

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: _____

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial <input type="checkbox"/> Planning Board <input checked="" type="checkbox"/> Zoning Board of Appeals <input type="checkbox"/> Subdivision <input type="checkbox"/> Number of Lots <input type="checkbox"/> Site Plan <input type="checkbox"/> Conditional Use <input type="checkbox"/> Special Permit <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Performance Standards Review <input type="checkbox"/> Use Variance <input type="checkbox"/> Other (specify): _____	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Historical Board <input type="checkbox"/> Architectural Board <input type="checkbox"/> Consultation <input type="checkbox"/> Pre-Preliminary/Sketch <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Interpretation
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PERMIT#: 50260
ASSIGNED
INSPECTOR: Don
 Referred from Planning Board: YES NO
 If yes provide date of Planning Board meeting: _____

Project Name: Spicer

Street Address: 104 Sunset Road
Blauvelt, NY 10913

Tax Map Designation:
Section: 70.09 Block: 1 Lot(s): 13
Section: _____ Block: _____ Lot(s): _____

Directional Location:
On the N side of Sunset Rd, approximately 200 feet W of the intersection of Milton Grant, in the Town of ORANGETOWN in the hamlet/village of Blauvelt.

Acreage of Parcel <u>.64</u> School District <u>JOCSD</u> Ambulance District <u>SOAC</u> Water District <u>SUEZ</u>	Zoning District <u>R-40</u> Postal District <u>Blauvelt</u> Fire District <u>Blauvelt</u> Sewer District <u>Orangetown</u>
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Project Description: *(If additional space required, please attach a narrative summary.)*
Variance TO Side Yard Setback for Pre Existing Deck

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.
Date: 7/31/2020 Applicant's Signature: [Signature]

APPLICATION REVIEW FORM

Applicant: Marino Fontana Phone # 845-304-5983
Address: 4 1ST LT Ferris CT Pearl River NY 10965
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: _____ Phone # _____
Address: _____
Street Name & Number (Post Office) City State Zip Code

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

Contact Person: Marino Fontana Phone # 845-304-5983
Address: 4 1ST LT Ferris CT Pearl River NY 10965
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

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

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

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

List name(s) of facility checked above:

Referral Agencies:

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

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

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

If subdivision:

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

If site plan:

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

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

Environmental Constraints:

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

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

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

Project History:

Has this project ever been reviewed before? 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.

Decision on Application for Variance - June 3, 1966

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



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN

20 Greenbush Road
Orangeburg, N.Y. 10962

RECEIVED

AUG 7 2020

TOWN OF ORANGETOWN
BUILDING DEPARTMENT

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: July 2, 2020

Applicant: Spicer

Address: 104 Sunset Rd, Blauvelt

RE: Application Made at: same

Chapter 43, Table 3.12 Column 1- R-40 District, Column 2- Group E, Column 3- SFR, Column 9 Required
Side Yard 20' with 9.4' proposed.
One Variance Required

Section: 70.09

Block: 1

Lot: 13

Dear Spicer:

Please be advised that the Building Permit Application, which you submitted on
July 1, 2020, 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
7/7/2020
CC: Rosanna Sfraga
Liz Decort
Debbie Arbolino

IS	PRINT KEY	NAME	ADDRESS
489	70.09-1-9	Patrick Mc Govern	112 Sunset Rd,Blauvelt, NY 10913 ✓
489	70.09-1-11	Thomas Fitzgerald	108 Sunset Rd,Blauvelt, NY 10913 ✓
489	70.09-1-12	Barnet Ostrowsky	106 Sunset Rd,Blauvelt, NY 10913 ✓
489	70.09-1-13	Ryan F Spicer	104 Sunset Rd,Blauvelt, NY 10913 ✓
489	70.09-1-14	William Oettinger	3 Milton Grant Dr,Blauvelt, NY 10913 ✓
489	70.09-1-15	Patrick Flynn	7 Milton Grant Dr,Blauvelt, NY 10913 ✓
489	70.09-1-16	Kevin Harding	11 Milton Grant Dr,Blauvelt, NY 10913 ✓
489	70.09-1-25	Peter Fegan	2 Milton Grant Dr,Blauvelt, NY 10913 ✓
489	70.09-2-10	Thomas Forde	111 Sunset Rd,Blauvelt, NY 10913 ✓
489	70.09-2-11	Candy Berardi	109 Sunset Rd,Blauvelt, NY 10913 ✓
489	70.09-2-12	Henry L Wemmer	107 Sunset Rd,Blauvelt, NY 10913 ✓

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TOWN OF ORANGETOWN
BUILDING DEPARTMENT

MARTOS

reinforcing design

ENGINEERING

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TOWN OF ORANGETOWN
BUILDING DEPARTMENT

June 22, 2020

Re: Existing Deck Condition Assessment
104 Sunset Road
Blauvelt, NY 10913
Project No. 20087.01

Dear Mr. Ryan Spicer,

Per your request MARTOS completed an inspection of the existing wood framed deck located at the rear of the house at the reference address on June 19, 2020. The existing deck was observed to be framed with (2)2x6 wood joists @24"o.c. and are supported at the house by a ledger board which is lag bolted to the house and by a (3)2x8 beam located approximately 9'-0" away from the house. The joists reduce to (1)2x6@24"o.c. and cantilever approximately 3'-4" over the (3)2x8 beam. The (3)2x8 beam is supported by two 16"x26" brick piers spaced approximately 9'-10"o.c. and cantilevers approximately 3'-0" over each pier. The deck joists, beams and piers appear to be in sound condition, however several minor repairs are required for the deck to meet prescriptive construction requirements.

The construction date of the deck is unknown, but pre-existed Mr. Spicer's purchase date in 2016 and was purportedly constructed prior to 2000. Because the exact construction date is unknown, we will presume the governing code at the time of construction is the 2000 International Residential Code for the purposes of this deck assessment.

It was observed that the overhang of the joists exceeds the maximum allowed by prescriptive code, however structural analysis of the joists indicate that the joists are structurally adequate and therefore they do not require remediation. It is recommended to provide solid 2x blocking over the dropped (3)2x8 beam to match the joist depth between all joists to comply with prescriptive code requirements. The joists do not appear to be properly fastened to the supporting (3)2x8 beam. Each joist is to be nailed to the beam with (3)8d toenails (2 nails on one face of the joist, 1 nail on the other face).

There is no positive connection present between the existing (3)2x8 beam and the brick piers. To provide adequate lateral stability and properly resist uplift due to wind, it is recommended to provide a L4x4x1/4 x 0'-4" long clip angle with (4)#10 x 3" long self-tapping screws into the beam and a 1/2"Ø threaded rod with Hilti Hit HY 270 epoxy and 10" embedment into the brick pier at each face of the beam (a total of 4 angles, 16 screws and 4 anchor bolts will be required). The angles and fasteners are to be hot-dipped galvanized.

It has been observed that the center span and cantilevered lengths of the (3)2x8 beam each exceed the maximum lengths allowed by prescriptive methods for a beam of that size. However, structural analysis of the beam indicates that the beam is structurally adequate and therefore does not require remediation.

The deck does not contain tension tiebacks connecting the rim joists of the deck back to the interior framing of the house as required in the recently published editions of the International Residential Code beginning in 2009. However, it is likely that the construction date predates the adoption of

MARTOS engineering | 15 n. mill street, suite 207 | nyack, ny 10960 | 646 543 1940 | www.martosengineering.com

this code. Due to the presumed construction date of the deck and its sound structural condition, it is our opinion that installation of these tiebacks is not warranted.

Please feel free to contact us if you have any questions or concerns.

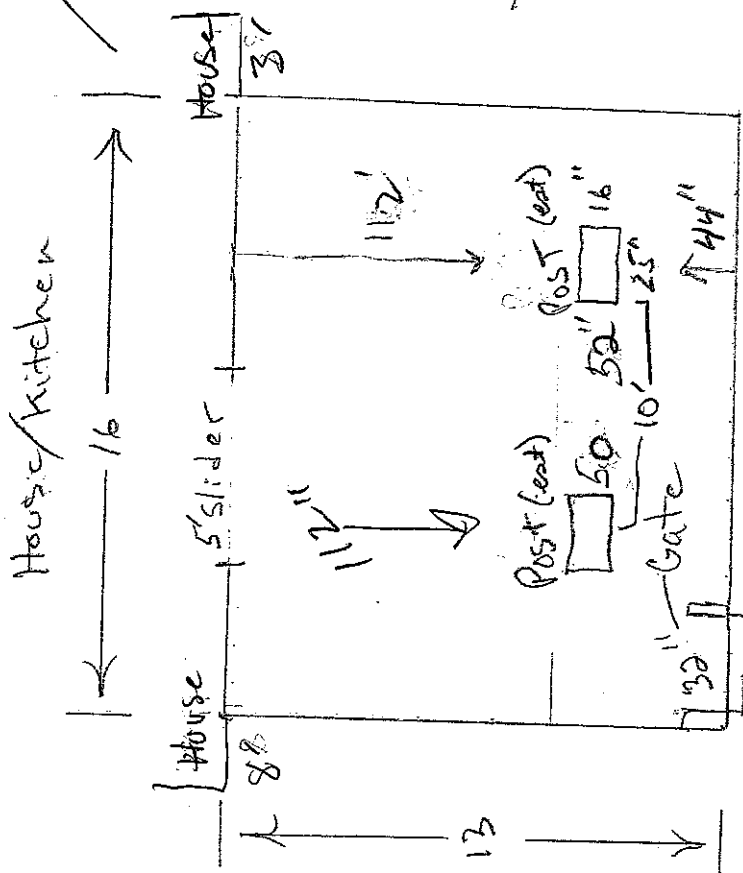
Best regards,



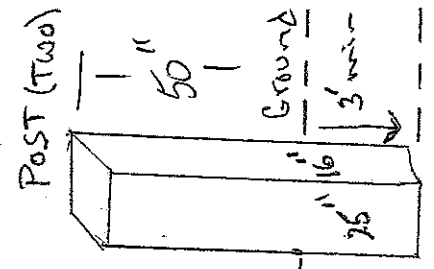
MARTOS ENGINEERING

Bryan C. Mahoney, P.E.
PE #097167

Scale = 1' per box

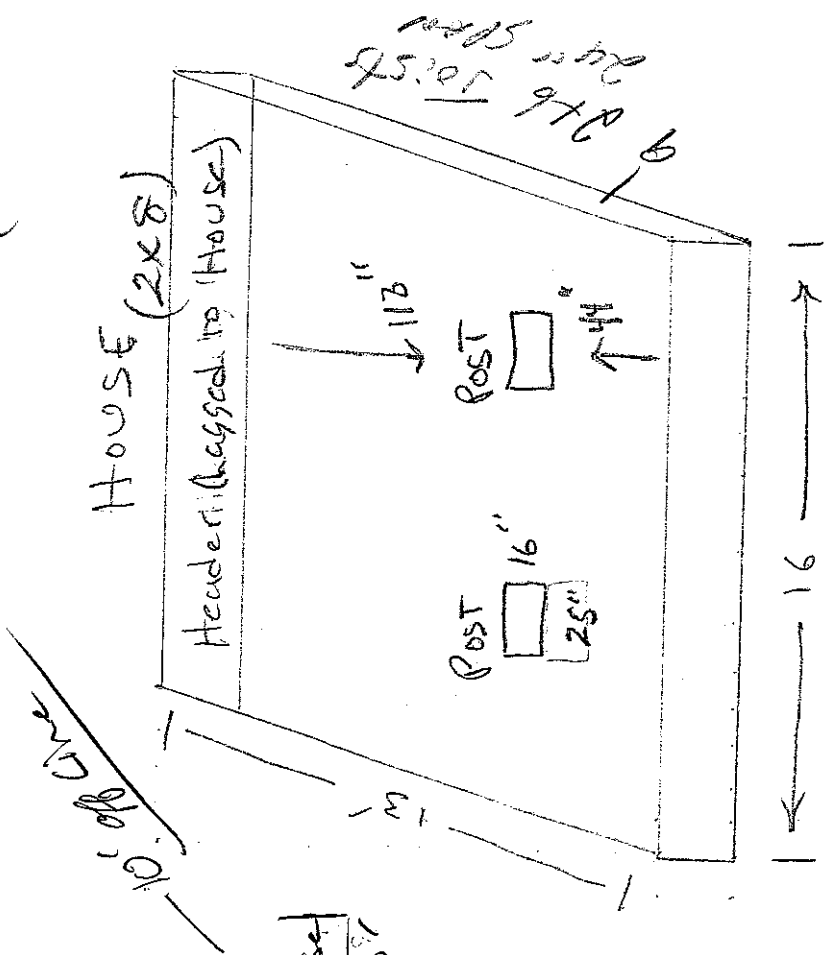


Frame (2x6)
 Dog Fur
 Top (1x6)
 (Treated)

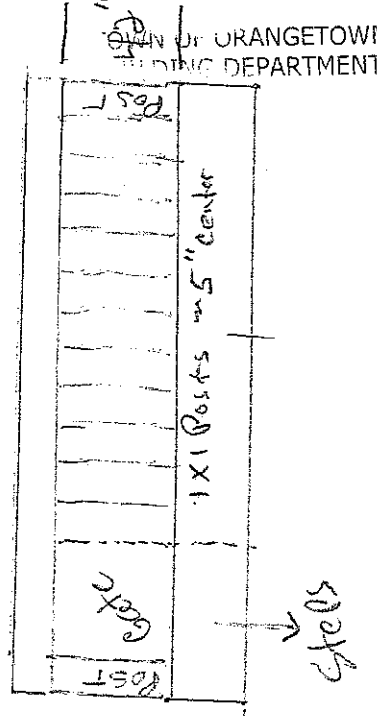


Block Tower
 Faced with Brick

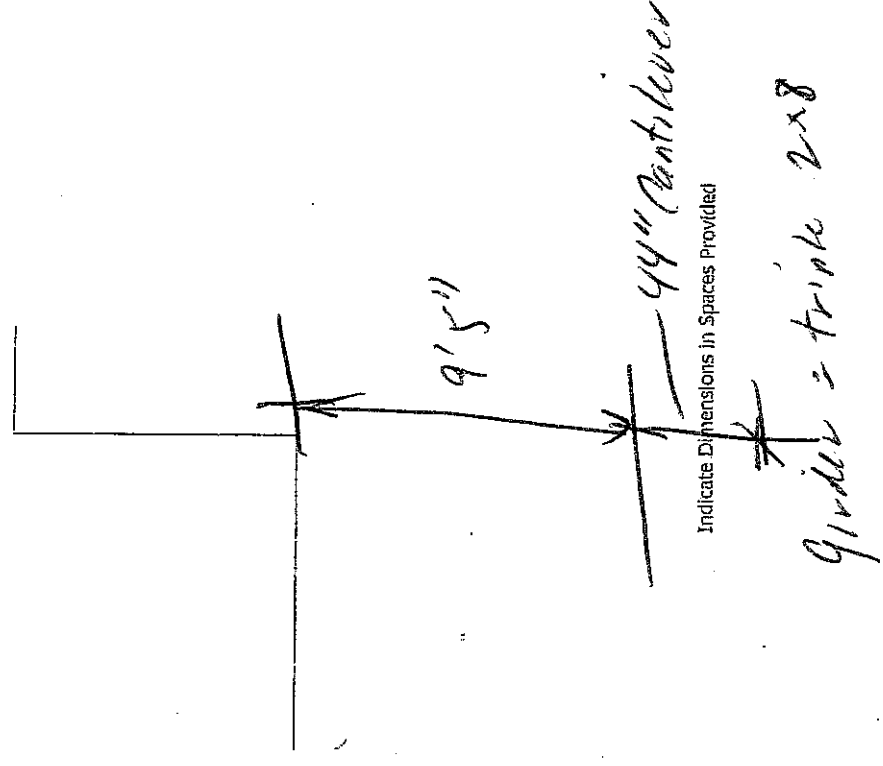
104 Sunset Road
 Blauvelt, NY 10913



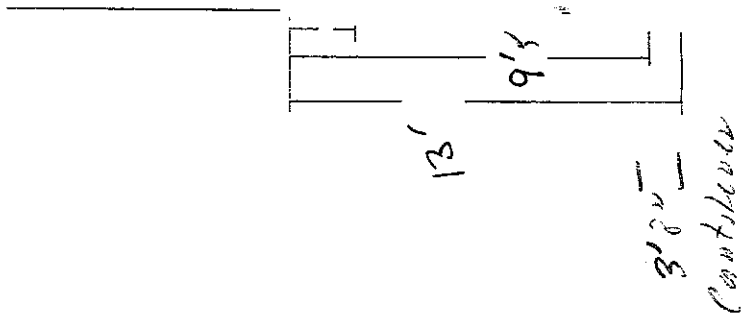
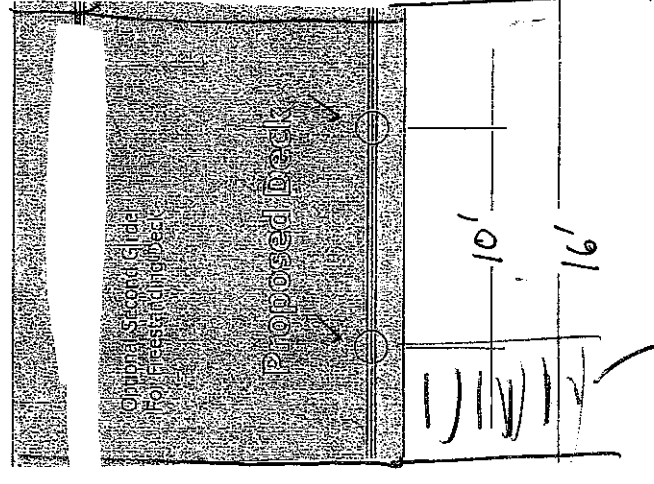
Wood-Dug Fur (sealed)
 Joist = 24'
 Height overall 5'



2x6 Joist
 over 5x8



Residence



Survey Reading

Title Number **JWL082-RO-17**

Page

1

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Survey made by Frank M. Hoens, PLS dated August 10, 2017 shows:
a bi-level frame dwelling with deck at rear and macadam driveway extending onto
Sunset Road. Also shows electrical transmission tower and lines at or near
easterly record line and the following:

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TOWN OF ORANGETOWN
BUILDING DEPARTMENT

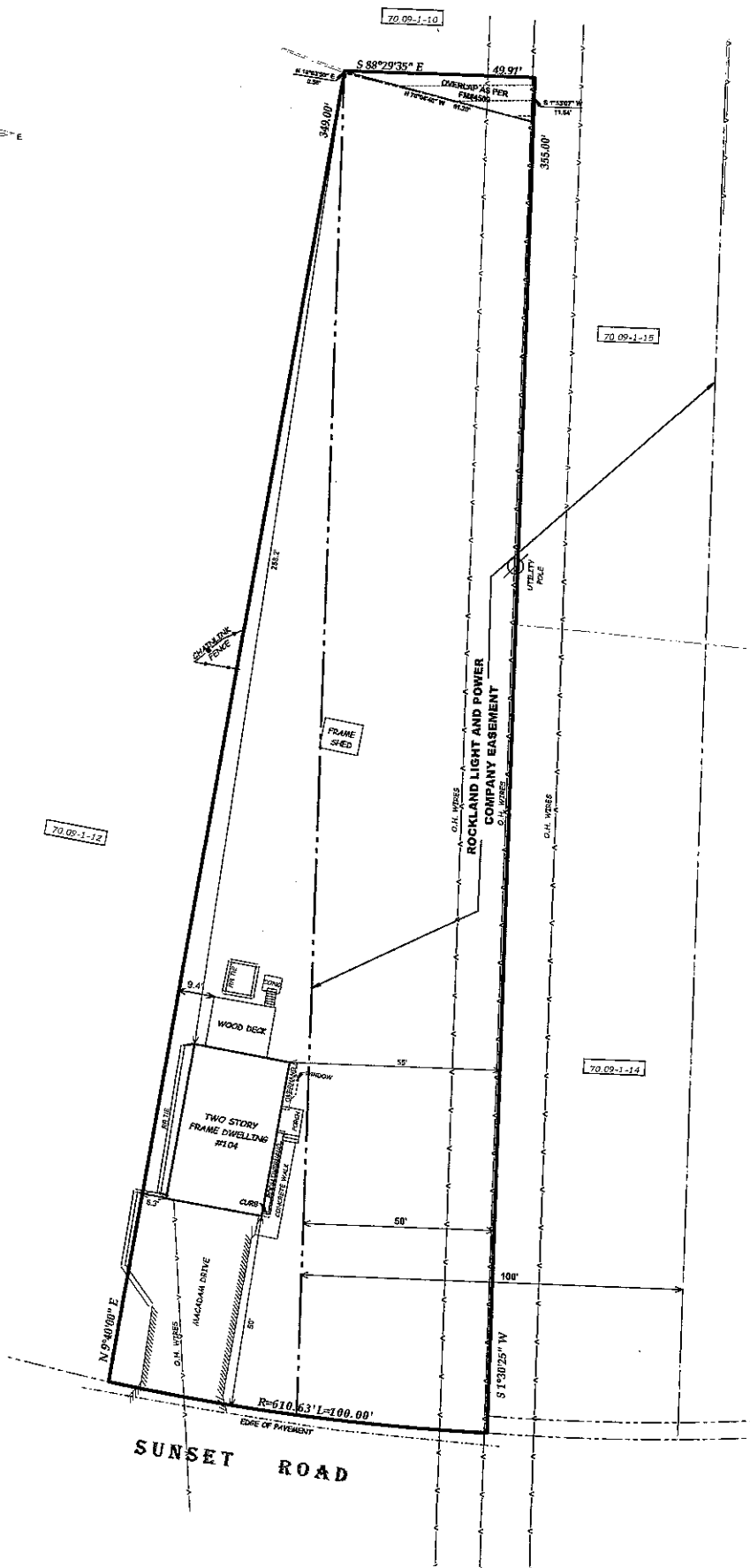
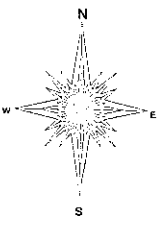
- 1.) 100 foot wide Orange and Rockland Right of Way transversing premises midway from west to east.
- 2.) Variations between the location of macadam driveway, chain link fence and a portion of the westerly record line.

NOTE: The recital of improvements set forth above is for information only.

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TOWN OF ORANGETOWN
BUILDING DEPARTMENT



LOT AREA=26,408.89 SQUARE FEET
TAX MAP DESIGNATION: 70.09-1-13
SURVEY FOR
104 SUNSET ROAD

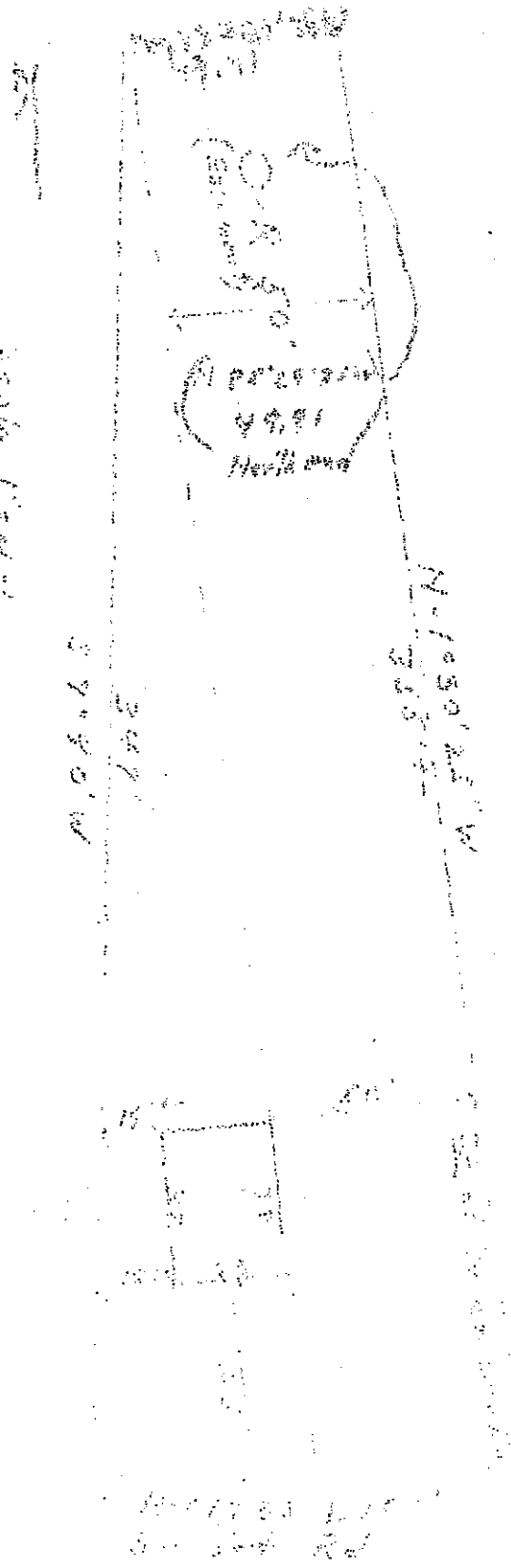
TOWN OF ORANGETOWN, ROCKLAND COUNTY
BLAUVELT, NEW YORK
JUNE 15, 2020 SCALE: 1" = 10'

ANTHONY R. CELESTANO P.L.S.
31 ROSMAN ROAD
THIELLS, N.Y. 10984
845 429 5290 FAX 429 5974
Anthony Celestano LIC#50633

CERTIFIED TO: FRADEEP ALEXANDER TOMAS HATCHER
SOOSAN ANN THOMAS-HATCHER
HUDSON UNITED TITLE SERVICES, LLC
THE SECURITY TITLE GUARANTEE CORPORATION OF BALTIMORE

NOTE:
"IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY."
"ONLY COPIES OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL UNMAYOCCUPIED OR UNSEALED ARE THE PRODUCT OF THE LAND SURVEYOR."
"THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSES GRANTED TO BETWEEN THE CLIENT AND THE SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT."
"THIS SURVEY HAS BEEN SUBJECT TO AN ACCURATE ABSTRACT OF TITLE."
EASEMENTS OR RIGHTS OF WAY ON OR BELOW THE SURFACE OF THE GROUND THAT ARE NOT VISIBLE ARE NOT SHOWN.

Scale 1" = 400'
6/15/54 Stokes



ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN
ROCKLAND COUNTY, N. Y.

Date April 29 1966

Owner: E. C. Stokes Appellant: E. C. Stoke
Address: Box 65 Pearl River Address: Box 65 Pearl River

(A) APPLICATION FOR VARIANCE: Appeal is hereby taken and application is made for a variance from the requirements of Section(s) 5.21 (a) ~~3.12~~ of the Zoning Ordinance to permit erection
~~alteration~~
~~maintenance~~
~~land division~~

of Dwelling
for the following use: Dwelling

Nature of variance required: lesser side yard

(Note: Use the reverse side of this form to explain more in detail anything which would tend to more fully inform the Board of any particular circumstances involved.) (Fill in 1, 2 & 3 below.)

(B) APPLICATION FOR A SPECIAL PERMIT: Appeal is hereby taken and application is made for a Special Permit under Section(s) _____ of the Zoning Ordinance to permit (state fully what is proposed)

(Note: Use the reverse side of this form to explain more in detail anything which would tend to more fully inform the Board of any particular circumstances involved.) (Fill in 1, 2 & 3 below.)

1. Premises involved are situated on the North side of Sunset Rd distant 200 feet (~~north-east-south-west~~) from the intersection of M. Grant Dr and Sunset Rd in the hamlet of Blauvelt
2. Premises are located in zoning district designated as R-40

FROM: PLANNING SERVICES DEPARTMENT, Town of Orangetown

TO: Mr. EDWIN C. STOKES

RE: Application for variance of the provisions of Section 5.21(a) of the Zoning Code of the Town of Orangetown, to erect a two-story single family residence resulting in a lesser side yard than required; premises involved located on the north side of Sunset Road in the Hamlet of Plauchville, Town of Orangetown, Rockland County, New York, and in an R-40 zoning district. (ZP/1 - Meeting 6/1/66)

Heard by the ZONING BOARD of APPEALS, Town of Orangetown, Rockland County, New York, at meeting held Wednesday evening, JUNE 1, 1966, and, as of that date, determination was made as follows:

FINDINGS OF FACT: This is an appeal from the decision of the Building Inspector and an application of Edwin C. Stokes for a variance from the provisions of Section 5.21(a) of the Zoning Code of the Town of Orangetown. The Board members made a personal inspection of the premises on Sunday, May 29, 1966. The premises, which are the subject of this application, are located in an R-40 zoning district. The applicant is the owner of a parcel of land upon which he is authorized to build, pursuant to the provisions of Section 5.21(a) of the Zoning Code, since it is a parcel of land in separate ownership and separated from any adjoining tract of land in the same ownership on the date specified in the Code. The applicant seeks a variance of the side yard requirements which, by virtue of the provisions of Section 5.21(a), would require a minimum side yard of 20 feet. The reason that the applicant seeks this variance is because the high tension transmission right of way of the Orange & Rockland Utilities runs across the property and leaves a much smaller area upon which a building may be erected. Upon the plot plan submitted, the applicant has shown a building approximately 38 feet, running parallel with the line of the right of way, and approximately 26 feet in width, with the side yards remaining therefrom. The strict application of the provisions of the Zoning Code would, in this instance, deprive the applicant of the reasonable use of this property in view of the fact that the Orange & Rockland high tension line effectively prevents him from using the major portion of a very large parcel of land. The resulting situation has not occurred by any act of the applicant subsequent to the adoption of the Zoning Code of the Town of Orangetown. The granting of the variance sought by the applicant is necessary for the reasonable use of the property and appears to be the minimum variance that will accomplish this purpose. The granting of the variance sought by the applicant will be in harmony with the spirit and general purpose and intent of the Zoning Code. It will not be injurious to the neighborhood or otherwise detrimental to the public welfare; public safety and welfare will be secured and substantial justice done.

DECISION: In view of the foregoing, and by reason of the practical difficulty on the plot, the variance sought RE and HEREBY is GRANTED subject, however, to the fact that the applicant must confine all building operation strictly within the area delineated on the plan for the building itself. No further encroachments on the side yards, except as specifically permitted, by the provisions of the Zoning Code, will be permitted.

Motion to approve made by Mr. Bodkin, seconded by Mr. Crosbie and carried unanimously by the Board members present as follows:
William G. Thorne, Aye; James L. Crosbie, Aye; Leonard D. Bodkin, Aye;
James F. Moran, Aye. (N. M. McKenzie, absent.)

Please Note: The applicant must obtain the necessary Building Permit from the Building Department and any other permits required by appropriate Township departments.

The Clerk of 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.

Orig. to:
Office of Town Clerk
Photo-copy to:
A. J. Prindle, Esq.
Mr. H. Heiling
Mr. O. J. Kuse
Members Zoning Board
Sec'y. Planning Board

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN -

By _____
R. H. Fritz, Chief CLERK