

MINUTES
ZONING BOARD OF APPEALS
June 19, 2024

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN
ROBERT BONOMOLO, JR.
PATRICIA CASTELLI
BILLY VALENTINE
ANTHONY DEROBERTIS, ALTERNATE

ABSENT: THOMAS QUINN

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney
Katlyn Bettmann, Senior Clerk Typist
Anne Marie Ambrose, Official Stenographer

This meeting was called to order at 7: 00 P.M. by Mr. Bosco, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEMS:

LEAHY 37 Polhemus Street Tappan, New York 77.08 / 2 / 45; RG zone	SIDE YARD VARIANCES APPROVED REAR YARD VARIANCE REMOVED	ZBA#24-21
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SURACE 52 E. Madison Avenue Pearl River, New York 68.20 / 5 / 48; RG zone	WITHDRAWN BY APPLICANT AT MEETING	ZBA#24-27
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FISHER 7 Berachah Avenue South Nyack, New York 66.61 / 1 / 19.2; R-12HC zone	DECISION TO BE MADE AT NEXT ZBA MEETING	ZBA#24-01
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NEW ITEMS:

HARCHAOUI 62 Buchanan Street Pearl River, New York 68.14 / 3 / 35; R-15 zone	CONTINUED	ZBA#24-32
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GRIFFIN / PASSANANTI 143 Washington Spring Road Palisades, New York 78.18 / 2 / 6; R-40 zone	SIDE YARD AND § 9.2 EXPANSION OF NON-CONFORMING BUEKS SARKING ANBL VARIANCES APPROVED	ZBA#24-33
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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.

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: 1-4 Salisbury Point Site Plan – Parking Facility Improvement, 1-4 Salisbury Point, South Nyack, New York 66.78 / 1 / 27; SN-HRA zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 10:45 P.M.

Dated: June 19, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By



Katlyn Bettmann, Senior Clerk Typist

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

TOWN OF ORANGETOWN
2024 JUN 24 P 2:37
TOWN CLERK'S OFFICE

REAR YARD VARIANCE REMOVED, PRE-EXISTING NON-CONFORMING SIDE YARD VARIANCES APPROVED

To: Steve Milillo (Leahy)
23 Southward Ave
Congers, New York

ZBA #24-21
Date: April 3, 2024 & June 19, 2024
Permit # BLDR-4562-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-21: Application of John and Kristen Leahy for variances from Zoning Code (Chapter 43) of the Town of Orangetown, RG District, Group Q, Section 3.12, Columns 9 (Side Yard: 10' required, 1.1' and 1.3' existing) and 11 (Rear Yard: 25' required, 6.9' proposed) for an addition to an existing single-family residence. The premises are located at 37 Polhemus St, Tappan, New York and identified on the Orangetown Tax Map as Section 77.08, Block 2, Lot 45 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 3, 2024 at which time the Board made the determination hereinafter set forth.

At the April 3, 2024 meeting:

John Leahy, homeowner, and Steve Milillo, General Contractor, appeared and testified.

The following documents were presented for the April 3, 2024 meeting:

1. Site plans/elevation Plan labelled proposed addition and alteration, dated 11/3/2023 signed by Linda Menze, N.Y. LIC. No. 025729-1 (1 page)
2. Survey dated 6/11/2020 signed by William E. James, P.E., P.L.S.
3. Large scale color photographs of the existing home, and garage (2 pages). Submitted by the applicant at the meeting of April 3, 2024.

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

At the April 3, 2024 meeting:

Steve Milillo, General Contractor, testified that these are existing non-conforming conditions built prior to these homeowners moving in; that they moved in with this lot existing this way and that a violation search was done; that the addition has the clearances to not need any variances for side or rear yard setbacks; that when they applied for the 800' addition a violation was flagged for the existing garage; that the rear yard to the fence is what he is being denied for; that the addition is in front of the garage approximately 16" – 2'; and that the addition is not attached to the garage;

John Leahy, homeowner asked for continuance.

Public Comment:

No public comment at the April 3, 2024 meeting

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.

June 19, 2024

ZBA# 24-21: Application of John and Kristen Leahy for variances from Zoning Code (Chapter 43) of the Town of Orangetown, RG District, Group Q, Section 3.12, Column 11 (Rear Yard: 25' required, 6.9' proposed) for an addition to an existing single-family residence. The premises are located at 37 Polhemus St, Tappan, New York and identified on the Orangetown Tax Map as Section 77.08, Block 2, Lot 45 in the RG zoning district.

Members present: Michael Bosco, Chairman, Trish Castelli, Billy Valentine, Rob Bonomolo, Anthony DeRobertis, Alternate, Tom Quinn was absent.

Also present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Senior Clerk Typist

John Leahy and Kristen, homeowner, and Steve Milillo, General Contractor, appeared and testified.

The following documents were presented:

1. Site plans/elevation Plan labelled proposed addition and alteration, revised 05/10/2024 signed by Linda Menze, N.Y. LIC. No. 025729-1 (1 page)
2. A copy of the deck permit paperwork and Certificate of Occupancy from 11/15/2023, for a 14' x 20' rear deck.
3. A copy of the property title search from June of 2020, which includes 11 computer generated pictures of the existing home, a certificate of compliance for the roof dated 12/13/2019, and a predate letter dated 6/24/2020 which indicates that: One family, one and three-quarter story dwelling with one kitchen, two bedrooms, one bathroom and a full basement, a one story detached garage are all original to the house.

Mr. Bosco made a motion to open the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

Steve Milillo, General Contractor, testified that at the last meeting some of their plans were not presented; that he has since than confirmed that the garage was existing non-conforming; that he has also submitted the certificate of occupancy for the pre-existing garage and deck; that he was able to address the questions presented by the Board of whether or not the garage was attached to the addition, which it is; that there were some distances and measurements requested by the Board to be shown on a revised plan that are now shown as well; and that the two pre-existing non-conforming distances from the garage to the side yard will not changing.
On right side, side yard not changing

Mr. Bosco stated that they have done everything that was asked of them, to which the Board agreed.

Public Comment:

No public comment at the June 19, 2024 meeting

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.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; Mr. DeRobertis, aye. Mr. Quinn was absent.

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

Mr. Bosco made a motion to close the Public Hearing which motion was seconded by Mr. Bonomolo 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 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 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 variances although substantial, and affords 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 improvement, 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 variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested 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.

LEAHY ZBA#24-21
LEAHY ZBA#24-21
LEAHY ZBA#24-21

(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 variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; and Ms. Castelli, aye, Mr. DeRobertis, aye. Mr. Valentine was absent.

The Senior Clerk Typist 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: June 19, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann
Senior Clerk Typist

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR- Dom M

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

TOWN CLERK'S OFFICE
2024 JUN 24 P 2:37
TOWN OF ORANGETOWN

SIDE YARD AND SECTION 9.2 EXPANSION OF NON-CONFORMING BULK VARIANCES APPROVED

To: George Alatsas (Builder/Contractor)
17 Bluefield Lane
Blauvelt, New York 10913

ZBA #24-33
Date: June 19, 2024
Permit # BLDR-4972-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-33: Application of Daniel Griffin and Jessica Passananti, for variances from Zoning Code (Chapter 43), Group E, Column 9 (Side yard: 30' required, with 18.2' proposed) and from Section 9.2 (Degree of Non-Conforming Bulk not to be increased) for a new deck attached to an existing single-family dwelling. The premises are located at 143 Washington Spring Road, Palisades, New York and identified on the Orangetown Tax Map as Section 78.18, Block 2, Lot 6 in the R-40 zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 12, 2024 at which time the Board made the determination hereinafter set forth.

George Alatsas, Builder/Contractor, appeared and testified.

The following documents were presented:

1. Survey with bulk table received with Zoning Board submission May 10, 2024.
2. Plot plan dated April 1, 2024, prepared by George Alatsas, Builder/Contractor (1 page).
3. Survey dated October 17, 2023 signed and sealed by William E. James, P.E., P.L.S..
4. A letter dated May 21, 2024 from the New York State Department of Transportation signed by Ralph Tarulli, PE (DOT Consultant) Permit Engineer.
5. A letter dated June 11, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A "No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments" from Dyan Rajasingham, Rockland County Highway Department, dated May 22, 2024.
7. A "Comments attached" from Rockland County Planning Department signed by Jake Palant dated May 28, 2024.

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

George Alatsas testified that this is a pre-existing non-conforming lot; that the house on the lot is severely undersized for the lot; that the owners who live in the home are getting older and would like to not have as many stairs; that he will be removing the existing stairs at the rear of the home and in their place he will be attaching a new deck to the rear of the home; that the new deck will be in line with the house and will not go past the measurements of the house; that the pre-existing non-conforming side yard distances are not going to be changing; that the home is heavily vegetated and should not affect the neighbors in any way nor is it viewable from the street.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; Mr. DeRobertis, aye. Mr. Quinn was absent.

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TOWN OF ORANGETOWN

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. Bosco 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 § 9.2 expansion of non-conforming bulk variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar decks have been built in the area.
2. The requested side yard and § 9.2 expansion of non-conforming bulk variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar decks have been built in the area.
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 § 9.2 expansion of non-conforming bulk variances although substantial, and affords 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 decks have been built in the area.
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 variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested side yard and § 9.2 expansion of non-conforming bulk variances 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.

The foregoing resolution to approve the application for the requested side yard and § 9.2 expansion of non-conforming bulk variances are APPROVED; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; and Ms. Castelli, aye, Mr. DeRobertis, Aye. Mr. Quinn was absent.

The Senior Clerk Typist 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: June 19, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann
Senior Clerk Typist

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR- Ken L.

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

TOWN CLERK'S OFFICE
2024 JUN 24 P 2:38
TOWN OF ORANGETOWN