

MINUTES
ZONING BOARD OF APPEALS
November 6, 2024

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

ABSENT: THOMAS QUINN

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

This meeting was called to order at 7: 00 P.M. by 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

NEW ITEMS:

AWAL 50 Woods Road Palisades, New York 78.18 / 1 / 37; R-80 – zone	POSTPONED TO DECEMBER 4TH BY APPLICANT	ZBA#24-54
BLAKE 15 Lark Street Pearl River, New York 69.18 / 1 / 68; R-15 – zone	FRONT YARD VARIANCE APPROVED SIDE YARD & TOTAL SIDE YARD APPROVED AS MODIFIED	ZBA#24-55

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.


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: FML Site Plan Approval for Exterior Storage, 628 Route 303, Blauvelt, New York 65.14 / 1 / 9; LI zone; Felix Obrig Addition Site Plan-Critical Environmental Area, 257 Piermont Avenue, South Nyack, New York 66.62 / 2 / 36; SN-R-12; Project Sycamore Phase III Site Plan, 65 3rd Avenue, Orangeburg, New York 7308 / 1 / 1; RPC-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 7:25 P.M.

Dated: November 6, 2024

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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

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DECISION
FRONT YARD VARIANCE APPROVED SIDE YARD & TOTAL SIDE YARD
APPROVED AS MODIFIED WITH CONDITIONS

To: Kevin E. Blake
15 Lark Street
Pearl River, New York

ZBA #24-55
Date: November 6, 2024
Permit # BLDR-5871-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-55: Application of Kevin Blake, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 3.12, Column 8(front yard) for a covered porch addition at a single-family residence. The premises are located at 15 Lark Street, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.18, Block 1, Lot 68 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, November 6, 2024 at which time the Board made the determination hereinafter set forth.

Kevin & Justyna Blake, homeowners, appeared and testified.

The following documents were presented:

1. Architectural plans, Blake Residence dated June 14, 2024 signed and sealed by Harry J. Goldstein, R.A. (3 pages)
2. Survey dated June 10, 1997 signed and certified by Michael M Burris, P.E. & L.S..

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

Kevin Blake, homeowner, testified that they would like to have the extra space to make some improvements to their home; that they love the neighborhood they live in; that they felt it was necessary to cover the front porch in order to have some sitting space with furniture outdoors; that they enjoy sitting on the porch waiting for their child to get off the bus and would like to do safely; that he would like to make it safe for his wife and her mother to walk around the furniture on the porch without slipping or falling onto the grass area because of inadequate space; that currently there is one step down from the porch; that there would be (4) posts on the porch; that the roof of the porch would end where the patio would end; and that there are several porches similar to the one like they wish to construct across the street and locally in the area.

Chairman Bosco stated that the preexisting deck measurement should be corrected to show that the total side yard and side yard are closer than what is written on the bulk table.

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; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn was absent,

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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. 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 front yard, side yard, and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar covered front porches exist in the neighborhood.
2. The requested front yard, side yard, and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar covered front 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 front yard, side yard, and total side yard variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar covered front 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.

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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 front yard, side yard, and total side yard variances are APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) that the Survey and bulk table must be revised to reflect the pre-existing deck measurement for the side yard as twenty-five point five (25.5') feet, and the total side yard as fifty-nine point seven (59.7') 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 front yard, side yard, and total side yard variances are APPROVED; with the Specific Conditions (1) that the Survey and bulk table must be revised to reflect the pre-existing deck measurement for the side yard as twenty-five point five (25.5') feet, and the total side yard as fifty-nine point seven (59.7') feet; was presented and moved by **Chairman Bosco**, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye.

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: November 6, 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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