

MINUTES  
ZONING BOARD OF APPEALS  
NOVEMBER 7, 2018

MEMBERS PRESENT:

DAN SULLIVAN  
THOMAS QUINN  
JOAN SALOMON  
PATRICIA CASTELLI, arrived at 8:15 P.M.  
LEONARD FEROLDI, ALTERNATE

ABSENT:

MICHAEL BOSCO

ALSO PRESENT:

Ann Marie Ambrose,	Official Stenographer
Deborah Arbolino,	Administrative Aide
Dennis Michaels;	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:

BETHANY MAR THOMA CHURCH 90 Old Orangeburg Road Orangeburg, NY 74.09 / 1 / 64; R-80 zone	FLOOR AREA RATIO, LOT AREA, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA# 18-79
TRAYNOR 2 Gary Lane Orangeburg, NY 74.13/ 4 / 33; RG zone	FRONT YARD VARIANCE APPROVED	ZBA#18-80
KARP SITE PLAN 242 Tweed Boulevard Sparkill, NY 75.09 / 1 / 1; R-80 zone	FLOOR AREA RATIO, LOT AREA, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, BUILDING HEIGHT AND ACCESSORY STRUCTURE IN THE FRONT YARD VARIANCES APPROVED	ZBA#18-81
MOSSAFA/PEREZ 64 Swanekin Road Blauvelt, New York 69.20 / 1 / 21; R-15 zone	SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#18-82
MROZINSKI 26 Lawrence Street Tappan, New York 77.11 / 3 / 35; R-15 zone	FLOOR AREA RATIO AND ACCESSORY STRUCTURE SIDE YARD VARIANCES APPROVED	ZBA#18-83

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OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following application: Greater Hudson Bank Site Plan, 170 Erie Street, Blauvelt, NY, 70.14 / 4 / 10; CC zoning district; 622 Route 303 Subdivision Amendment Plan, 622 Route 303, Blauvelt, NY, 65.14 / 1 / 11.3; Li/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.

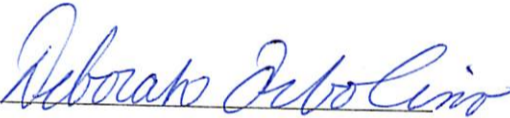
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 8:45 P.M.

Dated: November 7, 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

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TOWN CLERK'S OFFICE

DECISION

**FLOOR AREA RATIO, LOT AREA, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED**

To: John Atzl (Bethany Mar Thoma Church)  
Atzl, Nasher & Zigler PC  
234 North Main Street  
New City, New York 10956

ZBA #18-79  
Date: November 7, 2018  
Permit # 47839

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-79: Application of Bethany Mar Thoma Church for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, Section 3.12, R-80 District, Group B, Columns 4 (Floor Area Ratio: 10 permitted, .22 proposed), 5 (Lot Area: None required, 1.036 acres provided), 8 (Front Yard: 50' required, 12' proposed) 9 (Side Yard: 30' required, 4' proposed for church and 3.8' for pastors residence), 10 (Total Side Yard: 100' required, 7.8' proposed) and 12 (Building Height: 12' permitted, 23' proposed) for an addition to an existing church. The Church is located at 90 Old Orangeburg Road, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 74.09, Block 1, Lot 64; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2018 at which time the Board made the determination hereinafter set forth.

John Atzl, Land Surveyor, and Frank Phillips, Attorney, appeared and testified.

The following documents were presented:

1. Site Development Plan for "Bethany Mar Thoma Church dated June 16, 2018 with the latest revision date of 9/14/2018 signed and sealed by John R. Atzl, PLS, and Ryan A. Nasher, P.E. ( 4 pages).
2. Architectural plans dated July 18, 2017 with the latest revision dated of August 10, 2017 labeled "Proposed Addition/ Alteration for Bethany Mar Thoma Church" Issue for Review Only- Not for Construction by John Perkins, Architect, not signed or sealed.
3. A cover letter dated June 25, 2018 from Atzl, Nasher & Zigler, P.C.
4. A letter dated August 21, 2018 from the New York State Department of Environmental Conservation signed by Victoria Lawrence, Division of Environmental Permits Region 3.
5. A letter dated September 17, 2018 from New York State Parks, Recreation and Historic Preservation signed by Michael F. Lynch, P.E., AIA, Director, Division for Historic Preservation.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted

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SEQRA reviews and, on September 12, 2018 rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Frank Phillips, Attorney, testified that the project received preliminary approval and a neg dec on September 12, 2018; that they are proposing to renovate and expand the church, which used to be a Mexican restaurant; that they are not changing the existing Pastor's residence; that the property is surrounded by the State Armory on the east, Rockland State Hospital property on the north, and St. Joseph's home on the west; that the proposed addition to the church will not cause an undesirable change in the character of the neighborhood; that it will not have adverse physical or environmental effect; that the benefit cannot be achieved any other way because of the location of the building.

John Atzl testified that most of the requested variances are for pre-existing conditions; that the existing side yard on the west side of the building is 4.8' and the addition will improve the condition to 4'; that the 3.8' on the east side of the pastor's residence will remain; that no work is being done on the residence; that the total side yard will be 7.8' for both structures and the church height will increase because the congregation would like the building to look like a church; that they are decreasing the amount of impervious surface from 32,400 sq. ft. to 25,400 sq. ft. because they are removing some of the parking lot and adding planted areas; and that the site will be improved aesthetically when the work is complete.

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. 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:

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1. The requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The majority of the requested variances are for existing conditions; the floor area ratio request is not substantial for a church and the requested height of 23' for a church is reasonable for the religious use. The property is surrounded by the State Armory, Rockland State Hospital and St. Josephs.
2. The requested floor area ratio, lot area, front yard, side yard, total side 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 majority of the requested variances are for existing conditions; the floor area ratio request is not substantial for a church and the requested height of 23' for a church is reasonable for the religious use. The property is surrounded by the State Armory, Rockland State Hospital and St. Josephs.
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 floor area ratio, lot area, front yard, side yard, total side 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. The majority of the requested variances are for existing conditions; the floor area ratio request is not substantial for a church and the requested height of 23' for a church is reasonable for the religious use. The property is surrounded by the State Armory, Rockland State Hospital and St. Josephs.
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, front yard, side yard, total side 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.

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210 N. W. 15th Ave.  
ORANGETOWN, FL 32973



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

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

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

The foregoing resolution to approve the application for the requested floor area ratio, lot area, front yard, side yard, total side yard and building height variances are APPROVED; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli and Mr. Bosco were absent for this hearing.

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: November 7, 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

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NOV 15 10:13  
TOWN OF ORANGETOWN

DECISION

**FRONT YARD VARIANCE APPROVED: ZONING CODE SECTION 5.21  
UNDERSIZED LOT APPLIES**

To: Thean Traynor  
2 Gary Lane  
Orangeburg, New York 10962

ZBA #18-80  
Date: November 7, 2018  
Permit # 48098

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-80: Application of Thean Traynor for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, RG District, Group Q, Column 8 (Front Yard: 25' required, 14' proposed) for an addition to an existing single-family residence. The premises are located at 2 Gary Lane, Orangeburg, New York, and are identified on the Orangetown Tax Map as Section 74.13, Block 4, Lot 33; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2018 at which time the Board made the determination hereinafter set forth.

Thean and Colleen Traynor appeared and testified.

The following documents were presented:

1. Architectural plans dated 09/04/2018 with the latest revision date of 09/07/2018 signed and sealed by Robert Hoene, Architect. ( 2 pages)
2. Zoning Board Decision#14-17 dated March 5, 2014.

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

On advice of Dennis Michaels, 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.

Thean Traynor testified that they would like to bump out the rear of the house for an expansion of the kitchen; that they have four children and want to stay in the neighborhood; that they have a corner lot, that the kitchen addition is in the rear of the house but requires a front yard variance because they have two front yard because of being located on a corner; that they did appear before the Board previously for the addition over the garage; and the bus stop is at the corner but here has never been a problem with it; and the neighborhood is turning over an many of the house have been purchased by families with young kids.

Colleen Traynor, testified that the proposed addition to the kitchen is set back from the street far enough that it would not interfere with the site distance for any traffic; that there are bushes on the edge of the property and the bus stop has never been a problem.

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Public Comment:

Anthea Psaras, 13 Greywood Drive, Orangeburg, testified that there are three styles of homes in the neighborhood; that some changes are o-k; that this is a corner with a bus stop; that the proposed 350 sq. ft. addition is being built out instead of up and may impact the bus stop and the site line for the buses; that this may set a precedent for very large additions on small lots; and she is opposed to it for that reason.

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. 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area and the proposed addition is set back far enough from the street that it will not interfere with site lines for buses or cars coming around that corner. The lot qualifies as undersized under Zoning Code Section 5.21. Variances for 22.12 front yard, 8' side yard and 21.6' building height were granted in ZBA#14-17 dated March 5, 2014.
2. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. . Similar additions have been constructed in the area and the proposed addition is set back far enough from the street that it will not interfere with site lines for buses or cars coming around that corner. The lot qualifies as undersized under Zoning Code Section 5.21. Variances for 22.12 front yard, 8' side yard and 21.6' building height were granted in ZBA#14-17 dated March 5, 2014.
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 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. . Similar additions have been constructed in the area and the proposed addition is set back far enough from the street that it will not interfere with site lines for buses or cars coming around that corner. The lot qualifies as undersized under Zoning Code Section 5.21. Variances for 22.12 front yard, 8' side yard and 21.6' building height were granted in ZBA#14-17 dated March 5, 2014.

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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 variance (Zoning Code Section 5.21 Undersize lot applies) is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

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The foregoing resolution to approve the application for the requested front yard variance is APPROVED (Zoning Code Section 5.21 Undersized lot applies applies); was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli and Mr. Bosco were absent for this hearing.

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: November 7, 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 NOV 15 A 10:14  
TOWN OF ORANGETOWN

DECISION

**FLOOR AREA RATIO, LOT AREA, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, BUILDING HEIGHT AND ACCESSORY STRUCTURE IN THE FRONT YARD VARIANCES APPROVED (ZONING CODE SECTION 5.21 UNDERSIZED LOT APPLIES)**

To: Dennis Letson (Karp Site Plan)  
160 West Central Avenue  
Pearl River, New York 10965

ZBA #18-81  
Date: November 7, 2018  
Permit #N.A.

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-81: Application of Karp Site Plan for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12 ,R-80 District, Group A, Columns 4 (Floor Area Ratio: .10 permitted, .196 proposed), 5 ( Lot Area: 80,000 sq. ft. required, 19,152 sq. ft. existing); 8 (Front Yard: 50' required, 21.88' proposed to house, 16.51' proposed to garage) 9 (Side Yard: 30' required, 5' proposed to garage and 16' proposed to deck), 10 (Total Side Yard: 100' required, 86.30' proposed to deck and 75.3' to garage) and 12 (Building Height: 14.58' permitted, 21.88' proposed for house; 3'3" permitted for garage; 14' proposed: building height is granted based on plans submitted by Michael Esmay pages 5,6,& 7 dated 09/17/2016 ) and from Section 5.22 (Accessory Structures are not permitted in the front yard in any residential district) (Section 5.21 Undersized lot applies) for construction of a new single-family residence and garage. The property is located at 242 Tweed Boulevard, Sparkill, New York and is identified on the Orangetown Tax Map as Section 75.09, Block 1, Lot 1; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2018 at which time the Board made the determination hereinafter set forth.

Dennis Letson, Project Engineer, Michael Esmay, Architect, Peter Karp and Mark Karp appeared and testified.

The following documents were presented:

1. Site plan for Karp 242 Tweed Boulevard signed and sealed by Dennis M. Letson, P.E. & Associates. ( 2pages)
2. A cover letter dated August 31, 2018 from Dennis M. Letson, P.E. & Associates to Jane Slavin, RA, Director, Office of Building, Zoning and Planning Administration and Enforcement.( 2pages)
3. Sketch labeled "Proposed New Residence for Peter and Mark Karp by Michael Esmay, Architect dated 09/17/2016 not signed or sealed ( 2 pages).
4. A letter dated October 25, 2018 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated October 23, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated November 6, 2018 from the Rockland County Health Department signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
7. A letter dated October 10, 2018 from the County of Rockland Highway Department signed by Dyan Rajasingham, Engineer III.

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8. A letter dated October 21, 2018 from the Piermont Planning Board signed by Daniel Spitzer, Chairman, Village of Piermont Planning Board.

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

On advice of Dennis Michaels, 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: Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Dennis Letson testified that the publication is incorrect and the building height proposed at the two corners of the house is 46.3'; that the lot is a difficult lot on the west side of Tweed Boulevard; that the property has gone through several zone changes and the critical environmental area was added since his client purchased the property in 1969; that the lot is 37,761 sq. ft. but it is cut in half by the steep slope requirements; that the building is being proposed at the lowest portion of the lot to minimize the land disturbance to the slope; that the proposed house is modest; that they have no problem addressing all of the concerns from the county letters except for #3 of the Rockland County Highway letter because all of the driveways in the area cross close to each other or overlap each other in this area; that the letter from the Village of Piermont is more a reaction to property in that area that is in Piermont that has been clear cut and is having lots of problems with run-off; that they are far along in the process now and they have a neg dec from the Planning Board and they will meet all of the requirements of the critical environmental area; and he went over the criteria for granting a variance.

Michael Esmay, Architect, testified that there are three other non-conforming lots in the area; that this lot is surrounded by the cemetery and the park and is clustered on the south end of the lot; that the measurement for the height was taken through the grade of the property and at the steepest sections; and that almost every house built on Tweed Boulevard required variances.

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. Salomon and carried unanimously.

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FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, lot area, front yard, side yard, total side yard, building height and accessory structure in the front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is undersized for the district by over 40,000 sq. ft. and is further reduced because of the steep slope reduction for the critical environmental area. The proposed house and garage are proposed to be constructed on the portion of the lot that will minimize the disturbance of the lot. The applicant has owned the property since 1969 and is proposing a modest size house and garage.
2. The Board discussed the Rockland County Planning Department NYS General Municipal Law (GML) report dated October 25, 2018 and addressed the comments and concerns raised in the October 10, 2018 letter from the Rockland County Highway Department. Comment #3 from the October 10, 2018 County Highway Department signed by Dyan Rajasingham, Engineer II, has been addressed and the Board does not agree that the driveway must be five feet from a property line, and also noticed that other properties in the area have driveways that encroach closely or overlap their neighbors.
3. The building height for the garage and the house is being granted in accordance with the plans submitted for this hearing dated 09/17/2016 by Michael Esmay /Architect labeled "Proposed New Residence for Peter & Mark Karp, 242 Tweed Boulevard" pages #5, #6, and #7.
4. The requested floor area ratio, lot area, front yard, side yard, total side yard, building height and accessory structure in the front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is undersized for the district by over 40,000 sq. ft. and is further reduced because of the steep slope reduction for the critical environmental area. The proposed house and garage are proposed to be constructed on the portion of the lot that will minimize the disturbance of the lot. The applicant has owned the property since 1969 and is proposing a modest size house and garage.
5. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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6. The requested floor area ratio, lot area, front yard, side yard, total side yard, building height and accessory structure in the front 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 lot is undersized for the district by over 40,000 sq. ft. and is further reduced because of the steep slope reduction for the critical environmental area. The proposed house and garage are proposed to be constructed on the portion of the lot that will minimize the disturbance of the lot. The applicant has owned the property since 1969 and is proposing a modest size house and garage.
7. 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, front yard, side yard, total side yard, building height and accessory structure in the front yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (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

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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, front yard, side yard, total side yard, building height and accessory structure in the front yard variances are APPROVED; was presented and moved by Ms. Salomon, seconded by Mr. Quinn, and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli, and Mr. Bosco were absent for this hearing.

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: November 7, 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.

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

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TOWN OF ORANGETOWN

DECISION

**SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED**

To: Arash Mossafa  
64 Swanekin Road  
Blauvelt, New York 10913

ZBA #18-82  
Date: November 7, 2018  
Permit #48111

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-82: Application of Arash Mossafa and Andrea Perez for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Columns 9 (Side Yard: 20' required, 18' existing) and 10 (Total Side Yard: 50' required, 41.8' proposed) for an addition to an existing single-family residence. The premises are located at 64 Swanekin Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.20, Block 1, Lot 21; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2018 at which time the Board made the determination hereinafter set forth.

Arash Mossafa and Andrea Perez appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Renovation" dated March 22, 2018 with the latest revision date of October 16, 2018 signed and sealed by Bart M. Rodi, P.E.. ( 3 pages)

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

On advice of Dennis Michaels, 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. Feroldi, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Arash Mossafa testified that they would like to extend the kitchen back 17' and add a second floor over the existing sunroom for a master bedroom suite; that the side yard and total side are existing conditions and they would be going out along those lines.

Andrea Perez testified that they purchased the house from her parents and that she grew up in the house.

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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. Similar additions have been constructed in the neighborhood.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and total side yard variances, although somewhat substantial, 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. Similar additions have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard 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.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

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The foregoing resolution to approve the application for the requested side yard and total side yard variances are APPROVED; was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

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

DATED: November 7, 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

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DECISION

**FLOOR AREA RATIO AND ACCESSORY STRUCTURE SIDE YARD VARIANCES APPROVED**

To: Gerard and Kathleen Mrozinski  
26 Lawrence Street  
Tappan, New York 10983

ZBA #18-83  
Date: November 7, 2018  
Permit #48197

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-83: Application of Gerard and Kathleen Mrozinski for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 4 (Floor Area Ratio: 20% permitted, 27.5% proposed) and from Section 5.227 (Accessory Structure Side Yard: 5' required, 3.5' proposed) for a detached two-car garage at an existing single-family residence. The premises are located at 26 Lawrence Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.11, Block 3, Lot 35; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 7, 2018 at which time the Board made the determination hereinafter set forth.

Gerard Mrozinski appeared and testified.

The following documents were presented:

1. Copy of the survey with the garage location drawn on it.
2. Architectural plans dated October 5, 2018 by Harry J. Goldstein, Architect, not signed or sealed. ( 2 pages).
3. A letter from an abutting property owner objecting to the garage.

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

On advice of Dennis Michaels, 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: Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Gerard Mrozinski testified that their garage was destroyed when a neighbors tree fell on it; that the neighbor that is objecting to the garage, is the neighbor whose tree fell on it; that they would like to replace the garage in its present location and make it larger; that they do not want to move it over because the property is long and narrow and the foundation for the garage is in good shape; that the house has been in his wife's' family since the 1920's.

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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 floor area ratio and accessory structure side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. A smaller garage existed in the proposed location for many years until it was destroyed by a tree. The property is very narrow and deep.
2. The requested floor area ratio and accessory structure side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. A smaller garage existed in the proposed location for many years until it was destroyed by a tree. The property is very narrow and deep.
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 floor area ratio and accessory structure 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. A smaller garage existed in the proposed location for many years until it was destroyed by a tree. The property is very narrow and deep.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio and accessory structure 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.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


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The foregoing resolution to approve the application for the requested floor area ratio and accessory structure side yard variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

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

DATED: November 7, 2018

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

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APPLICANT  
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CHAIRMAN, ZBA, PB, ACABOR

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