

**ZONING BOARD OF APPEALS**

Town of Orangetown  
26 Orangeburg Road  
Orangeburg, New York 10962  
(845) 359-8410 (ex. 4316)  
**Date: April 7, 2025**

TO: OBAPAE

- |  |                                  |
|--|----------------------------------|
| ✓ NYS Dept of Environmental Conservation | ✓ Rockland County Drainage       |
| ✓ New York State Dept. of Transportation | ✓ Rockland County Health         |
| ✓ Palisades Interstate Park Commission   | ✓ Rockland County Planning       |
| NYS Thruway Authority                    | ✓ Rockland County Highway        |
| ACOE                                     | ✓ Rockland County Sewer Dstrt #1 |
| CSX                                      | ✓ Orange and Rockland Utilities  |
|  | ✓ Veolia                         |

**This matter is scheduled for: May 7, 2025**

**Review of Plans: Garcia/Eugene, 9 Heather Lane, Orangeburg, NY**

**Section 74.14    Block 2    Lot 18    R-15 zone**

Chapter 43, R-15 District, Group M, Section 3.12, Column 11, Rear yard setback (20' required, with 15' proposed), and from Section 5.227 Pool side yard setback (20' required, with 17' proposed) for an above ground pool at an existing single-family residence. The premises are located at 9 Heather Street, Orangeburg, New York and identified on the Orangetown Tax Map as Section 74.14, Block 2, Lot 18 in the R-15 zoning district.

Please review the information enclosed and provide comments.  
These comments may be mailed, or e-mailed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 26 Orangeburg Road, Orangeburg, NY 10962
- Email to Zoning Board: [KBettmann@orangetown.com](mailto:KBettmann@orangetown.com)

**Zoning Board Meeting Date: May 7, 2025**

- ( ) Comments attached
- ( ) No Comments at this time. Please send future correspondence for review.
- ( ) No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- ( ) This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on Wednesday, May 7, 2025.  
**Kindly forward your completed review to this office BEFORE May 7, 2025**  
Reviewing Agency \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Thank you, Katlyn Bettmann (EXT. 4316)

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Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: APR 03 2025

TOWN OF ORANGETOWN  
LAND USE BOARD

Please check all that apply:

☐ Commercial  
☒ Planning Board  
☒ Zoning Board of Appeals

☐ Residential  
☐ Historical Board  
☐ Architectural Board

☐ Subdivision  
☐ Number of Lots  
☐ Site Plan  
☐ Conditional Use

☐ Consultation  
☐ Pre-Preliminary/Sketch  
☐ Preliminary  
☐ Final  
☐ Interpretation

☐ Special Permit  
☒ Variance  
☐ Performance Standards Review  
☐ Use Variance  
☐ Other (specify): \_\_\_\_\_

PERMIT#: POOLR-6881-25  
ASSIGNED  
INSPECTOR: MIKE

Referred from Planning Board: YES / NO  
If yes provide date of Planning  
Board meeting: \_\_\_\_\_

Project Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Tax Map Designation: \_\_\_\_\_

Section: 74.14 Block: 2 Lot(s): 18  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Directional Location:

On the Rear side of Back, approximately \_\_\_\_\_ feet \_\_\_\_\_ of the intersection of \_\_\_\_\_, in the

Town of Orangetown in the hamlet/village of Orangetown

Acreage of Parcel 17050 SF Zoning District R-15  
School District Orangetown Postal District Orangetown  
Ambulance District Orangetown Fire District Orangetown  
Water District Orangetown Sewer District \_\_\_\_\_

Project Description: (If additional space required, please attach a narrative summary.)

Install an ABOVE ground Pool

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 3/21/25 Applicant's Signature: [Signature]

# APPLICATION REVIEW FORM

## FILL IN WHERE APPLICABLE.

( IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE )

### If subdivision:

- 1) Is any variance from the subdivision regulations required? N/A
- 2) Is any open space being offered? \_\_\_\_ If so, what amount? \_\_\_\_
- 3) Is this a standard or average density subdivision? \_\_\_\_

### If site plan:

- 1) Existing square footage 17050
- 2) Total square footage \_\_\_\_
- 3) Number of dwelling units \_\_\_\_

If **special permit**, list special permit use and what the property will be used for.

\_\_\_\_\_  
\_\_\_\_\_

### Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area \_\_\_\_\_

Are there **streams** on the site? If yes, please provide the names. \_\_\_\_\_

Are there **wetlands** on the site? If yes, please provide the names and type: \_\_\_\_\_

### Project History:

Has this project ever been reviewed before? NO

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

\_\_\_\_\_  
\_\_\_\_\_

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

NO  
\_\_\_\_\_  
\_\_\_\_\_

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APR 03 2025

TOWN OF ORANGETOWN  
LAND USE BOARDS 3



OFFICE OF BUILDING, ZONING, PLANNING,  
ADMINISTRATION AND ENFORCEMENT  
**TOWN OF ORANGETOWN**

26 Orangeburg Road  
Orangeburg, N.Y. 10962

Jane Slavin, R.A.  
Director

(845)359-8410

Fax: (845) 359-8526

**REFERRAL TO THE ZONING BOARD OF APPEALS**

Date: 3.28.25 Section: 74.14 Block: 2 Lot: 18

Applicant: Garcia

Address: 9 Heather Ln, Orangeburg, NY

RE: Application Made at: same

Referred For:

Chapter 43, Sectoin 5.227 Pool Side yard setback 20' w/ 17' proposed  
Table 3.12 R-15, Col 11 Rear Yd Setback 20' w/ 15' proposed,

2 variances required

Comments:

New Pool

Dear Garcia:

Please be advised that the Building Permit Application # 6881-25, which you submitted on 3.21.25, has been referred to the Town of Orangetown Zoning Board of Appeals. The Clerk to the Zoning Board of Appeals, Katlyn Bettmann can assist you in the preparation necessary to appear before the board. She can be reached at 845-359-8410 ext. 4316 or kbettmann@orangetown.com

Sincerely,

  
Richard Oliver  
Deputy Building Inspector

**RECEIVED**

**APR 03 2025**

**TOWN OF ORANGETOWN  
LAND USE BOARDS**



Signature of Director  
NOTE: PLEASE KEEP FOR YOUR RECORDS  
10-01-2024: emd

3/31/25

Date  
CC: Katlyn Bettmann  
Elizabeth Decort

**DECISION**

**FLOOR AREA RATIO VARIANCE APPROVED**

To: Gustavo Jara  
9 Heather Lane  
Orangeburg, New York 10962

ZBA #18-33  
Date: June 6, 2018  
Permit #47422

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-33: Application of Gustavo Jara for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 4 (Floor Area Ratio: .20 permitted, .26 proposed) for and addition to an addition to a single-family house, including a shed, pool house and gazebo. The premises are located at 9 Heather Lane, Orangeburg, New York and are identified on the Orangetown tax Map as Section 74.14, Block 2 Lot 18 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 6, 2018 at which time the Board made the determination hereinafter set forth.

Gustavo Jara appeared and testified.

The following documents were presented:

1. Site plan signed and sealed by Gustavo Jara, RA. Dated 03/04/2018 ( no reference to the surveyor. Revised site plan submitted dated 5/23/2018 signed and sealed by Gustava Jara, Architect taken from survey by Alfred R. Voght II dated September 30, 1963.
2. Architectural plans dated 03/04/2018 signed and sealed by Gustavo Jara, RA. A-100,A-2, A-3, A-4.
3. A letter dated May 21, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated May 7, 2018 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
5. A letter dated May 4, 2018 from the Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

TOWN CLERK'S OFFICE

2018 JUN 12 P 10 30

TOWN OF ORANGETOWN, NY

Gustavo Jara testified that he grew up in Rockland and his parents bought this house; that it is on a larger lot than most of the houses in the neighborhood; that he and wife live in the house with his mother; that they would like to have a garage for their cars and a workshop area; that they are proposing a shed for the lawnmower and landscape materials; and they are also asking for an open air gazebo that would provide a shaded area for outdoor dining; that the proposed garage is 20' x 27.9' and they are not increasing the floor area by 30%.

**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. Sullivan 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed improvements to the property are not negatively impacting the existing infrastructure, nor congesting the roads or the sewer system. Other houses in the area have similar additions.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested floor area ratio variance, although somewhat substantial, afford 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 proposed improvements to the property are not negatively impacting the existing infrastructure, nor congesting the roads or the sewer system. Other houses in the area have similar additions.

2019 JUN 12 PM 3:30  
JARA 18-33

5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, 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.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested floor area ratio variance is **APPROVED**; and **FURTHER RESOLVED** to over-ride modification #1 and #3 of the Rockland County Planning letter dated May 21, 2018; 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.

Ms. Salomon made a motion to over-ride modification #1 of the Rockland County Planning Department letter dated May 21, 2018 because the Palisades Interstate Park Commission was included in the referral that was mailed out April 27, 2018 and they did not respond; and to over-ride #3 of the same letter because the proposed floor area variance that was requested would not increase residential density, or cause more congestion on local roads, or overburden the sewer system, stormwater management systems or public water supply; the proposed additions are to accommodate three adults living in the residence; which motion was seconded by Ms. Castelli and carried unanimously.

**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.

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TOWN OF ORANGETOWN

(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.

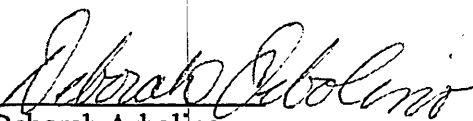
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 variance is APPROVED and FURTHER RESOLVED to over-ride modification #1 and #3 of the Rockland County Planning letter dated May 21, 2018; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

The Administrative Aide 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: June 6, 2018

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

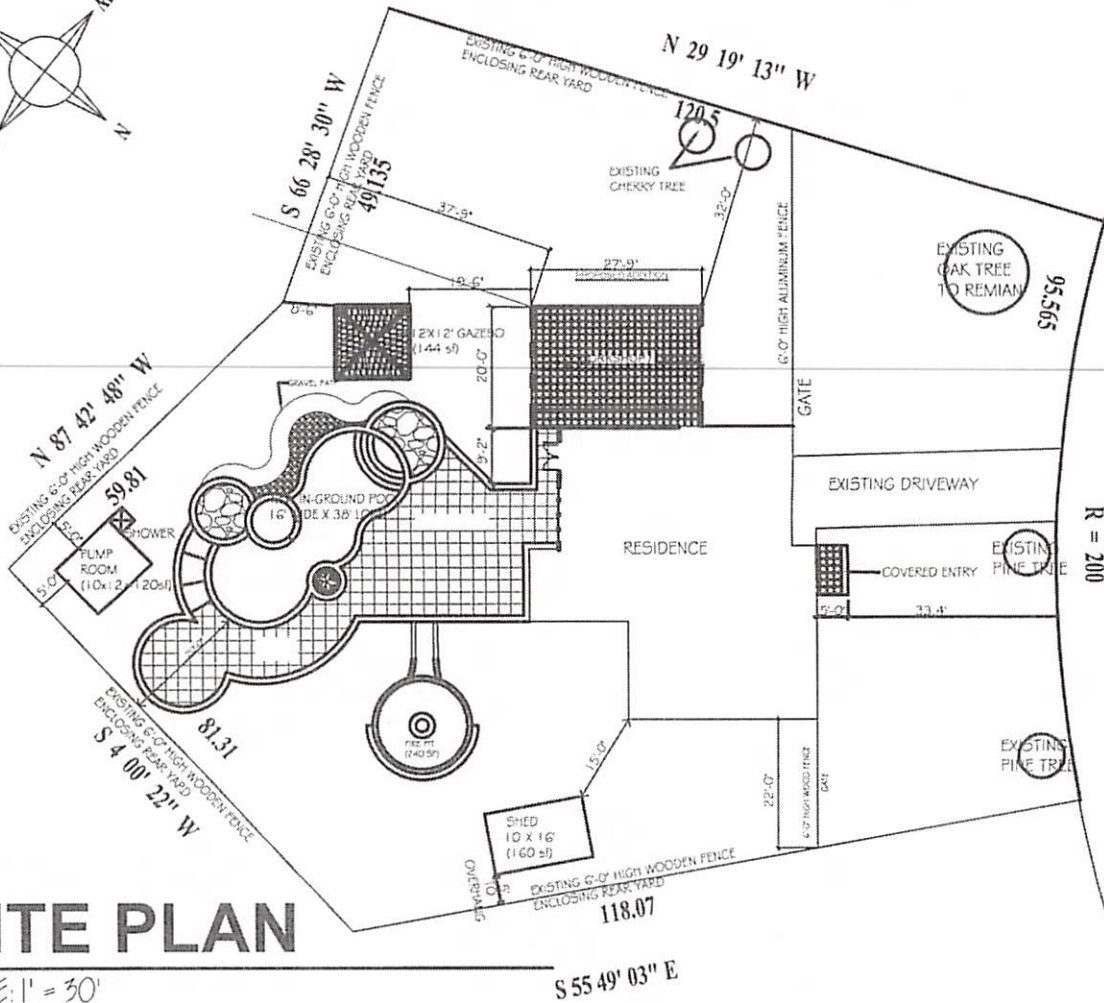
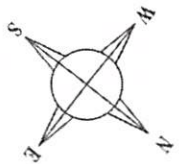
By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-M.M.

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

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JUN 11 2018  
TOWN OF ORANGETOWN



# SITE PLAN

SCALE: 1" = 30'

NOTE: SITE PLAN TAKEN FROM SURVEY  
PERFORMED BY:  
ALFRED R. VOGHT II  
139 CHARLOTTE PLACE  
ENGLEWOOD CLIFFS, NJ 07632

Town of Orangetown  
Planning Board of Appeals

LANE

APPROVED

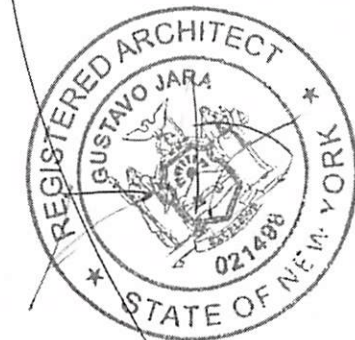
Subject to ZDA

Meeting Date:

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APR 13 2025

TOWN OF ORANGETOWN  
LAND USE BOARDS



A-1

9 HEATHER LANE  
ORANGEBURG, NY 10962

SITE PLAN

SEAL

A.G. ARCHITECTURE PLLC

GUSTAVO JARA R.A.  
9 HEATHER LANE, ORANGEBURG, NY 10962  
TEL. (845) 548-9373

SCALE 1"=30.0'

DATE 05.23.2018

INDEPENDENCE AVENUE

HEATHER LANE  
50' Wide

## REFERENCE:

"Prel Park Homes Section XB"  
Map No. 3976 Book 67 Page 16  
"Camp Shanks Street Map"  
Map No. 2266 Book 55 Page 11  
Instrument No. 2008-39598  
TAX MAP NO. 74.14 - 2 - 18

THIS SURVEY MAP IS BASED ON AN ACTUAL FIELD SURVEY CONDUCTED FOR A SPECIFIC PURPOSE AND IS BASED ON SPECIFIC CONTRACTUAL REQUIREMENTS FOR THIS TRANSACTION. USE OF THIS MAP FOR SURVEY INSPECTION UPDATES IS STRICTLY PROHIBITED. THIS MAP MAY NOT BE COPIED IN WHOLE OR IN PART. THIS MAP MAY NOT BE USED FOR OTHER PURPOSES OR TRANSACTIONS. THIS MAP MAY NOT BE SOLD, RENTED, LEASED, PHOTOCOPIED, ENLARGED, REDUCED, TRACED OR TRANSFERRED IN ANY OTHER WAY WITHOUT THE PRIOR WRITTEN CONSENT OF ROBERT R. RAHNEFELD WHO'S SIGNATURE & SEAL APPEAR HEREON.

## CERTIFIED TO:

THERONE JOSEPH EUGENE and JENNIFER GARCIA  
CLASSIC MORTGAGE LTD.  
RADIAN TITLE INSURANCE INC.  
THOROUGHbred TITLE SERVICES, LLC (TBT51395)  
LAW OFFICE OF JOHN F. BURKE

**ROBERT R. RAHNEFELD, P.L.S.**  
**N.Y. Lic No. 49459**

## NOTE:

IT IS A VIOLATION OF THE STATE EDUCATION LAW, SECTION 7209 (2) FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. ONLY COPIES OF THIS SURVEY, MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED SEAL ARE A VALID ORIGINAL PRODUCT OF THE LAND SURVEYOR. THIS SURVEY IS PREPARED ONLY FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY CLAIM FOR LIABILITY SHALL NOT EXCEED THE AMOUNT OF THE AGREEMENT. ANY EXTENSION OF USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND THE SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT. THE SURVEYOR HOLDS THE SURVEYOR HARMLESS FOR UNAUTHORIZED USE BY OTHER PARTIES, PERSONS OR GOVERNMENTAL APPROVALS AND RENDERS THIS SURVEY MAP NULL & VOID. THIS SURVEY MAP IS SUBJECT TO AN ACCURATE ABSTRACT OF TITLE.

## SURVEY MAP

for

**EUGENE & GARCIA**

ORANBURG

TOWN OF ORANGETOWN • ROCKLAND COUNTY  
NEW YORK

SEPTEMBER 1, 2023

SCALE: 1"=30'

**\* Robert R. Rahnefeld \*****\* Land & Boundary Consultant \***

P.O. BOX 881, PEARL RIVER, N.Y., 10965  
PHONE: (845) 735-9216 FAX 620-0752

• Arizona • Land Surveyor Land Planner Global Positioning  
• Colorado •  
• Nevada • Wetland Delineation Subdivision Design  
• New Mexico •  
• New Jersey •  
• New York •

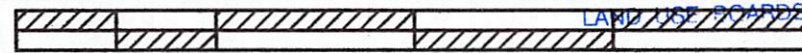
260

△ 803719.6-642779.6

## Legend:

● Property Corner Set  
○ Property Corner Found

Property Corner Monuments  
Not Installed  
as part of this survey



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APR 03 2025

\* Indicates limited access

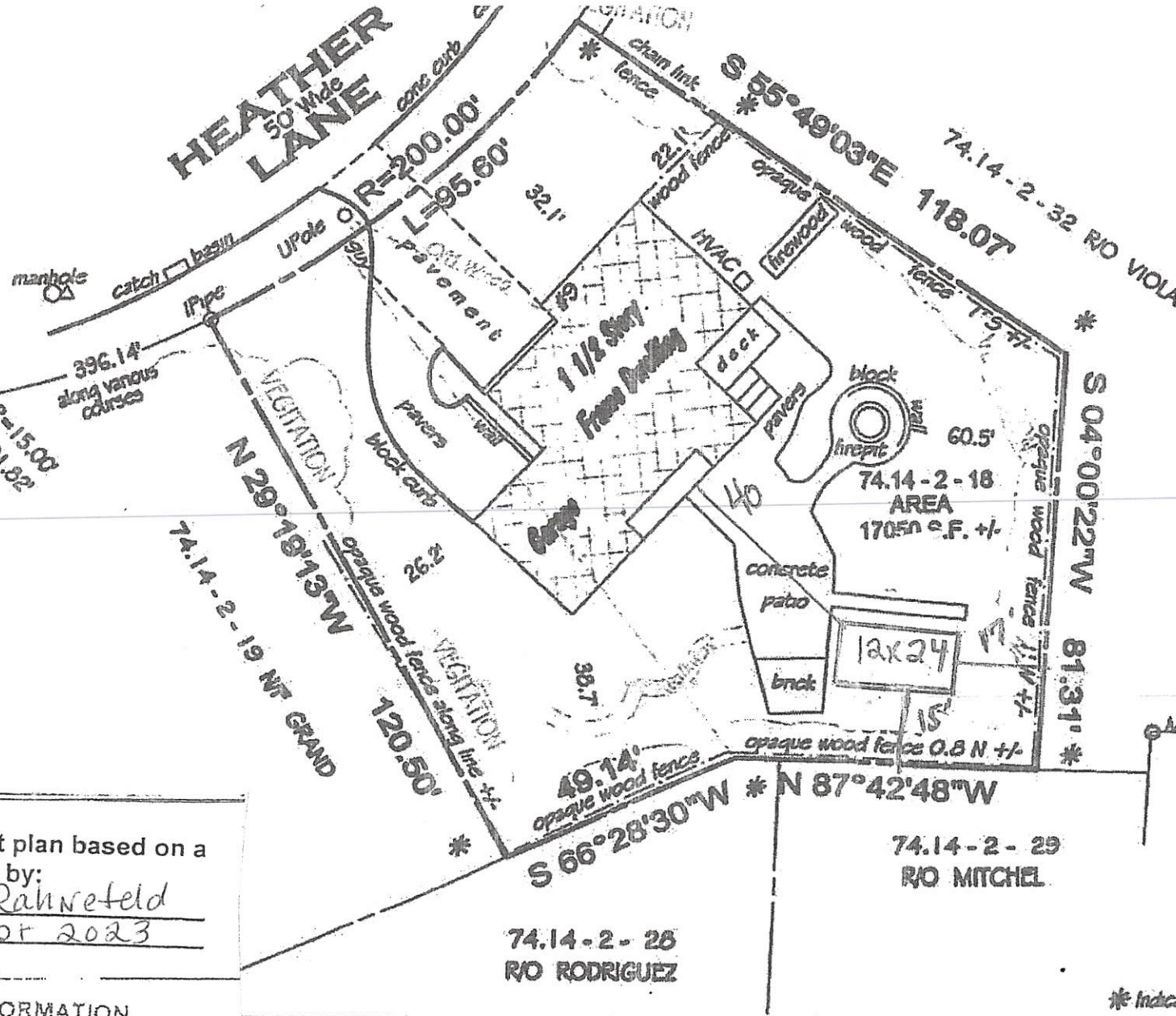
TOWN OF ORANGETOWN  
LAND USE BOARDS

Survey No. 60

THIS MAP APPEARS IN BLACK AND WHITE AND IS A COPYRIGHT VIOLATION

INDENCE AVENUE

HEATHER LANE  
50' Wide



Instrument No. 2008-38508  
TAX MAP NO. 74.14 - 2 - 18

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LAW OFFICE OF JOHN F. BURKE

**ROBERT R. RAHNEFELD, P.L.S.**  
N.Y. Lic No. 49459

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**SURVEY MAP**

**EUGENE & GARCIA**

ORANBURG

TOWN OF ORANGETOWN • ROCKLAND COUNTY  
NEW YORK

SEPTEMBER 1, 2023

SCALE: 1"=30'

**\* Robert R. Rahnefeld \***  
\* Land & Boundary Consultant \*  
P.O. BOX 881, PEARL RIVER, N.Y., 10965  
PHONE: (845) 735-9216 FAX 620-0752  
• Arden • Land Surveyor Land Planner Global Positioning  
• Catskill • Wetland Delineation Subdivision Design  
• New York •

This is a plot plan based on a survey done by:  
Robert Rahnefeld  
Dated Sept 2023

AN INFORMATION  
Owner Name: Garcia  
Address: 9 Heather Lane  
Sec-Blk-Lot: 74.14 - 2 - 18  
Prepared By: Cara Dimayaw  
Date: 3/18/25  
Westwood pools

Property Corner Monuments  
Not installed  
as part of this survey

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APR 03 2025

TOWN OF ORANGETOWN  
LAND USE BOARDS

Scale 1-30

Setback 20' side + Rec  
Variance 15' side = 5'  
17' rear = 3'