

MINUTES
ZONING BOARD OF APPEALS
September 18, 2024

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

ABSENT: THOMAS QUINN
ANTHONY DEROBERTIS

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

NEW ITEMS:

O'ROURKE
97-99 Old Western Highway
Blauvelt, New York
70.09 / 1 / 50; R-15 zone

CONTINUED

ZBA#24-46

NELSON
15 Eimer Street
Tappan, New York
77.08 / 1 / 48; RG zone

FLOOR AREA RATIO &
FRONT YARD VARIANCES
APPROVED WITH CONDITION

ZBA#24-47

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

TOWN CLERK'S OFFICE

2024 SEP 26 P 12: 26

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: Caruana Re-Subdivision Plan Review, 65 & 81 Rockland Road, Sparkill, New York 75.17 / 2 / 1.3; R-40 zone; Pentecostal Council Refuge of Salvation Site Plan, 575 Route 303, Blauvelt, New York 70.15 / 1 / 45; CC zone; Praxair Site Plan, 542 Route 303, Blauvelt, New York 70.19 / 1 / 46; LO zone; 18 DeLongis Court Existing Retaining Wall, 18 DeLongis Court, Sparkill, New York 77.12 / 1 / 34.3; RG zone; Mativ Holding Inc. Site Plan / Parking Plan, 25 Corporate Drive, Orangeburg, New York 73.19 / 1 / 6; LIO 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 18, 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 26 P 12: 26
TOWN CLERK'S OFFICE

PB# 24-45
575 Route 303
Blauvelt, NY
70.15-1-45

September 5th 2024

Pentecostal Council Refuge of Salvation

Site Plan Review

Change all adjacent properties to lighter shades for a clear review of the site plan for this application.

The variance measurements are not clear on the side setback, front setback, etc.

The main issue is the number of parking spots. Allowing anything below what is required amount is going to create an issue for route 303. This will be a concern even with 43 spots.

Michael J. Bosco
Michael J BOSCO
Chairman ZBA

RECEIVED
SEP 12 2024
TOWN OF ORANGETOWN
LAND USE BOARDS

TOWN OF ORANGETOWN
2024 SEP 26 P 12: 26
TOWN CLERK'S OFFICE

DECISION

**FLOOR AREA RATIO AND FRONT YARD VARIANCE APPROVED WITH
CONDITION**

To: John Ferraro (Nelson)
37 Maple Avenue
New City, New York 10956

ZBA #24-47
Date: September 4, 2024
Permit # BLDR-5380-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-47: Application of Christian Nelson, for variances from Zoning Code (Chapter 43), RG District, Section 3.12, Group Q, Column 4 (floor area ratio: 30% permitted, with 33% proposed), Column 8 (front yard: 25' required, with 16.4' proposed) for an exterior covered porch at an existing single-family dwelling. The premises are located at 15 Eimer Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.08, Block 1, Lot 48 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 18, 2024 at which time the Board made the determination hereinafter set forth.

John Ferraro, Architect, and Christian Nelson, homeowner, appeared and testified.

The following documents were presented:

1. Architectural plans, Nelson Residence with the most recent revision date of July 23, 2024, signed and sealed by John Anthony Ferraro, R.A., (3 pages).
2. Survey dated September 10, 2021 signed and sealed by James E. Drumm, L.S..
3. A letter dated September 9, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated August 14, 2024 from Rockland County Drainage Agency signed by Liron Derguti, Engineer I.
5. A letter dated August 22, 2024 from Orange and Rockland Utilities, Inc., signed by Alred Gaddi, P.E..
6. A "comments attached" from Jake Palant, Rockland County Planning, dated August 14, 2024.
7. A "No comments at this time, please send future correspondence for review" from Palisades Interstate Park Commission, signed by Matthew Shook, dated August 12, 2024.

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

John Ferraro, Architect, testified that the applicants have a new child; that they would like to add a covered porch to their home for safe entry and exit into their home; that there are several porches in the neighborhood that are similar to the size and scope of what the homeowner is looking to do; that the owner wishes to protect the family for an easier transition from the home; that this would not be a substantial variance, considering it is not enclosed; that there will be no hazardous materials used; that although this may be self-created, it should be relevant, as they would like enjoy the area safely without any risk to the elements.

Christian Nelson, homeowner, testified that the he has an existing concrete slab which is not in good shape; that the water runoff goes onto the grass; and that the existing shed can be moved to be in compliance.

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

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

Chairman 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 floor area ratio and front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar porches exist in the neighborhood.
2. The requested floor area ratio and front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar porches exist 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 floor area ratio and front 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 porches exist 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.

TOWN OF ORANGETOWN
2024 SEP 26 P 12: 26

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 front yard variances are APPROVED; with the following SPECIFIC CONDITIONS, (1) that the existing shed seen on the survey, shall be moved to be in compliance with the zoning code; 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 floor area ratio and front yard variances are APPROVED; with the following SPECIFIC CONDITIONS, (1) that the existing shed seen on the survey, shall be moved to be in compliance with the zoning code; was presented and moved by Mr. Valentine, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. Quinn and Mr. DeRobertis were absent.

TOWN OF ORANGETOWN

2024 SEP 26 P 12:29
OWNERS OFFICE


Nelson
ZBA#24-47
Page 4 of 4

Permit # BLDR-5380-24

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 18, 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 26 P 12: 26
TOWN CLERK'S OFFICE