

MINUTES  
ZONING BOARD OF APPEALS  
May 2, 2018

MEMBERS PRESENT: PATRICIA CASTELLI, ACTING CHAIR  
JOAN SALOMON  
MICHAEL BOSCO  
THOMAS QUINN  
LEONARD FEROLDI, ALTERNATE

ABSENT: DAN SULLIVAN

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

This meeting was called to order at 7: 00 P.M. by Ms. Castelli, Acting Chair.  
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:

MANNESE  
128 N. Moison Road  
Blauvelt, NY  
70.10 / 3 / 28; R-15 zone

CONTINUED

ZBA#18-23

VOSBURG/KAYSER  
27 Hickory Hill Road  
Tappan, NY  
77.10 / 1 / 45; R-40 zone

LOT WIDTH, STREET  
FRONTAGE, FRONT YARD,  
§ 5.21 BUILDING HEIGHT,  
§ 5,21 a SIDE YARD VARIANCES APPROVED

ZBA#18-24

CELTIC SHEET METAL  
PERFORMANCE STANDARDS  
1 Corporate Drive  
Orangeburg, NY  
73.20 / 1 / 32; LIO zone

§4.1 PERFORMANCE STANDARDS  
APPROVED

ZBA#18-25

CASSCLES  
30 Arlene Court  
Pearl River, NY  
69.09 / 2 / 30; R-15 zone

FRONT YARD, REAR YARD  
VARIANCES APPROVED

ZBA#18-26

TOWN CLERK'S OFFICE  
2018 MAY - 8 P 2: 07  
TOWN OF ORANGETOWN

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

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

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

Dated: May 2, 2018

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By *Deborah Arbolino*

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN  
2018 MAY - 8 P 2: 07  
TOWN CLERK'S OFFICE

DECISION

**LOT WIDTH, STREET FRONTAGE, FRONT YARD, § 5.21 UNDERSIZED LOT BUILDING HEIGHT AND § 5.21a SIDE YARD VARIANCES APPROVED**

To: Suzanne Vosburg & Ralf Kayser  
1111 River Road Apt. A 15  
Edgewater, NJ 07020

ZBA #18-24  
Date: May 2, 2018  
Permit # 47445

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18:24: Application of Suzanne Vosburg & Ralf Kayser for variances from Chapter 43, R-40 District, Group E, Section 3.12, Columns 5 ( Lot Width: 150' required, 115.5' existing), 7 (Street Frontage: 100' required, 99.97' existing) and 8 (Front Yard: 50' required, 43' proposed), and from (Section 5.21 Undersized lot applies): (Building Height: 20' permitted, 26' 11" proposed) and from Section 5.21a (Undersized lot applies: Side Yard: 30' required, 22' existing) for an addition /alteration to a single-family residence. The premises are located at 27 Hickory Hill Road, Tappan New York and are identified on the Orangetown Tax Map as Section 77.10, Block 1, Lot 45; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 2, 2018 at which time the Board made the determination hereinafter set forth.

Suzanne Vosburg and Ralf Kayser appeared and testified.

The following documents were presented:

1. Site plan dated 03/19/2018 with the latest revision date 03/30/2018 signed and sealed by Michael A. Piccirillo, AIA.
2. Demolition plan dated 03/19/2018 signed and sealed by Michael A. Piccirillo, AIA.
3. Architectural plans dated 03/19/2018 signed and sealed by Michael A. Piccirillo, AIA (6 pages).
4. A letter in support of the application was submitted with 13 signatures of abutting property owners.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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. Salomon and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Sullivan was absent.

TOWN CLERK'S OFFICE  
2018 MAY - 8 P 2:08  
TOWN OF ORANGETOWN

Suzanne Vosburg testified that they prepared slide show but did not realize that there would not be any way to present it; that she apologizes for the small pictures and continued to explain the project; that the property is part of historical Hickory Hill Community that was established in the 1950's; that the house was built in 1951 and she submitted a picture of the original certificate of occupancy; that Hickory Hill was featured in national magazines describing how much an average man can contribute towards building his own house; the topographic survey of the property shows that it is very narrow in front and widens as it goes toward the back of the property and it also slopes down quite a bit directly behind the house; that the existing house looks like a single story from one side of the house and from the rear of the house it looks like it is a two story dwelling because there are many windows in the basement level but that area is not living space because the ceiling height is low; that the proposed addition would maintain the mid-century modern aesthetic of the existing community; that the proposed additions are staying within the original footprint of the house with better use and more appreciation of outside spaces by expanding deck structures and the existing roof; that they are adding a master bedroom suite and extending the roof forward and adding a deck at the side of the house; that many houses in the area have expanded over the years; that the proposed addition has been planned to work well with the existing style of the house; that no undesirable change to the character of the neighborhood or detriment to nearby properties will be caused by the proposed additions; that many of the houses in the area have added on stories and expanded; that there is no other way to achieve the benefit than to request variances for the expansion; that the addition is for a modest master bedroom and bath that maintains the desired character of Hickory Hill that the existing house was built with non-conforming front yard, side yard, street frontage and lot width; that the requested area variance is not substantial; that the difficulties are inherited and not self-created; and they have the support of the community.

Ralf Kayser testified that the shape and topography of the property are challenging that the lot is irregularly shaped and the slope of the property exacerbates the height condition and the location of the house on the property cannot be changed.

Public Comment:

Linda Levy, 23 Hickory Hill testified that she is the neighbor to the south; that the applicants have kept them informed regarding their plans for the house all along; that the proposal will not intrude on them at all because they sit a bit higher; and that she is pleased that they are taking such care and the proposal will be an asset to the community.

Alexander Levy, 23 Hickory Hill stated that they are the closest neighbor and they are pleased that the new owners are keeping the mid-century design and they wish them luck and hope the Board grants the variances.

Martha Aiello, 35 Hickory Hill, testified that she is in support of the application; that the house needs work and these are amazing people that need to make the house work for their family; and the improvements will bring up the property value of all the surrounding houses; and she hopes the Board will grant the variances.

TOWN OF ORANGETOWN  
2018 MAY - 8 - 2: 08  
TOWN CLERK'S OFFICE

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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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 lot width, street frontage, front yard, undersized lot building height and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested lot width, street frontage, front yard, undersized lot building height and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
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 lot width, street frontage, front yard, undersized lot building height and 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.
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 lot width, street frontage, front yard, undersized lot building height and 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.

TOWN OF ORANGETOWN  
2018 MAY - 8 P 2:08  
TOWN CLERK'S OFFICE

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.

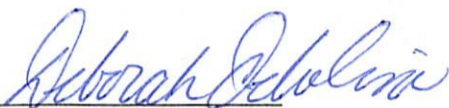
TOWN OF ORANGETOWN  
2018 MAY - 8 P 2: 08  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested lot width, street frontage undersized building height and side yard variances are APPROVED; was presented and moved by Mr. Feroldi, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Sullivan 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: May 2, 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-R.A.O.

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

TOWN CLERK'S OFFICE  
2018 MAY - 8 P 2: 08  
TOWN OF ORANGETOWN

DECISION

**CONFORMANCE TO PERFORMANCE STANDARDS APPROVED**

To: Brendan Cunney  
1 Corporate Drive  
Orangeburg, New York 10962

ZBA #18-25  
Date: May 2, 2018  
Permit # 46114

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-25: Application of Celtic Sheet Metal 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 for sheet metal operations at a 55,000 sq. ft. expansion to an existing commercial building. (Amending and adding equipment to ZBA Decision #17-77) The property is located at 1 Corporate Drive, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 73.20 Block 1 Lot 32; LIO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 2, 2018 at which time the Board made the determination hereinafter set forth.

Michael Cunney and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Warehouse layout plan showing the addition of two (2) Air Hawk Dust Collectors, AER Control Filtration Collector, AZ TECH RH, and AZ Tech 3000.
2. Air Hawk cartridge dust collectors spec sheets (7 pages).
3. AER Control Systems spec sheets (6 pages).
4. AZ TECH RH: Robotic Welding Cell Hood Type "C" spec sheets (14 pages).
5. AZ Tech: Air Cleaner Type "A" spec sheets (9 pages).
6. Use Subject to Performance Standards Resume of Operations dated March 22, 2018.
7. Fire Prevention Supplement.
8. Zoning Board of Appeals Decision # 17-77 dated October 4, 2017.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

Michael Cunney testified that they use sheet metal to fabricate pieces for air conditioning; that they are back before the Board because they added machinery that was not included in the original performance standards plan; that the addition was for a dust collector system; that they make sheet metal accessories and duct work; and that all of these machines are the same machines that are used in the other building.

Donald Brenner, Attorney, testified that the applicant is trying to satisfy everyone; that there is no work proposed for outside and the additional equipment is in the building.

The Board reviewed the Performance Standards and Fire Supplement forms.

TOWN CLERK'S OFFICE  
2018 MAY - 8 P 2:08  
TOWN OF ORANGETOWN



Public Comment:

Michael Policastro, 4 Lone Cedar Way, Old Tappan, NJ, testified that his house backs up to the this property; that he is concerned about the hours of operation and where the equipment was located.

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.

Ms. Castelli made a motion to close 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, Ms. Castelli 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 entails the ZBA engaging in a review to determine compliance with technical requirements, the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan was absent.

**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 report dated April 12, 2018 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated April 4, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); 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.

TOWN OF ORANGETOWN  
2018 MAY - 8 P 2: 08  
TOWN CLERK'S OFFICE

**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:** (1) the report dated April 12, 2018 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated April 4, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); shall be complied with; **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, 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 CLERK'S OFFICE

2018 MAY - 8 P 2:08


TOWN OF ORANGETOWN

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated April 12, 2018 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) the report dated April 4, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); shall be complied with; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Ms. Castelli, aye ; Mr. Bosco, aye; and Mr. Quinn, aye. Mr. Sullivan 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: May 2, 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-G.M.

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

TOWN CLERK'S OFFICE  
2018 MAY - 8 P 2: 08  
TOWN OF ORANGETOWN

DECISION

**FRONT YARD AND REAR YARD VARIANCES APPROVED**

To: Shannon and Michele Casscles  
30 Arlene Court  
Pearl River, New York 10965

ZBA #18-26  
Date: May 2, 2018  
Permit # 47439

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-26: Application of Shannon and Michele Casscles for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 8, (Front Yard: 30' required, 20' proposed) and 11 (Rear Yard: 30' required, 20' proposed) for a pool deck at an existing single-family residence. The premises are located at 30 Arlene Court, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.09, Block 2, Lot 30; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 2, 2018 at which time the Board made the determination hereinafter set forth.

Shannon Casscles appeared and testified.

The following documents were presented:

1. Survey dated March 11, 1953 with the pool and deck drawn on it.
2. Four pages of deck plans.
3. A letter dated April 25, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFinadra, Engineer II.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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. Salomon and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Sullivan was absent.

Shannon Casscles testified that he has two front yards; that the pool has already been installed and has a certificate of occupancy; that he is proposing a 10' x 15' trex deck at the street side of the pool because there is an existing shed and trees on the other side of the pool; that he placed the pool a distance from the house because he already installed a patio and landscaping behind the house and wants to keep the lawn area for the kids to play on; and when they get older and no longer use the pool he can knock it and the deck down since they are both above ground.

Public Comment:

TOWN CLERK'S OFFICE  
MAY - 8 2 08  
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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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 and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has a corner lot with two front yards and the property is heavily landscaped with an existing shed and mature trees.
2. The requested front yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has a corner lot with two front yards and the property is heavily landscaped with an existing shed and mature trees.
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 and rear 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 applicant has a corner lot with two front yards and the property is heavily landscaped with an existing shed and mature trees.
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 MAY -8 P 2:08  
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 and rear 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 OF ORANGETOWN  
MAY - 8 - 2018  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested front yard and rear yard variances are APPROVED; was presented and moved by Mr. Bosco, seconded by Mr. Quinn, and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Bosco, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Sullivan 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: May 2, 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-N.A. give to Rick

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

TOWN OF ORANGETOWN  
2018 MAY -8 P 2:08  
TOWN CLERK'S OFFICE