

MINUTES
ZONING BOARD OF APPEALS
DECEMBER 5, 2018

MEMBERS PRESENT:

DAN SULLIVAN
THOMAS QUINN
JOAN SALOMON
PATRICIA CASTELLI,
MICHAEL BOSCO
LEONARD FEROLDI, ALTERNATE

ABSENT: NONE

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

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:

VARTANIAN 45 Jane Street Tappan, NY 77.15 / 2 / 50; R-15 zone	6' FENCE IN FRONT YARD APPROVED	ZBA# 18-88
CHAVES 18 Erie Street Blauvelt, NY 70.14 / 1 / 4; R-15 zone	SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#18-89
IMPERIAL SPORTS RENEWAL OF SPECIAL PERMIT 64 Route 303 Tappan, NY 77.15/ 1 / 42; CS zone	CONTINUED	ZBA#18-90
CAPONIGRO 274 Holt Drive Pearl River, NY 69.13 / 2 / 55; R-15 zone	FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND ACCESSORY STRUCTURE SET BACK VARIANCES APPROVED	ZBA#18-91

TOWN CLERK'S OFFICE

2018 DEC 18 12:08

TOWN OF ORANGETOWN

OTHER BUSINESS:

ZBA#18-56: Application of Palisades Veterinary Hospital clarification:

Dr. Ean Bauer submitted a letter from Jay Samuelson, P.E., Engineer for the project, which states that the existing building is not worth saving because structurally it is not sound, the sill plates have wood rot and the building does not meet IBC construction codes; that they are proposing to remove the existing structure and build a new structure in the exact location which will use the same footprint and require the same variances that were granted in ZBA#18-56 dated September 5, 2018.

Mr. Sullivan made a motion to approve the removal of the existing building and to approve the new building to be built on the existing footprint based on the letter dated December 5, 2018 signed by Jay Samuelson, P.E.; which motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Bosco, aye; Mr. Sullivan, aye; Ms. Castelli, aye and Ms. Salomon, aye.

ADDITIONAL 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: Little Bucks Youth Sport Training Field Grading Plan, 215 & 245 and 247 & 257 Oak Tree Road, Tappan, NY, 77.15 / 1 / 31 and 77.20 / 1 / 1; in the LIO zoning district; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

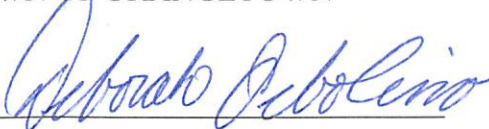
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 P.M.

Dated: December 5, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN CLERK'S OFFICE
2018 DEC 18 PM 2:08
TOWN OF ORANGETOWN

DECISION

FRONT YARD FENCE HEIGHT VARIANCE APPROVED

To: Rosette Kalayjian (Vartanian)
10 Sioux Court
Palisades, New York 10964

ZBA #18-88
Date: December 5, 2018
Permit #48110

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-88: Application of Chake Vartanian for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.226 (Front Yard Fence Height: 4 ½ ' permitted, 6' existing) for an existing six-foot fence at an existing single-family residence. The premises are located at 45 Jane Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.15, Block 2, Lot 50; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 5, 2018 at which time the Board made the determination hereinafter set forth.

Rosette Kalayjian appeared and testified.

The following documents were presented:

1. Copy of the survey with the fence location drawn on it.
2. A letter dated November 26, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated November 28, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.
4. A sign off from Elizabeth Mello, P.E., Rockland County Department of Health dated December 4, 2018.
5. A sign off from the Rockland County Highway Department of signed by Dyan Rajasingham, dated October 29, 2018.

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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

Rosette Kalayjian testified that her parents recently purchased the house and then they got a violation for the existing six-foot fence; that the fence is in the back yard but the lot has two front yards; that they heard the fence has been there for over 25 years; that Oak Tree Road is a very busy road and there is a bus stop not far from the property; that her parents watch the grandchildren and they need a fenced in yard for the children and they would like to keep the fence where it is.

TOWN CLERK'S OFFICE
2018 DEC 18 PM 3:00
TOWN OF ORANGETOWN

Public Comment:

Geraldine McCauley, 39 Jane Street, Tappan, testified that she is the senior most resident on the block and the fence has been there for as long as she can remember; that it is dark brown and covered with foliage and it is not really noticeable when passing the property; that it would be negligent to not have a fence in this location because of all of the traffic; the yard would not be able to be used with grandchildren if there were no fence; that the house was broken into once and the fence would be a deterrent; and that the Board should allow the fence to remain.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property has two front yards and the fence has existed for many years without incident.
2. The requested 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 property has two front yards and the fence has existed for many years without incident.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard fence height variance, 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. The property has two front yards and the fence has existed for many years without incident.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN OF ORANGETOWN
2018 DEC 18 PM 3:07
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested front yard 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 CLERK'S OFFICE
2018 DEC 18 12:00
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard fence height variance is APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, 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: December 5, 2018

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
2018 DEC 18 P 2:08
TOWN CLERK'S OFFICE

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Manuel Chaves
18 West Erie Street
Blauvelt, New York 10913

ZBA #18-89
Date: December 5, 2018
Permit #47891

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-89: Application of Manuel Chaves for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 3.12, Columns 9 (Side Yard: 20' required, 18' 3" proposed), and 10 (Total Side Yard: 50' required, 40' 3" proposed) for an addition to an existing single-family residence. The premises are located at 18 Erie Street, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.14, Block 1, Lot 4; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 5, 2018 at which time the Board made the determination hereinafter set forth.

Manuel Chaves and James Hughes appeared and testified.

The following documents were presented:

1. Site Plan for Chaves dated 08/28/2018 signed and sealed by Richard J Iuele, P.E., based on a survey by E.C. Getty, P.E., LS. Dated October 1961.
2. Architectural plan labeled "Sunroom Plan" dated 06/14/2018 not signed or sealed by Richard J. Iuele, P.E..
3. Installer Layout (7 pages) signed and sealed by Luay S. Esho, P.E..
4. A letter dated November 26, 2018 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated November 29, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated December 4, 2018 from Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
7. A sign off dated October 30, 2018 from Dyan Rajasingham, P.E., Rockland County Highway Department .

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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

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TOWN OF ORANGETOWN

James Hughes testified that they are proposing to add a small section to the existing deck area so that a French door can be added at the existing dining area to enter into the new three season room; that they are not going past the dimension of the existing house; that the lot line does jut in at that side of the house; and that they presently do not meet the requirements for the total side yard.

Public Comment:

No public comment

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The sunroom will be located in the rear of the house and will align with the house; that the property juts in at the location of the proposed sunroom, which causes the 18.3' side yard and the total side yard is changing by two feet.
2. The requested 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 sunroom will be located in the rear of the house and will align with the house; that the property juts in at the location of the proposed sunroom, which causes the 18.3' side yard and the total side yard is changing by two feet.
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.

TOWN OF ORANGETOWN
ZONING DEPARTMENT
JAN 18 2018

4. The requested side yard and total side yard 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. The sunroom will be located in the rear of the house and will align with the house; that the property juts in at the location of the proposed sunroom, which causes the 18.3' side yard and the total side yard is changing by two feet.

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 side yard and total side 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.

TOWN OF ORANGETOWN
2018 DEC 18 10:29 AM
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 side yard and total side yard variances are APPROVED; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, 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: December 5, 2018

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-D.M.

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

TOWN CLERK'S OFFICE
2018 DEC 18 2:09
TOWN OF ORANGETOWN

DECISION

**FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND ACCESSORY STRUCTURE
LOCATION VARIANCES APPROVED SECTION 5.21 UNDERSIZED LOT APPLIES**

To: Dominick Caponigro
247 Holt Drive
Pearl River, New York 10965

ZBA #18-91
Date: December 5, 2018
Permit # 48270

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-91: Application of Dominic Caponigro for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.21 Undersized lot applies, Section 3.12, Group M, Columns 8 (Front Yard: 30' required, 28.5' , 28.8' and 22.3' proposed) 9 (Side Yard: 15' required, 10.8' proposed), and 10 (Total Side Yard: 30' required, 26.4' proposed) and from Section 5.227 (Accessory structure set back: 5' required, .8' proposed) for a shed and an addition to an existing single-family residence . The premises are located at 274 Holt Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.13, Block 2, Lot 55; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 5, 2018 at which time the Board made the determination hereinafter set forth.

Dominick Caponigro appeared and testified.
The following documents were presented:

1. Copy of the survey dated October 10, 2018 signed and sealed by Robert Sorace, PLS.
2. Architectural plans dated October 21, 2018 signed and sealed by Harry J. Goldstein, Architect.
3. A letter dated November 26, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. Letter dated November 29, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFinadra, Engineer II.
5. A letter dated November 2, 2018 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
6. A letter dated December 4, 2018 from the Rockland County Health Department signed by Elizabeth Mello,
7. A sign off from the Rockland County Highway Department from Dyan Rajasingham dated November 5, 2018.
8. A sign off from the Rockland County Department of health dated November 21, 2018 from Elizabeth Mello, P.E., Senior Public Health Engineer.

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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

SEAL OF THE TOWN OF ORANGETOWN
NOV 15 2018
TOWN OF ORANGETOWN

Dominick Caponigro testified that he purchased the house (a foreclosure) about 6 months ago; that he wants to live in Pearl River, that the house had many violations; that the garage and attic had been turned into illegal apartments; that he was in the process of ripping them out when he realized the garage is only 9' wide and he drives a truck that will not fit into it; that he would like to expand the garage and raise the roof with a 2nd story addition; that he has two children and would like to improve the house for his family; that he would like to cover the front steps from the weather.

Public Comment:

No public comment

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard, side yard, total side yard and accessory structure variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is undersized and the house is in disrepair. The proposed additions and renovations will benefit the surrounding properties.
2. The requested front yard, side yard, total side yard and accessory structure variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is undersized and the house is in disrepair. The proposed additions and renovations will benefit the surrounding properties.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard, side yard, total side yard and accessory structure 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. The lot is undersized and the house is in disrepair. The proposed additions and renovations will benefit the surrounding properties.

APPROVED AND FORWARDED:
TOWN OF ORANGETHUR
MAY 15 2018

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 front yard, side yard, total side yard and accessory structure 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.


APPROVED AND FORWARDED:
DATE: 10/18/18
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard, side yard, total side yard and accessory structure variances are APPROVED; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, 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: December 5, 2018

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
2018 DEC 18 P 2:09
TOWN OF ORANGETOWN