

MINUTES
ZONING BOARD OF APPEALS
October 30, 2024

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

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 Chairman Bosco.
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:

WHITE
7 Sickletown Road
Pearl River, New York
69.19 / 1 / 24; R-40 – zone

FAR, TSY, HEIGHT
VARIANCES APPROVED
WITH CONDITIONS

ZBA#24-41

NEW ITEMS:

BLOODGOOD
100 Campbell Avenue
Tappan, New York
77.11 / 2 / 87; R-15 - zone

§ 5.227 VARIANCE APPROVED
AS MODIFIED

ZBA#24-52

GENOVESI
17 Moehring Drive
Blauvelt, New York
70.18 / 3 / 14; R-15 – zone

SIDE YARD VARIANCE APPROVED &
AMENDED TO ADD § 5.513

ZBA#24-53

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


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The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 P.M.

Dated: October 30, 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
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DECISION

**FLOOR AREA RATIO, TOTAL SIDE YARD, MAXIMUM HEIGHT, ENC: LOT AREA & ENC LOT WIDTH VARIANCE APPROVED WITH CONDITIONS
UNDERSIZED LOT ACKNOWLEDGED.**

To: Robert White
7 Sickletown Road
Pearl River, New York 10965

ZBA #24-41
Date: September 4, 2024 & October 30, 2024
Permit # BLDR-5311-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-41: Application of Robert White, for variances from Zoning Code (Chapter 43), R-40 District, Section 3.12, Group E, Column 3 (floor area ratio: 15% permitted, with 25% proposed), from Column 9(side yard: 30' required, with 10' 4" proposed), Column 10(total side yard: 60' required, with 30' 4" proposed), Column 12(building height: 20'permitted, with 35' proposed). Section 5.21 (A) & (E) undersized lot applies (existing non-conforming lot area: required 40,000 sf, with 37,897.20 sf existing) for a new single-family dwelling with a garage. The premises are located at 7 Sickletown Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.19, Block 1, Lot 24 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 and October 30, 2024 at which time the Board made the determination hereinafter set forth.

At the September 4, 2024 meeting:

Robert White, owner, and Peter Manouvelos, architect, appeared and testified.

The following documents were presented:

1. Plans labelled "proposed additions & renovation" White Residence, with the most recent revision date of June 20, 2024, signed and sealed by James M. Diana, R.A. (4 pages).
2. Survey dated June 5, 2024, signed and sealed by Jay A. Greenwell, P.L.S..
3. A letter dated August 2, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated July 3, 2024 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
5. A "comments attached" from Jake Palant, Rockland County Department of Planning, dated July 3, 2024.

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

At the September 4, 2024 meeting:

Robert White testified that the previously existing house has been demolished; that his intentions are to build a new home for himself and his wife and parents; that he comes from a large family and he would like to have their gatherings there; that they have a lot of cousins on both sides of their family and that he would like to have big family parties; that he would like this home to be the focal point of the parties;

Peter Manouvelos testified that they had an existing house at the time that the plans were created; that the footprint of the proposed plans is following what previously existed, with the addition of a garage; that this is intended to be a forever home; that they are going from a one and a half story home to a two and a half story home; that he has designed a storm water management and septic system and that will address concerns that have arisen; that he understands that the floor area ratio concerns may be seem like a lot, however the character is fitting; that he would like to have a continuance, and will submit a new package with stormwater and address Rockland County Highway concerns.

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Chairman Bosco questioned why the applicant would demolish the existing dwelling, prior to variance approvals, and stated that the home could have been built on what was existing instead of knocking down and starting over without any approvals. He also stated that there are several large variances, and that these are self-created. Chairman Bosco, also noted that the drawings show this project as an addition. He also asked if the Applicant could reduce these variances, as all of these are substantial.

Mr. Valentine stated that the floor area ratio and side yard variances are more than normally what they would allow. Even if the lot was not undersized, he echoed the Chairman's concerns, that these are not personal situations, and will set a precedence. He again stated that these variances are too much for this lot.

Mr. Quinn stated that all four variances are very large and this is a nice size piece of property, in length. That although it may not be so wide, if there is any way to take these variances down in size, that would be a good idea.

Mr. Bonomolo recommended a continuance to address the variances being reduced, as this is a lot of comments from the County.

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.

On advice of Dennis Michaels, 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.

At the October 30, 2024

ZBA# 24-41: Application of Robert White, for variances from Zoning Code (Chapter 43), R-40 District, Section 3.12, Group E, Column 3 (floor area ratio: 15% permitted, with 16% proposed), Column 10 (total side yard: 60' required, with 59.8' proposed), Column 12 (building height: 20' permitted, with 26.5' proposed). Section 5.21 (A) & (E) undersized lot applies (existing non-conforming lot area: required 40,000 sf, with 37,897.20 sf existing), and (existing non-conforming lot width 150' required, with 110' existing), for a new single-family dwelling with a garage. The premises are located at 7 Sickletown Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.19, Block 1, Lot 24 in the R-40 zoning district.

Robert White, owner, and Jim Diana, Architect, appeared and testified.

The following documents were presented:

6. Plans labelled "new single-family residence" Mr. & Mrs. White, with the most recent revision date of September 12, 2024, signed and sealed by James M. Diana, R.A. (5 pages).
7. Proposed utility plan, with the most recent revision date of September 18, 2024, signed and sealed by Elio Qorri, P.E., (2 pages).
8. A letter dated October 9, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
9. A letter dated October 8, 2024 from Rockland County Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.

10. A letter dated October 30, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
11. A letter dated October 15, 2024 from Town of Orangetown Highway Department signed by James J. Dean, Superintendent of Highways.

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

At the October 30, 2024 meeting:

Jim Diana, Architect, testified that since the Applicant was last in front of the Board, the square footage has been reduced by approximately 1,400 square feet; that they have condensed the plans in the setbacks; and have complied to the best of their abilities; that the bulk table was not updated on all of the plans; that the house was moved closer to road, but the bulk table will be updated once approved.

Robert White, homeowner, testified that he appreciates the Board willing to work with him in his project; that he has no issues complying with the letter from the Town of Orangetown Highway Department letter, in regards to the installation of a sidewalk;

Chairman Bosco stated that he appreciated the changes made by the Applicant. Mr. Valentine agreed that this was a much better plan.

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, total side yard, maximum height, and existing non-conforming lot area and lot width variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar homes have been built in the area.
2. The requested floor area ratio, total side yard, maximum height, and existing non-conforming lot area and lot width variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar homes 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.

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4. The requested floor area ratio, total side yard, maximum height, and existing non-conforming lot area and lot width 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 homes 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 floor area ratio, total side yard, maximum height, and existing non-conforming lot area and lot width variances are APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) Applicant is required to install curb and sidewalk at 7 Sickletown Road. The curb and sidewalk must comply with the Town of Orangetown specifications;(2) Engineered plans for the proposed septic system will need to be submitted to the Rockland County Health Dept for review and approval prior to issuance of a building permit;(3) Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code; (4) An updated review of the September 12, 2024 site plan shall be completed by the Rockland County Highway Department and required permits obtained; (5) the bulk table should be updated to reflect the proposed side yard at 29.7', total side yard at 59.6', and rear yard setback as 137.7' and all plans to match; and 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.

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(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, total side yard, maximum height, and existing non-conforming lot area and lot width variances are APPROVED; with the Specific Conditions (1) Applicant is required to install curb and sidewalk at 7 Sickletown Road. The curb and sidewalk must comply with the Town of Orangetown specifications;(2) Engineered plans for the proposed septic system will need to be submitted to the Rockland County Health Dept for review and approval prior to issuance of a building permit;(3) Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code; (4) An updated review of the September 12, 2024 site plan shall be completed by the Rockland County Highway Department and required permits obtained; (5) the bulk table should be updated to reflect the proposed side yard at 29.7’, total side yard at 59.6’, and rear yard setback as 137.7’ and all plans to match; was presented and moved by Mr. Valentine, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn 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: October 30, 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
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DECISION

**§5.227 POOL REAR YARD SETBACK VARIANCE APPROVED AS MODIFIED
UNDERSIZED LOT ACKNOWLEDGED**

To: Robert Bloodgood
100 Campbell Avenue
Tappan, New York 10983

ZBA #24-52
Date: October 30, 2024
Permit # POOLR-5206-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-52: Application of Robert Bloodgood, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 5.227(Pool rear yard setback: 20' required, with 6' proposed), for a seasonal above ground pool at an existing single-family dwelling. The premises are located at 100 Campbell Avenue, Tappan, New York and identified on the Orangetown Tax Map as Section 77.11, Block 2, Lot 87 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 30, 2024 at which time the Board made the determination hereinafter set forth.

Robert Bloodgood appeared and testified.

The following documents were presented:

1. Site plans, dated 8/20/202019 prepared by Robert Bloodgood (1 page).
2. "Bestway" Pool owner's manual (10 Pages).
3. A letter dated October 16, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated October 8, 2024 from Rockland County Health Department, signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
5. A letter dated October 8, 2024 from Rockland County Health Department, signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
6. A "No future correspondence for this site should be sent to this agency, and this agency does not have any further comments" from Veolia signed by Bill Prehoda dated October 10, 2024.

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

Robert Bloodgood, owner, testified that he would like to have a pool in his yard for his family, however he does not have enough yard to keep within the setbacks; that currently they have been using a seasonal pool; every year they put it up, and at the end of the season they have to take it back down; that he would like to put up a permanent pool instead, which would be three (3') feet bigger; that the seasonal pool was eighteen (18') feet by nine (9') feet, and the permanent pool is twenty-four (24') feet by twelve (12') feet by four (4') feet high; that to the rear of his property is a commercial parking lot; that his property has a six(6') foot fence around it, up to the front of the house; that the proposed work shown on the survey was done approximately six and a half years ago;

The Board discussed if an additional variance would be required due to the change in size of the pool. It was determined that the larger pool would not require an additional variance.

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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, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; 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 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 § 5.227 pool rear yard setback variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar pools exist in the area.
2. The requested § 5.227 pool rear yard setback variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar pools 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 § 5.227 pool rear yard setback 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 pools 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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 5.227 pool rear yard setback variance is APPROVED AS MODIFIED; 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 § 5.227 pool rear yard setback variance is APPROVED AS MODIFIED; was presented and moved by Mr. Bonomolo, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn and Mr. DeRobertis were absent.

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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: October 30, 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

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DECISION
POOL SIDE YARD VARIANCE APPROVED WITH CONDITION
AMENDMENT TO ADD § 5.513 VARIANCE

To: Robert Genovesi
17 Moehring Drive
Blauvelt, New York 10913

ZBA #24-53
Date: October 30, 2024
Permit # POOLR-5791-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-53: Application of Ann and Robert Genovesi, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 3.12, Columns 9 (Side Yard: 20' required, 10.2' proposed) for an in-ground pool at an existing single-family residence. The premises are located at 17 Moehring Drive, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.18, Block 3, Lot 14 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 30, 2024 at which time the Board made the determination hereinafter set forth.

Robert Genovesi, owner, and Jordan Bari, Westrock Pools, appeared and testified.

The following documents were presented:

1. Plot plans, Genovesi Residence dated August 6, 2024 signed and sealed by Paul Gdanski P.E., PLLC (1 page).
2. Proposed addition Survey, with the most recent revision date of February 10, 2023 signed and sealed by Robert E. Sorace, PLS.
3. Survey, dated October 8, 2022, signed and sealed by Robert E. Sorace, PLS.
4. A letter dated October 17, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated October 11, 2024 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
6. A letter dated October 30, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
7. An email dated October 14, 2024 from Orange & Rockland Utilities, Inc., sent from Alfred Gaddi, PE.
8. A "No future correspondence for this site should be sent to this agency, and this agency does not have any further comments" from Veolia signed by Bill Prehoda dated October 10, 2024.

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

Robert Genovesi, owner, testified that he would like to have an inground pool at his home; that they had reduced the size that they would have liked to have in order to accommodate the skewed shape of their yard; that due to the shape it forces them towards the corner of Blauvelt Road and Western Highway; that his property is an odd shape in the back; that he will be installing a fence, but not as of yet.

Jordan Bari, Westrock Pools, testified that there is at least seventy-five (75') feet between them and the neighbor to the East; that the neighbor is further off to the right; that they are doing work on the house currently but that it is unrelated; that the measurement from the pool to the deck is eight point one (8.1') feet; that there is a proposed deck in area of the middle of the back of the house; that the chimney is part of the house, and looks to be approximately six (6') feet away from the pool; that the mounting pad is a cement pad on side of house is to be at the back right of the house, and will be at least four (4') away from any windows; that they have no issues complying with the letter from Orange and Rockland, as they always call for a mark out.

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Chairman Bosco verified with the Applicant that, by scale, the pool is seven (7') feet from chimney.

Ms. Castelli stated that the Applicant will need an additional variance for the pool, from § 5.153.

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, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; 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 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 pool side yard and § 5.513 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar pools exist in the area.
2. The requested pool side yard and § 5.513 variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar pools 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 pool side yard and § 5.513 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 pools 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.

TOWN CLERK'S OFFICE

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested pool side yard and § 5.513 variance is APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) A drainage report shall be prepared to demonstrate that the existing/proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points;(2) the Applicant must contact Orange and Rockland Utilities, Inc. prior to digging; (3) Revised plans must be submitted showing that the chimney to the pool measurement is seven (7') feet and showing that measurement from the pool to the back of the house is no closer than eight (8') feet; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


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The foregoing resolution to approve the application for the requested pool side yard and § 5.513 variances are APPROVED; with the Specific Conditions (1) A drainage report shall be prepared to demonstrate that the existing/proposed drainage system in the lot is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points;(2) the Applicant must contact Orange and Rockland Utilities, Inc. prior to digging; (3) Revised plans must be submitted showing that the chimney to the pool measurement is seven (7') feet and showing that measurement from the pool to the back of the house is no closer than eight (8') feet was presented and moved by Ms. Castelli, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn 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: October 30, 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

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