

MINUTES
ZONING BOARD OF APPEALS
April 2, 2025

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

ABSENT: BILLY VALENTINE
PATRICIA CASTELLI

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney
Katlyn Bettmann, Administrative Aide
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:

<u>APPLICANTS</u>	<u>PUBLISHED ITEMS</u>
	<u>DECISIONS</u>

NEW ITEM:

ST. THOMAS AQUINAS COLLEGE	ZBA#25-09
125 NY Route 340	
Sparkill, New York	CHANGE IN USE, & FRONT YARD
74.16 / 1 / 2.1; R-40 zone	VARIANCE APPROVED AS MODIFIED

SHOWPLACE	ZBA#25-10
23 Schreiber Street	
Tappan, New York	CONTINUED
77.06 / 3 / 29; R-15 zone	


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

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 8:00 P.M.

Dated: April 2, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:
APPLICANT
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
TOWN BOARD MEMBERS
BUILDING INSPECTOR (Individual Decisions)
Rockland County Planning

TOWN CLERK'S OFFICE
2025 APR - 8 - 9: 58
TOWN OF ORANGETOWN

DECISION
CHANGE IN USE, & FRONT YARD VARIANCES APPROVED AS MODIFIED

To: Justin Ferrazzano (St. Thomas Aquinas College)
300 Tice Boulevard
Suite 101
Woodcliff Lake, New Jersey

ZBA #25-09
Date: April 2, 2025
Permit # BLDR-4568-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-09: Application of St. Thomas Aquinas College (Chapter 43), R-40 District, Section 3.11, Group E, A change that results in a difference in the numerical listing or the use column (Uses Permitted by Right, Uses by Special Permit, Conditional Uses, general Accessory Uses) for all uses as set forth in Chapter 43, Section 3.11, the Table of General Use Regulations. A change in off-street parking requirements for a use as specified in Chapter 43, Section 3.11, Table of General Use Regulations. For a new athletic Track and Field for St. Thomas Aquinas College. The premises are located at 175 Route 340, Sparkill, New York and identified on the Orangetown Tax Map as Section 74.16, Block 1, Lot 2.1 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 2, 2025 at which time the Board made the determination hereinafter set forth.

Justin Wagner, Colliers Engineering, and Joseph Donini, St. Thomas Aquinas College (STAC) appeared and testified.

The following documents were presented:

1. Preliminary Site plans, for St. Thomas Aquinas College with the most recent revision date of February 5, 2025 signed and sealed by Jesse Barrett Cokeley, L.P.E.. (4 pages)
2. Lease Agreement Exhibit plan dated February 20, 2023 signed and sealed by Donald Philip Schelin, L.L.S..
3. A computer-generated rendering, submitted with the Zoning Board Application, received on February 27, 2025.
4. A letter dated March 20, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated April 2, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.

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

Justin Wagner, Colliers Engineering, testified that the track and field will be located adjacent to their currently facilities on the Dominican property; that their existing facility adjacent to this field will provide the necessary equipment for the athletes; that they are seeking to expand the existing non-conforming conditions of the property; that they will be in compliance with the requested Section 3.12 variances; that the additional front yard variance is needed for the track however the track is flush at grade; that the land is limited and therefore they will not be putting in a full size track; that the concerns regarding traffic will not be an issue, as they are able to correlate with access easement with Dominican; that no improvements to the parking lot are proposed; that he has had correspondence with the NYSDOT and that they had minimal comments, however he did not bring them to this meeting; that they will comply with the Rockland County Health Department; that they The Orangetown Bureau of Fire Prevention reviewed this project at the Planning Board level and had no comments; that the necessary corrections to the SEAF have been done with the Planning Board, and they were granted a Negative Declaration at the time of that meeting; that of the three variances which they are seeking, the third is for a fence on top of a retaining wall; that the fence and wall height combined exceeds allowed four and a half (4 ½') feet; that this fence is there for preventative measures; that the measurement to for the front yard setback is not to a raised structure, but to the edge of the track; that he feels an argument could be made the fence and retaining wall are independent as the retaining wall is four (4') feet high and then the fence is set back from there; and that students will not be throwing past the size of the track;

Joseph Donini, St. Thomas Aquinas College (STAC), testified that this will be a 200-meter track that this will not meet NCAA regulations; that this will strictly be a practice facility; that although STAC does sponsor a track meet, this is done in Staten island at an indoor facility; that they NCAA events that they do hold are for volleyball; that they will have practice and they encourage the students to walk there, as there is a walking path from the STAC facility to the Dominican property; that there is a driveway and interior road that can be used according to their lease agreement; that they maintain, snow plow, etc. these areas: that the agreement between Dominican Sisters and STAC addresses this traffic concern and meets the requirements of the Rockland County planning letter, dated March 20, 2025; that they do have handicap parking, it was renovated the lot restriped; that the throwing pits have moved and switched around one way and then another, however he could not recall the reasoning for the current orientation; that they currently have just under 100 track and field athletes and without a track.

Chairman Bosco stated that the parking is existing, that the facility is existing and already established. He also stated that the minimum parking has been met, the handicap striping has been done, and are within the existing parking not in this Application. Chairman Bosco asked why the throwing pits are facing the road, and if it is possible for the throwing cage to be turned to face the South West corner, so the athletes will be throwing in the North East direction.

Anthony DeRobertis agreed with Mr. Bosco. That although it may seem minor, changing the throwing pit orientation would be best. He also asked where the student athletes are currently training? To Which Mr. Donini stated that the athletes are currently practicing in the front lawn, on the street, and in the parking lots.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on March 26, 2025 (as set forth in PB #24-49) for Final Site Plan approval subject to Conditions, rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a “Negative Declarations” of “Neg Dec.”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. DeRobertis, aye. Mr. Valentine, and Ms. Castelli 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. Bonomolo and carried unanimously.

TOWN OF ORANGETOWN
2025 APR -8 A 9:58
TOWN CLERK'S OFFICE

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 change in use and front yard variances as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The student athletes do not currently have their own track to practice on. The adjacent facility and lease agreement address parking and traffic concerns. That no events will be held at this track. That this be an overall net benefit to the student athletes. That the front yard setback will be modified to the distance from the property line to the retaining wall, as the fence is setback on the retaining wall.
2. The requested change in use and front yard variances as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The student athletes do not currently have their own track to practice on. The adjacent facility and lease agreement address parking and traffic concerns. That no events will be held at this track. That this be an overall net benefit to the student athletes. That the front yard setback will be modified to the distance from the property line to the retaining wall, as the fence is setback on the retaining wall.
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 change in use and front yard variances as modified 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. The student athletes do not currently have their own track to practice on. The adjacent facility and lease agreement address parking and traffic concerns. That no events will be held at this track. That this be an overall net benefit to the student athletes. That the front yard setback will be modified to the distance from the property line to the retaining wall, as the fence is setback on the retaining wall.
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 change in use and front yard variances as modified variances are **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.

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.

TOWN OF ORANGETOWN
APPROVED
2025 APR - 8 - 4:58 PM

(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 change in use and front yard variances as modified variances are APPROVED; was presented and moved by Mr. DeRobertis, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. DeRobertis, aye. Mr. Valentine, and Ms. Castelli were 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: April 2, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann
Administrative Aide

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
2025 APR - 8 - 9:58
TOWN OF ORANGETOWN