#### **ZONING BOARD OF APPEALS**

Town of Orangetown

20 Greenbush Road

Orangeburg, New York 10962

(845) 359-8410 (ex. 4316)

Date: September 3, 2024

TO: OBAPAE

Rockland County Sewer District #1

New York State Dept. of Transportation Palisades Interstate Park Commission

✓ Orange and Rockland Utilities

✓ Veolia

✓CSX

ACOE

✓ Rockland County Drainage

✓ Rockland County Health

✓ Rockland County Planning

Rockland County Highway NYS Dept of Environmental

Conservation

This matter is scheduled for: October 16, 2024

Review of Plans: Gallagher, 43 W Lewis Avenue, Pearl River, New York

Section: 68.12 Block: 1 Lot: 43; RG zone

RG District, Section 3.12, Group Q, Column 9 (side yard: 10' required, 7' 2- ½" proposed), Column 11(rear yard: 25' required, 19' 9-1/2" proposed) for an addition at a single-family residence. The premises are located at 43 W Lewis Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 1, Lot 43 in the RG zoning district.

Please review the information enclosed and provide comments. These comments may be mailed, or e-mailed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: KBettmann@orangetown.com

## **Zoning Board Meeting Date: October 16, 2024**

- () Comments attached
- () No Comments at this time. Please send future correspondence for review.
- () No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on <u>Wednesday</u>, October 16, 2024. Kindly forward your completed review to this office by October 16, 2024.

Reviewing Agency		
Name:	Date:	
Signature:		
Thank you, Katlyn	Bettmann	

Please check all thaCommercial Planning Board Zoning Board of Appeals	t apply:Residential Historical Board Architectural Board
Subdivision Number of Lots Site Plan Conditional Use	Consultation Pre-Preliminary/Sketch Preliminary Final Interpretation
Special Permit Variance Performance Standards Review Use Variance Other (specify):	PERMIT#: BLDR - 4680 - 24 ASSIGNED INSPECTOR: Glan  Referred from Planning Board: YES / NO
	If yes provide date of Planning Board meeting:
Project Name:	
Street Address: 43 W Cewis Au Peac   River, NY 1	0965
Tax Map Designation:  Section: 68.12 Block: Block: Block:	Lot(s):
Directional Location:	
On the Wost side of Cewis  Lo feet South of the intersection  Town of Character in the hamlet/village of Parcel  Acreage of Parcel  School District Pear River  Ambulance District	Zoning District Rb  Postal District Pear River  Fire District Pear River
Water District Veolia	Sewer District Orangetown
Project Description: (If additional space required, ple 18 x 32 living room col dinny room exist is residence. 8 x 16 front ex	on Addition or side of
The undersigned agrees to an extension of the statutory time!  Date: 80904 Applicant's Signature:	imit for scheduling a public hearing VED
	AUG 2 8 2024
	TOWN OF ORANGETOWN LAND USE BOARDS

## **APPLICATION REVIEW FORM**

# FILL IN WHERE APPLICABLE. (IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

lf subdivis	sion:
1)	Is any variance from the subdivision regulations required?
2)	Is any open space being offered? If so, what amount?
3)	Is this a standard or average density subdivision?
if site plai	ղ:
1)	Existing square footage
2)	Total square footage
3)	Number of dwelling units
If special	permit, list special permit use and what the property will be used for.
Environm	nental Constraints:
Are there ale	opes greater than 25%? If yes, please indicate the amount and show the gross
and net area	
Are there st	reams on the site? If yes, please provide the names
Are there we	etlands on the site? If yes, please provide the names and type:
<b>Project H</b>	istory:
Has this pro	ect ever been reviewed before?
If so, provide	a narrative, including the list case number, name, date, and the board(s) you appeared
before, and	the status of any previous approvals.
• *	
List tax map	section, block & lot numbers for all other abutting properties in the same ownership as
this project.	



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

20 Greenbush Road Orangeburg, N.Y. 10962

Jane Slavin, R.A. Director (845)359-8410

Fax: (845) 359-8526

D .	9 6 94	G	60.10	DI I	1	T -4.	43
Date:	8.6.24 Gallagher	Section:	68.12	Block:	1	Lot:	TO
			Divor NV				
800-00-00-00-00-00-00-00-00-00-00-00-00-	43 W Lew		river, in r				
RE: Applic	eation Made a	t: Same					
Referred For:							
Chapter 43, RG I Required Rear Y				rd 10' with 7'	2-1/2" pro	posed. Colu	um 11,
2 Variances requ	ired						
Comments:	dition						
					trillo-		
Dear Gallagher		_1					
Please be advised 2.9.24 the Zoning Board before the board.	has been refe of Appeals,	erred to the Katlyn Bettr	Town of Or	rangetown Zo	ning Boar e preparat	d of Appeal	150
Sincerely, Richard O Deputy Bu	liver filding Inspect	tor	8/6/2	4	TO	AUG 2 8 OWN OF ORA LAND USE	ANGETOWN
	of Director EASE KEEP FOI	Diji R YOUR REG	CORDS		CC:	Date Liz DeC	

VIS	PRINT KEY	NAME	ADDRESS	
2489	68.11-3-37	MJDM Crooked Hill Road LLC	4 Revere Ct,Old Tappan, NJ 07675	
2489	68.11-3-38	MJDM Crooked Hill Road LLC	4 Revere Ct,Old Tappan, NJ 07675	
2489	68.11-3-39	TAC Pearl River LLC James Vo	Building One, 3565 Piedmont Rd NE Ste 200, Atlanta, GA	30305
2489	68.12-1-25	Frank Barresi	272 Railroad Av, Pearl River, NY 10965	
2489	68.12-1-26	Joseph A Jakubowski Jr	62 W Crooked Hill Rd, Pearl River, NY 10965	
2489	68.12-1-27	Robert Gabalski	54 W Crooked Hill Rd, Pearl River, NY 10965	
2489	68.12-1-38	William M Lennox	47 W Carroll St, Pearl River, NY 10965	
2489	68.12-1-39	Charles Mc Gillick	53 W Carroll St, Pearl River, NY 10965	
2489	68.12-1-40	Anik Hajra	57 W Carroll St, Pearl River, NY 10965	
2489	68.12-1-41	Karen Heffernan	63 W Carroll St, Pearl River, NY 10965	
2489	68.12-1-42	John Parisi	62 W Carroll St, Pearl River, NY 10965	
2489	68.12-1-43	Brendan Gallagher	43 W Lewis Av, Pearl River, NY 10965	
2489	68.12-1-44	Michael A Natirboff	39 W Lewis Ave, Pearl River, NY 10965	
2489	68.12-1-45	Mary Klass	33 W Lewis Ave, Pearl River, NY 10965	
2489	68.12-1-46	Michael Mc Cue	21 W Lewis Av, Pearl River, NY 10965	
2489	68.12-1-54	Edwin J Nelson	24 W Lewis Av, Pearl River, NY 10965	
2489	68.12-1-55	Kevin Mc Govern	32 W Lewis Av, Pearl River, NY 10965	
2489	68.12-1-56	Michael Healy	40 W Lewis Ave, Pearl River, NY 10965	
2489	68.12-1-57	Jonathan E Eberlein	48 W Lewis Ave, Pearl River, NY 10965	
2489	68.12-1-58	Thomas JM Riemenschneider	240 Railroad Ave, Pearl River, NY 10965	
2489	68.12-1-59	Kam Pan Lam	47 W George Ave, Pearl River, NY 10965	
2489	68.12-1-60	Robert H Baker	41 W George Av, Pearl River, NY 10965	
2489	68.12-1-61	Bridget Garry	31 W George Ave, Pearl River, NY 10965	



Un

Frank Frank

#### **DECISION**

## SIDE YARD, REAR YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: Brendan and Ava Gallagher 43 W. Lewis Avenue Pearl River, New York 10965 ZBA #15-23 Date: March 18, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-23:Application of Brendan Gallagher for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, RG District, Group Q, Columns 9 (Side Yard: 10' required, 7.2' proposed), 11 (Rear Yard: 25' required, 19.8' proposed) and 12 (Building Height: 9.6' permitted, 15.67' proposed) for an addition to an existing single-family residence. The premises are located at 43 West Lewis Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 1, Lot 43; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 18, 2015 at which time the Board made the determination hereinafter set forth.

Brendan Gallagher appeared and testified.

The following documents were presented:

1. Copy of site plan and bulk table not dated. (1 page).

2. Architectural elevation drawings dated 3/5/2013 revised 10/08/2014 by Robert Hoene, Architect.

- 3. A letter dated February 18, 2015 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
- 4. A letter dated March 6, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning,
- 5. A letter dated February 23, 2015 from the County of Rockland Sewer District No.1 signed by Joseph LaFiandra, Engineer II.

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. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Mr. Quinn and Mr. Bosco were absent.

Brendan Gallagher testified that they are proposing to add a living room and dining room with storage area above it; that they have owned the house for ten years; that they have four children ages 18,13, 6 and 3; that they need more living space; that similar additions have been constructed in the area; and that the proposed addition is in keeping with the character of the neighborhood.

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LOWN 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. 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, rear yard and building height 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, rear yard and building height 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, rear 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. 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.

TOWN CLERKS OFFICE TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested side yard, rear 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.
- (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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Gallagher ZBA#15-23 Page 4 of 4

The foregoing resolution to approve the application for the requested side yard, rear yard and building height variances was presented and moved by Mr. Feroldi, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Quinn and Mr. Bosco were 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: March 18, 2015

ZONING BOARD OF APPEALS TOWN OF ORANGETOWN

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 CLERKS OFFICE 2015 APP 1 03

# Private Residence - Proposed Addition

43 West Lewis Ave. Pearl River NY 10965 sbl 68.12-1-43, p4680-24

Town of Orangetown MEETING OF:

OCT 16 2024

ZONING BOARD OF APPEALS



AUG 28 2024

TOWN OF ORANGETOWN LAND USE BOARDS

Current 2020 International Residential Code and 2020 International Building Code of New York State Current 2020 Energy Conservation Construction Code of New York State

- All work performed shall comply with all requirements of the New York State building and energy code.

  2. Contractor to verify all dimension and conditions prior to starting construction. Any discrepancies shall be
- documents.

  4. For design purposes, load values for these plans were taken from Table R401.4 under "sand sitty, sand, clayey sand, sitty gravel, and clayey gravel" having a minimum load bearing pressure of 2,000 PSF. Site with soil values appearing less than 2,000 lbs shall be tested to locate virigin soil with approved bearing value prior to footing installation. The architect shall be notified of these findings for redesign of footings, foundation and slab where applicable.
- All concrete work shall be transit mixed stone concrete developing a strength of 3,000 PSI at 28 days. 5. All concrete work shall be transit mixed stone concrete developing a strength of 3,000 PSI at 28 days.
  6. All lumber shall be sound dry material. All lumber shall be construction grade douglas fir or kiln-dried spruce with the following min. stress: Fb= 1,500 PSI, and E: 1,750,000.
  7. All electrical work shall conform to the requirements of the NBFU and the local utility company.
  8. All plumbing work shall conform to all state and local codes.
  9. All heating work shall conform to all state and local codes.

- 9. All neating work shall commorn to all state and local cooke.
  10. The contractor shall be responsible for notifying the architect and the owner in case of any discrepancies between removal noted on the drawings and that which would be required for completion of the project or that might jeopardize the structural integrity of the building. All structure shall be carefully supported throughout the removal of any bearing walls so that the building experiences no loss of integrity.
  11. Headers over all doors, windows, and other openings under 6°-0" shall be (2) 2x10 unless otherwise noted. Header openings 6° to 8° shall receive (3) 2x10 or (2) 2x12 headers in exterior walls, unless otherwise
- Provide double floor joist below parallel partitions
   Install C02 detectors as required by code.

Provide smoke detectors (hard wired) in all bedrooms, hall areas (near bedrooms), attic, and basement. Installation to meet all codes. Provide carbon monoxide detectors in locations as required by code.

#### STAIR NOTES:

- STAIR NOTES:
  Typical exterior stair / handrail requirements (meet New York State code requirements):

  1. Max Riser height 8 1/4"
  2. Minimum tread depth 9" plus minimum nosing 3/4"
  3. Handrails 36" AFF
  4. Spindle spacing as such to restrict the passage of a 4" sphere

#### STRUCTURAL DESIGN LOADING:

Drawings are designed for and comply with the below requirements:

#### TABLE R301.5:

20 lbs/sf LL + 10 lbs/sf DL = 30 PSF 60 lbs/sf LL + 10 lbs/sf DL = 70 PSF Attic: Exterior Balconies: Fire Escapes: 40 lbs/sf LL + 10 lbs/sf DL = 50 PSF Guardrail & Handrails: 
 Guardrail & Handrails:
 200 lbs/sf LL + 20 lbs/sf DL = 220 PS

 Guardrail infil Composition:
 50 lbs/sf LL + 10 lbs/sf DL = 60 PSF

 Passenger Vehicle Garages:
 20 lbs/sf LL + 10 lbs/sf DL = 30 PSF

 Non-Sleeping Rooms:
 30 lbs/sf LL + 10 lbs/sf DL = 50 PSF

 Sleeping Rooms:
 30 lbs/sf LL + 20 lbs/sf DL = 50 PSF

 Decks:
 0 lbs/sf LL + 10 lbs/sf DL = 50 PSF

1	ROOF SLOPE.	i indutary loaded area for any structural memb			
		0 - 200 sf	201 - 600 sf	over 600 :	
	Flat, or rise less than 4" per foot (1:3)	20	16	12	
	Rise 4" per foot (1:3) to less than 12" per foot (1:1)	16	14	12	
	Rise 12" per foot (1"1) or greater	12	12	12	

#### TABLE R301.7:

TABLE R301.7:
Rafters having slope greater than 3/12:
(wo finished ceiling attached)
Interior walls & partitions:
Floors & plastered ceilings:
All other structural members:
Exterior walls w plaster or stucco finish:
Exterior walls - wind loads w brittle finishes:
Exterior walls - wind loads w brittle finishes:
Exterior walls - wind loads w brittle finishes:
Exterior walls - wind loads w floatible finishes: H/180 L/360 L/240 H/360 L/240

#### BUILDING THERMAL ENVELOPE REQUIREMENTS:

The building thermal envelope shall be sealed to limit infiltration. Refer to section N1102.4.1 of the 'NEW YORK STATE RESIDENTIAL CODE' regarding areas requiring caulking, weatherstripping, tor other suitable

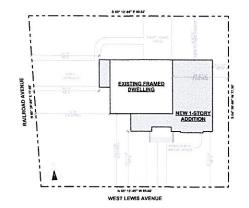
#### N1101.4 - Zone #5 (Rockland County, NY)

N1102.5 - Provide sheet polyethylene non-perforated aluminum foil or approved alternate on Basement / AT 102.5 - Floring since payaging the control of Garage stud walls
N1102.5.3 - All minimum clear air spaces and vented openings for vented cladding shall comply
N1103 - All systems shall comply with this section
N1401.3 - All mechanical information shall be provided by the mechanical contractor

#### NEW YORK STATE ENERGY EFFICIENCY RELATED REQUIREMENTS FOR DETACHED ONE & TWO FAMILY DWELLINGS TABLE N1102.1:

LOCATION	PERFORMANCE REQUIRED	PERFORMANCE PROVIDED	
CEILING	R-49	R-49	-
WALL	R-21	R-21	_
FLOOR	R-30	R-30	7
GLAZING	U-27	U-27	_
BASEMENT WALL	R-10	R-10	
SLAB EDGE (ON GRADE)	R-10	R-10	_
CDAWI SPACE	D 10	D 10	-

(RG - ZONE) W. LEWIS AVE, PEARL RIVER, NY	REQUIRED	EXISTING	PROPOSED
LOT SIZE**	10,000 sf	6,801 sf	6,801 sf
MINIMUM LOT WIDTH	100' - 0"	85' - 0"	85' - 0"
FRONT YARD SETBACK (W. LEWIS)	25' - 0"	33' - 1 1/4"	25' - 1 1/4"
REAR YARD SETBACK	25' - 0"	19' - 9 1/2"	19' - 9 1/2"
SIDE YARD SETBACK (EAST)	10' - 0"	25' - 2 1/2"	7' - 2 1/2"
FRONT YARD SETBACK (RAILROAD)	25' - 0"	33' - 8"	29' - 6"
FLOOR AREA RATIO	30% (2,040 sf)	17.12% (1,164 sf)	28.60% (1,945 sf
BUILDING HEIGHT	20' - 0"	19' - 8"	19' - 8"



SITE PLAN



695 sf

469 sf

All ideas, designs, arrangements and plans indicated or epresented in this drawing are owned by and are the propert of Joseph Martin Architect and were created, evolved and developed for use on, and in connection with, the specified

#### Private Residence

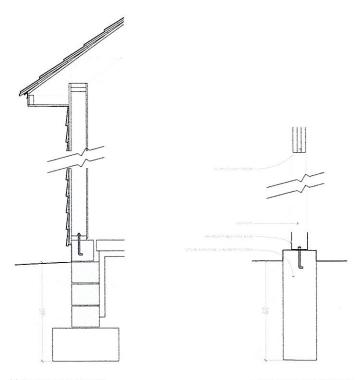
Owner Info: Brendan & Ara Gallagher Private Residence 43 West Lewis Ave. Pearl River NY 10965

### Cover Page

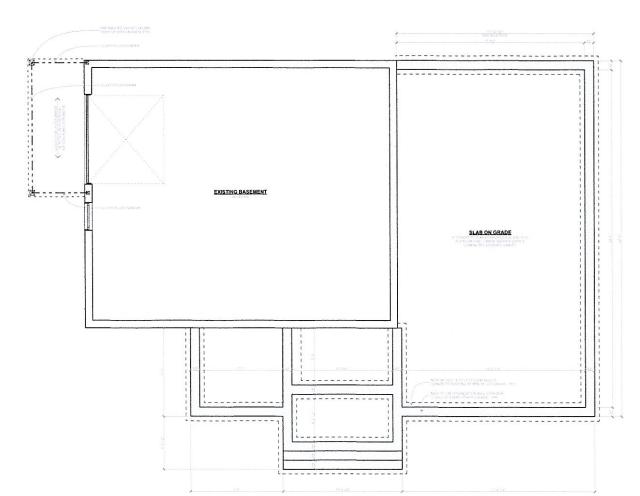
Joseph Martin, RA 63 8th Ave. Suite 3B, Brooklyn, NY 11217

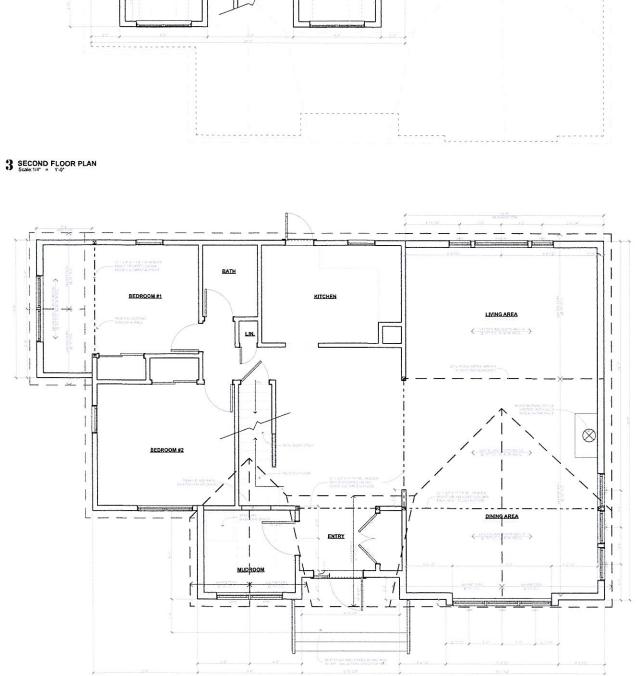


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CLOSET

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## Private Residence

Owner Info: Brendan & Ara Gallagher Private Residence 43 West Lewis Ave, Pearl River NY 10965

### Floor Plans

Joseph Martin, RA 63 8th Ave. Suite 3B, Brooklyn, NY 11217 joseph.martin.design@gmail.com 248.894.8374



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2 FIRST FLOOR PLAN Scale: 1/4" = 1'-0"



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## Private Residence

Owner Info: Brendan & Ara Gallagher Private Residence 43 West Lewis Ave. Pearl River NY 10965

## Elevations & Perspectives

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