK

CHECKED: JJ
 DRAWN: FN
 DATE: 7-1-2019



J. JAKOB
 DESIGN+ARCHITECTURE
 Bellmore, New York Austin, Texas 347-422-7330