

MINUTES
ZONING BOARD OF APPEALS
December 4, 2024

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

ABSENT:

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: 05 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

<u>POSTPONED ITEM:</u> AWAL 50 Woods Road Palisades, New York 78.18-1-37; R-80	CONTINUED TO JANUARY 15, 2025	ZBA#24-51
<u>NEW ITEMS:</u> SWANSON 121 E George Avenue Pearl River, New York 68.12 / 4 / 45; RG - zone	FRONT YARD VARIANCE APPROVED AS MODIFIED	ZBA#24-60
DOWLING/SHIWMANGAL 214 Sickletown Road Orangeburg, New York 69.08 / 1 / 18; R-40 – zone	POSTPONED BY APPLICANT	ZBA#24-61
BEDROCK WHITTIER LLC / 25 WHITTIER ROAD SUBDIVISION 25 Whittier Road Blauvelt, New York 65.18 / 1 / 13; LO & R-40 – zone	CONTINUED	ZBA#24-62
WARCHOL 27 Casazza Place Pearl River, New York 69.10 / 1 / 28; R-15 – zone	FRONT YARD VARIANCE APPROVED	ZBA#24-63

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

TOWN CLERK'S OFFICE
2024 DEC 10 A 4:30
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: Pierce Residence Site Plan, 76 Old Mountain Road South, Upper Grandview, New York 71.05 / 1 / 26; R-22 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 9:25 P.M.

Dated: December 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 DEC 10 A 9:30
TOWN CLERK'S OFFICE

DECISION
FRONT YARD VARIANCE APPROVED AS MODIFIED

To: Maren Robertson (Swanson)
58 Washington Street
Nyack, New York

ZBA #24-60
Date: December 4, 2024
Permit # BLDR-5948-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-60: Application of Kena and Wesley Swanson, for variances from Zoning Code (Chapter 43), RG District, Section 3.12, Group Q, Column 8 (Front yard: 25' required, with 23.4' proposed) for a front porch, a deck, and a metal roof at an existing single-family dwelling. The premises are located at 121 East George Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 4, Lot 45 in the RG zoning district.

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

Maren Robertson, Architect, and Wesley Swanson, Homeowner, appeared and testified.

The following documents were presented:

1. Site plans, Plan and Section Swanson Residence with the most recent revision date of October 7, 2024, signed and sealed by Maren C. Robertson, R.A. (7 pages).
2. Survey dated August 12, 2023 signed and sealed by William E. James, P.E., P.L.S..
3. A letter from the homeowners, giving Ms. Maren Robertson authorization for this project, dated October 23, 2024.

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

Maren Robertson, Architect, testified that the house looks plain; that they are proposing to add a front porch to improve the curb appeal; that it will add a place where the homeowner can sit; that the encroachment is very small; and that they feel the benefit to the house and the neighborhood justifies the variance.

Wesley Swanson, Homeowner, testified that they have lived in the home since 2012; that there are other front porches similar in the neighborhood on capes and high ranches; and that currently they are replacing the existing roof in kind.

Chairman Bosco stated that the front yard variance measurement noted in the bulk table is written as twenty-three point three (23.4') feet; that it should be twenty-three point twenty-five (23.25') feet, or twenty-three feet and three inches (23' 3"); that the change can be made here on the bulk table and revised prior to stamping.

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 Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye.

TOWN CLERK'S OFFICE
2024 DEC 4 4:30 PM
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.

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

TOWN CLERK'S OFFICE

2024 DEC 10 A 9:30

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested front yard 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 front yard variance is APPROVED AS MODIFIED; was presented and moved by Mr. Bonomolo, 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.

TOWN CLERK'S OFFICE
2024 DEC 10 A 9:31
TOWN OF ORANGETOWN

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: December 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 CLERK'S OFFICE
2024 DEC 10 A 9:31
TOWN OF ORANGETOWN

DECISION

FRONT YARD VARIANCE APPROVED

To: Damian Warchol
27 Casazza Place
Pearl River, New York

ZBA #24-63
Date: December 4, 2024
Permit # BLDR-6037-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-63: Application of Damian and Magdalena Warchol, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 8 (Front yard: 30' required, with 23.3' proposed) for a front porch at an existing single-family dwelling. The premises are located at 27 Casazza Place, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.10, Block 1, Lot 28 in the R-15 zoning district.

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

Damian Warchol and Magdalena Warchol, homeowners, appeared and testified.

The following documents were presented:

1. Plans dated October 7, 2024, prepared by Damian Warchol, Homeowner (2 pages)
2. Plot plan dated October 7, 2024, prepared by Damian Warchol, Homeowner, based on a survey done by Aristotle Bournaszos, P.C. dated January 15, 1976. (1 page)

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

Damian Warchol, homeowner, testified that the proposed front porch will extend eight (8') feet from the existing roof; that the measurement to the front porch is twenty-three (23') feet; that the existing steps will remain; that the steps lead down to the ground level deck; that there are similar porches in the area; that they are unaware of any neighbors having an issue with their project; and that their property was posted with the notice of hearing posters prior to Thanksgiving.

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 Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye.

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.

TOWN OF ORANGETOWN
2024 DEC 10 A 9:31
CLEMENS OFFICE

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

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested front 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 DEC 10 A 9 31
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.


The foregoing resolution to approve the application for the requested front yard variance is APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye.

TOWN CLERK'S OFFICE
2024 DEC 10 A 9:32
TOWN OF ORANGETOWN

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: December 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 DEC 10 A 9:32
TOWN CLERK'S OFFICE