

MINUTES
ZONING BOARD OF APPEALS
March 19, 2025

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

ABSENT: ROBERT BONOMOLO, JR.

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney
Elizabeth DeCort, Secretarial Assistant II
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 ITEM:

MC KEON 35 S. William Street 68.20 / 1/ 24; CS zone	SPECIAL PERMIT RENEWAL GRANTED WITH SPECIFIC CONDITIONS FOR BOTH LOTS	ZBA#25-04
42 Ridge Street Pearl River, New York 68.20 / 1 / 31; CS zone	WITH A FIVE YEAR RENEWAL	ZBA#25-05
FLYNN 48 Pearce Parkway Pearl River, New York 69.09 / 5 / 9; R-15 zone	SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED AS MODIFIED WITH CONDITIONS	ZBA#25-06
CARSON 85 Lenape Road Pearl River, New York 69.17 / 3 / 18; R-15 zone	SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED AS MODIFIED	ZBA#25-07
MC QUADE 125 E. George Avenue Pearl River, New York 68.12 / 4 / 44; RG zone	CONTINUED	ZBA#25-08

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

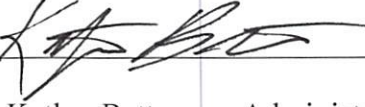
The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

PAGE 2 :

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:15 P.M.

Dated: March 19, 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 OF ORANGETOWN
2025 APR - 2 P 1:43
TOWN CLERK'S OFFICE

DECISION
SPECIAL PERMIT RENEWAL APPROVED FOR FIVE YEARS WITH SPECIFIC CONDITIONS

To: Andy McKeon
3 Terrence Court
Pearl River, New York 10965

ZBA #25-04 & 25-05
Date: March 19, 2025
Permit # BLDC-6094-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-04 & ZBA#25-05: Application of Andrew McKeon for renewal of a Special Permit that was granted November 29, 1949 "Temporary permit for commercial automobile parking lot not to exceed two years from date hereof" and continued in ZBA#73-122, ZBA#78-60 & ZBA#83-78, ZBA#18-57 & ZBA # 18-58.; to continue the use of the lots as commercial parking lots. The property is located at 35 S. William Street & 42 Ridge Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.20, Block 1, Lots 24 & 31; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 19, 2025 at which time the Board made the determination hereinafter set forth.

Andrew McKeon, Owner, appeared and testified.

The following documents were presented:

1. Survey dated February 10, 1987 revised March 4, 1987 by Robert Rahnefeld, P.L.S..
2. Zoning Board of Appeals Decisions # 73-122, #78-60, #83-78, # 18-57 and #18-58.
3. Certificate of Occupancy dated April 29, 1957 for a commercial parking lot.
4. A letter dated November 18, 1949 from Wilhelmina L. Johnson Deputy Zoning Inspector, Town of Orangetown to Mr. Spooner, owner of 42 Ridge Street at that time.
5. Minutes from the November 10, 1949 Zoning Board of Appeals Hearing.
6. A letter date October 29, 1949 from John Cucchiara to the Zoning board of Appeals.
7. A certificate of Occupancy dated January 16, 1950 for 42 Ridge Street, Pearl River for "Temporary use of premises described in application for a Commercial Automobile Parking Lot (Not a used-car lot or junk yard) –said use to be limited to a period of two years from date hereof also use of existing buildings for a public garage, provided no repair work is done out of doors Approved by Board of Appeals 11/10/49. Permit also granted or use of two directional "Parking" signs. (6" by 36" long.) dated January 16, 1950.
8. Survey dated October 12, 1949 by Edward Barbour.
9. A letter dated August 22, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
10. A letter dated July 30, 2018 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
11. Sign off sheet that there are no comments from Liz Mello, Rockland County Health Department.
12. Survey dated February 10, 1987 revised March 4, 1987 by Robert Rahnefeld, P.L.S. stamped from ZBA#18-57 & 18-58.
13. A letter dated March 12, 2025 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
14. A letter dated March 19, 2025 from the 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 Ms. Castelli and carried unanimously.

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ZONING BOARD OF APPEALS

Andrew McKeon, Owner, testified that in 1993 when him and his wife bought this property they didn't know there was parking available on the backlot and where the multi family is; that people came to them to ask for permission to park in their lots; that they let some people park there and it has grown to capacity; that now the lots are full and they have to turn people away confirming how important the availability of their parking lots are; that they have approximately twenty eight (28) parking spots in their lots; that parking in the lot there are approximately twelve commuters that work in the city who live locally with no other parking available to them; that they also have four(4) landscapers with trailers in their lots; that the landscapers are all parked to one side of the lot where they stay together to keep a more uniform look; that when the lots are completely full they have twelve (12) to sixteen (16) cars and four (4) to five (5) trailers with small pick up trucks that are attached to them; that during the day while everyone is out working the lot looks pretty empty; that he is retired and cleans up debris and garbage daily to maintain the property; that the look of the parking lots is partially impacted due to the lots not being completely paved; that there is a two (200) hundred year old white oak tree in the middle of the property that has been inspected by a tree service; and is approximately one hundred twenty five (125') feet in height and approximately twelve and a half (12 ½') feet around; that the parking lot is gravel where it is not paved; that since they appeared in 2018 they have removed the refrigerated and service trucks; that there is no vehicle maintenance allowed to be done on the property;

The Board asked about the Applicant about the existing appearance of the property, and if it can be cleaned up.

Denise Sullivan, Deputy Town Attorney, asked the Applicant if he has thought about adding screening to the property, and referenced the 23-A parking area code.

Chairman Bosco stated that adding a fence to this property would not be fitting.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination based on the facts as presented in the applications submissions and in the record, that the foregoing application seeks a special permit for a proposed commercial automobile parking lot, not to exceed two years from date hereof, in a zoned CS (Commercial Shopping) lot located at 35 S. William Street and since application ZBA#25-04 AND ZBA#25-05 seeks a special permit for a proposed commercial automobile parking lot, not to exceed two years from date hereof, in a zoned CS (Commercial Shopping) lot located at 42 Ridge Street, Pearl River, NY, these application are a Type II application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (32); which does not require SEQRA environmental review. The motion was seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo was 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.

TOWN CLERK'S OFFICE

TOWN OF ORANGETOWN

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 following Special Findings for the proposed Renewal of the Special Permit Use, as per Zoning Code Section 4.31, have been satisfactorily satisfied, for the following reasons:

1. The requested Renewal of the Special Permit for five years will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities. The applicant's parking lot shall comply with the current standards of a public parking lot and the area shall be maintained properly (Rockland County Highway Department letter dated July 30, 2018 signed by Dyan Rajasingham, Engineer III).

2. The granting of the Renewal of the Special Permit for five years will not cause undue traffic congestion or create a traffic hazard. The Renewal of the Special Permit is for over -night parking of automobiles and enclosed trailers which are unoccupied overnight. No idling of unattended vehicles will be permitted. No maintenance of vehicles shall take place on the site. No loading or unloading of vehicles on premises. No overnight engine start-up such as a refrigerated box truck.

3. The granting of the Renewal of the Special Permit for five years will not create, at any point of determination set forth in Zoning Code Sections 4.16, 4.17 and 4.18 any more dangerous and objectionable elements, referred to in Section 4.11 than is characteristic of the uses expressly permitted as of right in the same Zoning District. The applicant's parking lot shall comply with the current standards of a public parking lot and the area shall be maintained properly (Rockland County Highway Department letter dated July 30, 2018 signed by Dyan Rajasingham, Engineer III).

4. The requested Renewal of the Special Permit for five years will not adversely affect the character of or property values in the area. The property has been used as a commercial parking lot for the last fifty years and there is a need for parking in the area. . The Renewal of the Special Permit is for over -night parking of automobiles and enclosed trailers which are unoccupied overnight. No idling of unattended vehicles will be permitted. No maintenance of vehicles shall take place on the site. No loading or unloading of vehicles on premises. No overnight engine start-up such as a refrigerated box truck.

5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town. The property has been used as a commercial parking lot for the last fifty years and there is a need for parking in the area. . The Renewal of the Special Permit is for over -night parking of automobiles and enclosed trailers which are unoccupied overnight. No idling of unattended vehicles will be permitted. No maintenance of vehicles shall take place on the site. No loading or unloading of vehicles on premises. No overnight engine start-up such as a refrigerated box truck.

6. The requested Renewal of the Special Permit for five years will comply with all other regulations applicable to such use. For all Special Permit Uses a proposed plan, showing the size and location of the lot, design and location of the proposed facilities (including access drives, screening and streets within 1,000 feet) and a detailed description thereof must be submitted in accordance with rules prescribed by the Board (if any).

7. Before any Renewal of the Special Permit is granted, the applicant must secure approval of the proposed structure by the Town Engineer or the consulting engineers for the Town of Orangetown, if same has been requested or is otherwise required.

TOWN OF ORANGETOWN
APR 27 2025
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested continuance of the Special Permit for the commercial parking lot is APPROVED for FIVE YEARS; with the following SPECIFIC CONDITIONS: (1) The applicant's parking lot shall comply with the current standards of a public parking lot and the area shall be maintained properly (Rockland County Highway Department letter dated July 30, 2018 signed by Dyan Rajasingham, Engineer III); (2) The Renewal of the Special Permit is for over -night parking of automobiles and enclosed trailers which are unoccupied overnight; (3) No idling of unattended vehicles will be permitted; (4) No maintenance of vehicles shall take place on the site; (5) No loading or unloading of vehicles on premises; (6) No overnight engine start-up such as a refrigerated box truck. 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.


TOWN OF ORANGETOWN
2025 APR - 2 P 1:44
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested continuance of the Special Permit for the commercial parking lot for Five (5) years is APPROVED; with the following Specific Conditions: (1) The applicant's parking lot shall comply with the current standards of a public parking lot and the area shall be maintained properly (Rockland County Highway Department letter dated July 30, 2018 signed by Dyan Rajasingham, Engineer III); (2) The Renewal of the Special Permit is for over -night parking of automobiles and enclosed trailers which are unoccupied overnight; (3) No idling of unattended vehicles will be permitted; (4) No maintenance of vehicles shall take place on the site; (5) No loading or unloading of vehicles on premises; (6) No overnight engine start-up such as a refrigerated box truck; was presented and moved by Chairman Bosco, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo 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: March 19, 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 OF ORANGETOWN
2025 APR - 2 P 1:44
TOWN CLERK'S OFFICE

DECISION
**FLOOR AREA RATIO, FRONT YARD, & SECTION 5.227 VARIANCES APPROVED
AS MODIFIED WITH CONDITIONS**

To: Karl Ackermann (Flynn)
159 E. Central Avenue
Pearl River, New York

ZBA #25-06
Date: March 19, 2025
Permit # BLDR-6618-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-06: Application of Kenneth Flynn, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 4 (Max floor area ratio: 20% permitted, with 21.18% proposed), from Column 8(Front yard: 30' required, with 27.5' proposed), and from Section 5.227 (Accessory structure set back: 5' required, with 2' proposed) for an addition, deck, renovations, and existing shed at a single-family residence. The premises are located at 48 Pierce Parkway, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.09, Block 5, Lot 9 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 19, 2025 at which time the Board made the determination hereinafter set forth.

Karl Ackermann, Architect, and Kevin Flynn, Owner, appeared and testified.

The following documents were presented:

1. Architectural Plans, Flynn Residence with the most recent revision date January 24, 2025, signed and sealed by Karl E. Ackermann, AIA, PLLC, (5 pages).
2. Survey dated August 27, 2024 signed and sealed by Robert E. Sorace, P.L.S..
3. A letter dated March 12, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated March 19, 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. Valentine and carried unanimously.

Karl Ackermann, Architect, testified that the Applicant has lived in home for four years; that his family has lived in community for his entire life; that he has babies coming and wants to stay in the area; that they are proposing to expand from a one story residence; that they would like to add a little porch which is triggering a variance; that the existing body of the house is not changing just the front vestibule and front stairs; that they believe this to be a small variance; that he has presented to this Board in the past for residences on the same block with similar builds; that this will be similar to what is in the neighborhood; that he feels it has always been the position for the Board that front porches and vestibules add character to homes and a more aesthetic value; that the floor area ratio requested is a small percentage however the lot is existing non-conforming for what the zone is and it's a corner lot; that the shed had been there when they purchased the home; that they replaced it with a newer one in the same spot and unaware of the distance restrictions from the property line to the rear yard; that there is a stone wall in the rear yard approximately five (5') feet tall and a six (6') foot tall fence; that they are however willing to move the shed if need be; that this property is challenged and moving the driveway from where it is on the corner to its shown location enhances the character; that moving the curb cut away from that location is safer; that there are buses pulling out, etc.; that the garage that is existing on the house now is very substandard and doesn't even fit a car inside; that they will be converting it into a den and moving the garage; that the house is built into a slope; that its being held up by a retaining wall and a drive under garage which is a much more desirable and is a much more conventional size garage; that they would like to keep the other existing driveway as well; that the bulk of the six (6') foot fence on the Paton Place side will be coming out due to the addition; that if the Board is concerned with the fence they will move the fence back in line with the addition.

TOWN OF ORANGETOWN

Kevin Flynn, Owner, testified that he currently owns three (3) vehicles; that the vehicles are his personal vehicle, his work vehicle, and his wife's family car; that currently at home he has him and his wife and their two small children; that the house as it is today is very cluttered; that he is a NYC Police Detective and part of the FBI Special Task Force and needs to be able to get out of his driveway at a moment's notice.

Denise Sullivan, Deputy Town Attorney, stated that you are not allowed to have two driveways on two streets without permission, that you're allowed one driveway. However, Orangetown Highway was notified, and that she had reached out herself and had not heard back.

Chairman Bosco stated that the driveway will be safer and that he feels the Orangetown Highway would want this moved away from the corner.

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; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo was 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 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, front yard, and Section 5.227 variances as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions exist in the area. The change in the driveway will make for safer conditions.
2. The requested floor area ratio, front yard, and Section 5.227 variances as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions exist in the area. The change in the driveway will make for safer conditions.

TOWN CLERK'S OFFICE

APR 27 2025

TOWN OF ORANGETOWN

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 floor area ratio, front yard, and Section 5.227 variances as modified 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 additions exist in the area. The change in the driveway will make for safer conditions.
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, front yard, and Section 5.227 variances as modified are APPROVED WITH SPECIFIC CONDITIONS; (1) Applicant is to move the six(6') foot fence on Patton Place in line with the addition to the property line; (2) Applicant is to repair/restore curbs where the existing driveway is being removed; and where new driveway is being installed, the curbs must comply with the Town of Orangetown specifications; 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 floor area ratio, front yard, and Section 5.227 variances are APPROVED WITH SPECIFIC CONDITIONS; (1)Applicant is to move the six(6') foot fence on Patton Place in line with the addition to the property line;(2): Applicant is to repair/restore curbs where the existing driveway is being removed; and where new driveway is being installed, the curbs must comply with the Town of Orangetown specifications; was presented and moved by Ms. Castelli, seconded by Mr. valentine and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo 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: March 19, 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-Mike M

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

TOWN OF ORANGETOWN
2025 APR - 2 P 1:44
TOWN CLERK'S OFFICE

DECISION
SIDE YARD, AND TOTAL SIDE YARD VARIANCES APPROVED AS MODIFIED

To: William Carson
85 Lenape Road
Pearl River, New York

ZBA #25-07
Date: March 19, 2025
Permit # BLDR-6617-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 25-07: Application of William Carson, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 9 (Side yard: 20' required, with 17.5' proposed), from Column 10 (Total side yard: 50' required, with 48.2' proposed) to relocate deck stairs at a single-family residence. The premises are located at 85 Lenape Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.17, Block 3, Lot 18 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 19, 2025 at which time the Board made the determination hereinafter set forth.

William Carson, homeowner, appeared and testified.

The following documents were presented:

1. Architectural plans, Carson Residence with the most recent revision date of February 21, 2024, signed and sealed by Harry J. Goldstein, R.A. (1 page).
2. Survey dated November 15, 1961 by Barbour & Jost Surveyors, L.S..
3. A letter dated March 12, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated March 19, 2025 from Kevin Murtagh, 77 Lenape Road, Pearl River New York, 10965.

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

William Carson, homeowner, testified that he has lived at the residence for his whole life; that recently they had their garage converted into living space and had a patio put on behind the garage; that they now will need to relocate the stairs to be able to see their children when they are playing in the back yard.

The Board discussed the distance of the variances requested and the sheds that are located on the property; that the requested total side yard variance is for forty eight point three (48.3') feet not 48.2' as published; and there are two (2) sheds located six (6') feet from the property lines; that one of the 12' x 12' sheds is located on top of the hill, and there is another 12' x 12' shed on the other side; that one of the sheds is not shown on the drawing and asked the homeowner to draw this shed on the plot plan. The Board acknowledged the additional variances for one twelve (12') foot by twelve (12') foot sheds which are six (6') feet from the property lines. The homeowner agreed, and drew the additional shed on the plot plan and submitted this for the record.

Denise Sullivan, Deputy Town Attorney, made the Applicant aware as these variances differ from the original subject of the denial, the decision can be challenged within thirty (30) days of being filed with the Town of Orangetown Town Clerk, although there were no neighbors out against the variances, and there was a letter in support.

TOWN OF ORANGETOWN
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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, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo was 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 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 side yard and total side yard variances as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The neighboring property is in support of the deck stair relocation. The second shed has been added to the plans.
2. The requested side yard and total side yard variances as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The neighboring property is in support of the deck stair relocation. The second shed has been added to the plans.
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 side yard and total side yard variances as modified 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 neighboring property is in support of the deck stair relocation. The second shed has been added to the plans.

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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 side yard and total side yard variances as modified 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.
- (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.

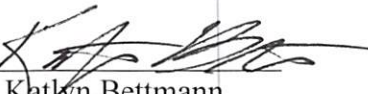
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The foregoing resolution to approve the application for the requested side yard and total side yard variances as modified are APPROVED; was presented and moved by Mr. DeRobertis, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo 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: March 19, 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-Ken L.

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

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