

MINUTES
ZONING BOARD OF APPEALS
September 4, 2024

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN
 ROBERT BONOMOLO, JR.
 BILLY VALENTINE
 THOMAS QUINN

ABSENT: PATRICIA CASTELLI
 ANTHONY DEROBERTIS, ALTERNATE

ALSO, PRESENT: Dennis Michaels, Deputy Town Attorney
 Katlyn Bettmann, Senior Clerk Typist
 Patrizia Beers, 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

NEW ITEMS:

WHITE 7 Sickletown Road Pearl River, New York 69.19 / 1 / 24; R-40 - zone	CONTINUED	ZBA#24-41
QUARTER WATERS, LLC. 667 Oak Tree Road Palisades, New York 78.17 / 2 / 31; R-40 - zone	APPROVED	ZBA#24-42
MCANDREW 4 Regina Court Blauvelt, New York 69.16 / 3 / 21; R-40 - zone	APPROVED	ZBA#24-43
OLIVA 11 Sandra Lane Pearl River, New York 69.14 / 3 / 59; R-15 - zone	APPROVED W CHANGES	ZBA#24-44
PACELLA 10 Blauvelt Road Blauvelt, New York 70.13 / 2 / 34; R-15 - zone	APPROVED	ZBA#24-45

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

TOWN CLERK'S OFFICE

TOWN OF ORANGETOWN

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: One Blue Hill Plaza Tree Remediation Plan, One Blue Hill Plaza, Pearl River, New York 73.05 / 1 / 54; OP 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 8:15 P.M.

Dated: September 4, 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 SEP 11 A 10:17
TOWN CLERK'S OFFICE

DECISION

FENCE HEIGHT VARIANCE APPROVED

To: Julia Burrer (Quarter Waters, LLC.)
360 Oak Tree Road
Palisades, New York 10964

ZBA #24-42
Date: September 4, 2024
Permit # BLDR-5349-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-42: Application of Quarter Waters, LLC., for variances from Zoning Code (Chapter 43), R-40 District, Group E, Section 5.226 (fence height: 6' permitted, with 8' proposed) for an existing fence installed on the rear property line at a single-family dwelling. The premises are located at 667 Oak Tree Road, Palisades, New York and identified on the Orangetown Tax Map as Section 78.17, Block 2, Lot 31 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 4, 2024 at which time the Board made the determination hereinafter set forth.

Julia Burrer, project manager, and Cellem Wolk, agent of the owner, appeared and testified.

The following documents were presented:

1. Drainage and SESC plan, dated April 10, 2023 signed and sealed by Thomas W. Skrable, P.E..
2. Drawing of Fence line, by Jan Fence, dated September 17, 2023.
3. Computer generated pictures of the fence, supplied by the applicant at the time of submission (3 pages).
4. A letter dated August 22, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated July 12, 2024 from Rockland County Health signed by Elizabeth Mello, P.E. Senior Public Health Engineer
6. A letter dated September 4, 2024, from the Palisades Community Center submitted by the Applicant at the Zoning Board meeting of September 4, 2024.

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

Cellem Wolk testified that the property is a large mostly wooded piece of land; that this is an eight (8') foot deer fence which replaced the same in kind; that the pre existing deer fence was in terrible condition and needed to be repaired many times whenever a storm would come; that the previous fence existed at the time of the home being purchased by the current owner, who has resided in the home for approximately four years; that the current homeowner has done several projects since living there, all done legally and well, including an addition, a pool house, and a pool; that when the building inspector visited the property they had no record of the fence building installed so there are appearing in front of the boards now in order to legalize the existing fence; that the only neighbor in view of the fence is the Palisades Community Center and that they have a letter in support; that the fence is now already covered in vines and is barely visible.

On advice of Dennis Michaels, 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; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were absent.

TOWN CLERK'S OFFICE
2024 SEP 11 A 10:17
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 Mr. Valentine 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 fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The only neighbor who is in view of the fence is in support of the project.
2. The requested fence height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The only neighbor who is in view of the fence is in support of the project.
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 fence height variance 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. The only neighbor who is in view of the fence is in support of the project.
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 fence height variance is APPROVED; and FURTHER RESOLVED,(1) Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN CLERK'S OFFICE
2024 SEP 11 A 10:18
TOWN OF ORANGETOWN

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 fence height variance is APPROVED; and FURTHER RESOLVED, (1) Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code; was presented and moved by Mr. Bonomolo, seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were 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: September 4, 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 OF ORANGETOWN
2024 SEP 11 A 10:18
TOWN CLERK'S OFFICE

DECISION

REAR YARD VARIANCE APPROVED

To: John McAndrew
4 Regina Court
Blauvelt, New York 10913

ZBA #24-43
Date: September 4, 2024
Permit # BLDR-3738-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-43: Application John McAndrew, for variance from Zoning Code (Chapter 43), R-40 District, Section 3.12, Group E, Column 11 (rear yard: 50' required with 35' proposed) for a deck at a single-family residence. The premises are located at 4 Regina Court, Blauvelt, New York and identified on the Orangetown Tax Map as Section 69.16, Block 3, Lot 21 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 4, 2024 at which time the Board made the determination hereinafter set forth.

John and Patricia McAndrew, homeowners, appeared and testified.

The following documents were presented:

1. Architectural plans, labelled "proposed wood deck" Patricia & John McAndrew dated June 4, 2024 signed and sealed by John Perkins, Architect, P.L.L.C. (3 pages).
2. Site plan, labelled "proposed deck for" 4 Regina Ct., with the most recent revision date of July 1, 2024, signed and sealed by Anthony R. Celentano, P.L.S.
3. Survey dated December 8, 2023 signed and sealed by Anthony R. Celentano, P.L.S.
4. A letter dated August 2, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated July 17, 2024 from Palisades Interstate Park Commission signed by Matthew Shook, Director of Development & Special Projects.
6. A "comments attached" from Rockland County Department of Planning sign by Jake Palant, dated July 19, 2024.

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

John McAndrew testified that in November of 2022 they lost their home to a fire; that they have kept the home to the same footprint with the exception of the deck; that the deck came out a little more than the previous deck; that in their back yard is approximately fifty (50') feet to sixty (60') feet and then begins the Palisades Interstate Parkway and wooded area.

On advice of Dennis Michaels, 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; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were absent.

TOWN CLERK'S OFFICE
2024 SEP 11 A 10:18
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 Mr. Quinn 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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar decks exist in the area.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar decks exist 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 rear yard variance 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 exist 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 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 rear yard variance is APPROVED; and FURTHER RESOLVED, to override comments from the August 2, 2024 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, comment #2 because the Zoning Board cannot force another agency to conduct a review; and comment #3 because as this is a rear yard abutting the Palisades Interstate Parkway the DSL is irrelevant; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN OF ORANGETOWN
2024 SEP 11 A 10:18

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.

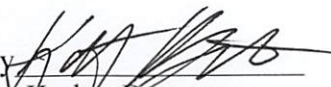
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 rear yard variance is APPROVED; and FURTHER RESOLVED, to override comments from the August 2, 2024 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, comment #2 because the Zoning Board cannot force another agency to conduct a review; and comment #3 because as this is a rear yard abutting the Palisades Interstate Parkway the DSL is irrelevant; was presented and moved by Mr. Quinn, seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were 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: September 4, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
X Katlyn Bettmann
Senior Clerk Typist

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR – Glenn M

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

TOWN CLERK'S OFFICE
2024 SEP 11 A 10:18
TOWN OF ORANGETOWN

DECISION

SIDE YARD AND TOTAL SIDE YARD AREA VARIANCES APPROVED, WITH SPECIFIC CONDITION; VARIANCES FROM ZONING CODE §4.5 (SINGLE-FAMILY CONVERSION §4.52, §4.54, §4.58, AND SQUARE FOOTAGE) DETERMINED TO NOT BE REQUIRED.

To: Michael Gaines (Oliva)
11 Sandra Lane
Pearl River, New York 10965

ZBA #24-44
Date: September 4, 2024
Permit # BLDR-5323-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-44 Application of Kristin Oliva, for a variance from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 9 (side yard: 20' required, with 13.5' proposed), Column 10 (total side yard: 50' required, with 30.1' proposed), from Section 4.52 (no significant exterior change, with addition being added), from Section 4.54 (shall be only 1 front entrance, with 2 proposed), from Section 4.58 (owner must have resided in dwelling for a minimum of 15 years, with 3 years proposed), and from use table 3.11 for R-80, Column 2, #7(maximum square foot: 600 s.f. permitted, with 628 s.f. proposed) for a single story addition to an existing single family residence, for a restricted two family. The premises are located at 11 Sandra Lane, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.14, Block 3, Lot 59 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 4, 2024 at which time the Board made the determination hereinafter set forth.

Kristin Oliva, homeowner, and Janet Gaines, applicant, appeared and testified.

The following documents were presented:

1. Architectural plans, labelled "one-story addition" Oliva Residence dated May 21, 2023 signed and sealed by Harry J. Goldstein, R.A., (2 pages).
2. Survey dated May 15, 2024 signed and sealed by Robert E. Sorace, P.L.S..
3. A drainage study, dated March 25, 2024, prepared by Michael J. Calise, P.E., (9 pages).
4. A letter dated September 2, 2024 from Shannon Schneider submitted by the applicant, at the ZBA meeting of September 4, 2024.
5. An email dated September 4, 2024 from Emily Christopher submitted by the applicant, at the ZBA meeting of September 4, 2024.

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

Kristen Oliva testified that she would like to have a single story addition done at her home; that she has three boys that are only getting bigger and they could also utilize the space; that when her family comes to visit from Florida or they have guests this would be used; that when she filled out her permit application she wrote this as a single story addition and does not know when it was changed to a two family, as it will not be; that if the front door is what causes an issue that could be changed; that she would still like to have an entrance door to this addition for anyone who may be staying in the guest area at the time, but that the door remaining at the front of the house is not necessary; that the door can go right into the family room;

On advice of Dennis Michaels, 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; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were absent.

TOWN OF ORANGETOWN
SEP 10 5 11 38 2024

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 Mr. Valentine 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 area 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 area 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 these area variances.
4. The requested side yard and total side yard area 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 variances.

The Board also found, and concluded that this is **not** an application pursuant to Local Law #7 of 1981, also known as § 4.5 of the Zoning Code, and that this application was **not** reviewed by the Board as requesting approval under said § 4.5, nor is it a restricted two-family house due to the proposed addition having open, unimpeded and non-exclusive access from the rest of the house. Chairman Bosco made a motion to approve the side yard, and total side yard, area variances (as modified to exclude the § 4.52, § 4.54, § 4.58, and maximum square footage variances;-), with the Specific Conditions (1) that there only be one exterior entryway in the front façade, and that the second exterior entryway in the front façade (as had been proposed) be relocated to the side or rear of the house, and (2) that revised architectural drawings, showing said changes, must be submitted, and satisfactory, to the Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE); which motion was seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; Mr. Quinn, aye; Ms. Castelli and Mr. DeRobertis were absent.

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, area variances (as modified to exclude the §4.52, §4.54, §4.58, and maximum square footage, variances) is APPROVED, with the Specific Conditions (1) that there only be one exterior entryway in the front façade, and that the second exterior entryway in the front façade (as had been proposed) be relocated to the side or rear of the house, and (2) that revised architectural drawings, showing said changes, must be submitted, and be satisfactory, to OBZPAE; 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.

The foregoing Resolution was presented and moved by Chairman Bosco, seconded by Mr. Bonomolo, and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; Mr. Quinn, aye. Ms. Castelli and Mr. DeRobertis were absent.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

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

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

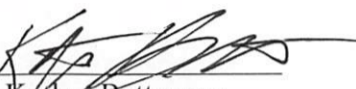
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown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

TOWN OF ORANGETOWN
SEP 11 10:19 AM '24

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: September 4, 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 – Mike M.

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

TOWN OF ORANGETOWN
2024 SEP 11 A 10:19
TOWN CLERK'S OFFICE

DECISION

SIDE YARD VARIANCE APPROVED

To: Steve Liscio(Pacella)
110 Swanekin Road
Blauvelt, New York 10913

ZBA #24-45
Date: September 4, 2024
Permit # BLDR-5438-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-45: Application of James and Tayla Pacella, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 9 (side yard: 20' required with 11' proposed) for an addition at a single-family residence. The premises are located at 10 Blauvelt Road, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.13, Block 2, Lot 34 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 4, 2024 at which time the Board made the determination hereinafter set forth.

Steve Liscio, Contractor, and James Pacella appeared and testified.

The following documents were presented:

1. Architectural plans labelled Pacella residence. dated January 27, 2023 signed and sealed by Harry J. Goldstein, R.A., (2 pages).
2. Survey dated September 24, 1966 signed and sealed by William A. Yuda, P.E..
3. A letter dated August 2, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. An email dated August 16, 2024 from Orange and Rockland Utilities, Inc. signed by Alfred Gaddi, P.E..

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

James Pacella testified that him and his wife have an expanding family and a newborn at home; that they are in need of some more room in their home and would like to put on an addition; that the addition is a rear dormer only; that they are going no closer to the side yard property line than what is existing;

Mr. Valentine asked if the addition was going any closer to the side yard property line than the existing home?

On advice of Dennis Michaels, 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; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were absent.

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.

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2024 SEP 11 A 10: 20

TOWN OF ORANGETOWN

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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been built in the area.
2. The requested side 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 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 variance 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 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 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 variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN OF ORANGETOWN
2024 SEP 11 A 10:33
TOWN CLERK'S OFFICE

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

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

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

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

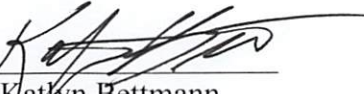
TOWN OF ORANGETOWN
2024 SEP 11 A 10:33
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested side yard variance is APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Mr. Quinn, aye; Mr. Valentine, aye. Ms. Castelli and Mr. DeRobertis were 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: September 4, 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 – Glenn M

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

TOWN OF ORANGETOWN
2024 SEP 11 A 10:33
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