

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: 8/28/2020

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential
<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: 49862  
ASSIGNED  
INSPECTOR: Gm  
Referred from Planning Board: YES / NO  
If yes provide date of Planning Board meeting: \_\_\_\_\_

Project Name: Daldera-Backyard

Street Address: 85 Ehrhardt rd Pearl River NY 10965

Tax Map Designation:  
Section: 69.09 Block: 5 Lot(s): 29  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Directional Location:  
On the East side of Ehrhardt, approximately \_\_\_\_\_ feet South of the intersection of Pearce Pkwy, in the Town of ORANGETOWN in the hamlet/village of Pearl River.

Acreage of Parcel <u>.3</u>	Zoning District <u>R-15</u>
School District <u>Pearl River</u>	Postal District <u>Pearl River</u>
Ambulance District <u>Pearl River</u>	Fire District <u>Pearl River</u>
Water District <u>SW2</u>	Sewer District <u>Orangetown</u>

Project Description: (If additional space required, please attach a narrative summary.)  
Install 5' fence 5' away from property line and build 20x10' pavilion in front yard. House is a corner lot.

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.  
Date: 8/28/2020 Applicant's Signature: \_\_\_\_\_

APPLICATION REVIEW FORM

x Applicant: Vincent D'Alsera Phone # 845-656-4817

Address: 85 Ehrhardt rd Pearl River NY 10965

Property Owner: Vincent D'Alsera Phone # 845-656-4817

Address: 85 Ehrhardt rd Pearl River NY 10965

Engineer/Architect/Surveyor: Phone #

Address: Street Name & Number (Post Office) City State Zip Code

Attorney: Phone #

Address: Street Name & Number (Post Office) City State Zip Code

y Contact Person: Vincent D'Alsera Phone # 845-656-4817

Address: 85 Ehrhardt rd Pearl River NY 10965

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of: (Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

- State or County Road, Long Path, Municipal Boundary, State or County Park, County Stream, County Facility

List name(s) of facility checked above:

Referral Agencies:

- RC Highway Department, RC Drainage Agency, NYS Dept. of Transportation, NYS Thruway Authority, Adjacent Municipality, Other, RC Division of Environmental Resources, RC Dept. of Health, NYS Dept. of Environmental Conservation, Palisades Interstate Park Commission

**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? \_\_\_\_\_
- 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 \_\_\_\_\_
- 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? Yes \_\_\_\_\_

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.

ZBA 18-01 Approval 1/3/2018  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**Debbie Arbolino**

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**From:** Glenn Maier  
**Sent:** Wednesday, August 26, 2020 11:15 AM  
**To:** Danielle Crill  
**Cc:** Debbie Arbolino  
**Subject:** RE: 85 ehrhardt rd  
**Attachments:** Zoning Board Application 2020.pdf

Vincent,

The proposed fence height is greater than that allowed by the town code. The maximum height of a fence in the front yard is 4'-6", you are proposing a 5' tall fence. Also the proposed pavilion is located in the front yard. Per town code no accessory structures are to be located in any required front yard. Based on the site plan provided your request for the installation of the 5' tall fence and 20' x 18' pavilion are denied. Your recourse is to make an application to the Zoning Board Of Appeals requesting a variance from the town codes. Attached is a copy of the Zoning Board Of Appeals application. Debbie Arbolino, Clerk of the Zoning Board, has been cc'd on this referral. Please feel free to contact me with any questions.

Thank You

**Glenn E. Maier**

Town Of Orangetown  
Assistant Building Inspector

845-359-8410 o x4311  
845-359-8526 f  
[gmaier@orangetown.com](mailto:gmaier@orangetown.com)

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**From:** Danielle Crill <dcrill26@gmail.com>  
**Sent:** Wednesday, August 26, 2020 8:29 AM  
**To:** Glenn Maier <gmaier@orangetown.com>  
**Subject:** Re: 85 ehrhardt rd

[External Email]

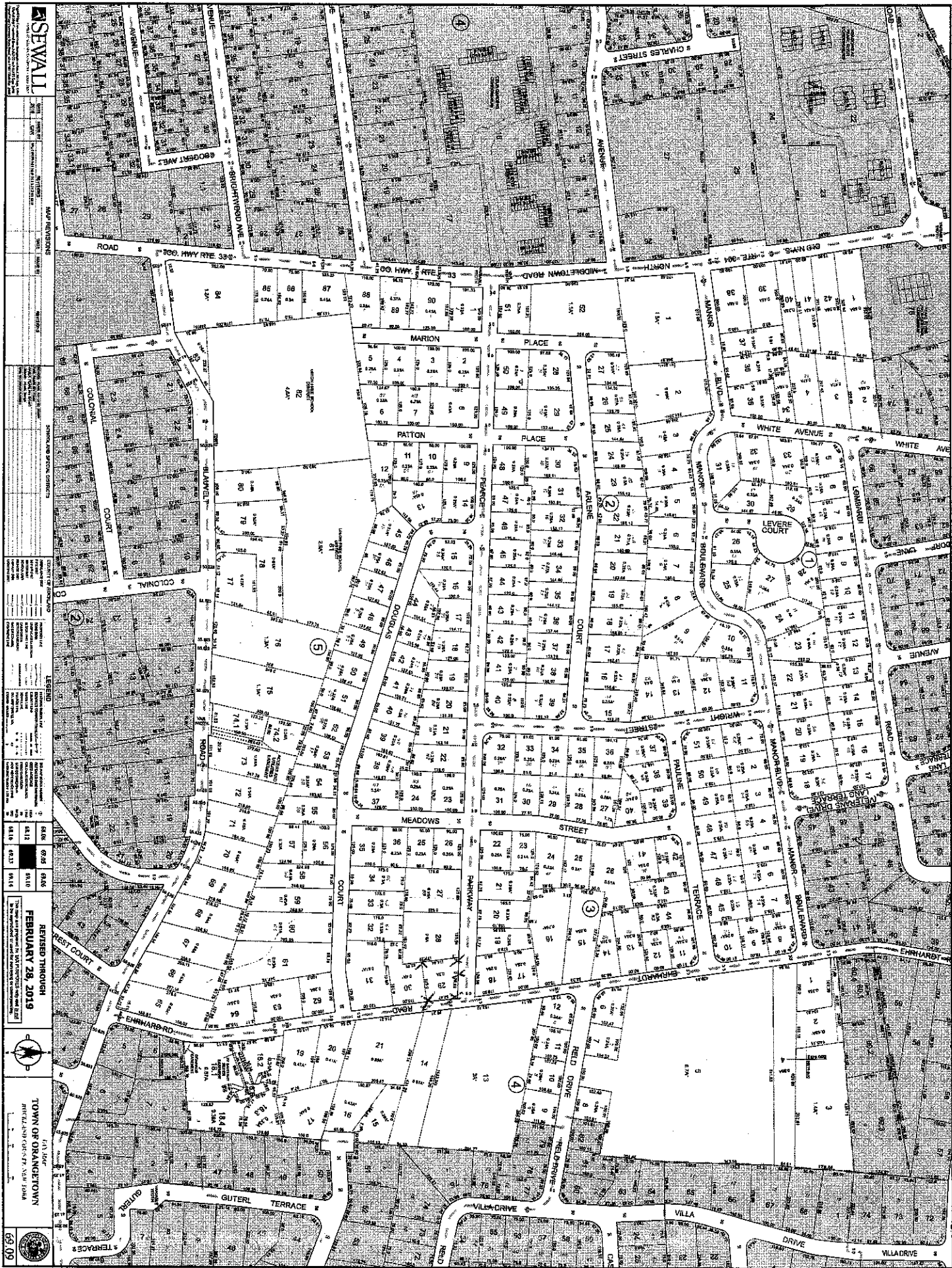
Hi Glenn-

Just checking in to see if anything else was needed/what the next steps would be. Give me a call or email.

Thanks,  
Vincent

5.226 Fences & walls

5.227 allows acc.  
building in rear  
and side yards  
only



**SEWALL**

AMT REVENUES  
PLAT NO. 1919  
DATE 02/28/19

SPRING AND SUMMER SESSIONS  
COUNTY OF ORANGE, FLORIDA

LEGEND

DATE

DATE

DATE

DATE

DATE

69.09

REVERSED THROUGH  
FEBRUARY 28, 2019



TOWN OF ORANGE TOWN  
MAY 1968 (REVISED 1977 AND 1984)

SWIS	PRINT KEY	NAME	ADDRESS
392489	69.09-3-17	Carol Conran	105 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-3-18	Jeffrey A Madans	97 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-3-19	John O'Donovan	161 Pearce Pkwy,Pearl River, NY 10965
392489	69.09-3-20	William Barringer	155 Pearce Pkwy,Pearl River, NY 10965
392489	69.09-4-13	St Stephens Episcopal Church	84 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-4-14	St Stephens Episcopal Church	84 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-4-21	Beatrice Mason	80 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-5-27	Sal C Falesto	146 Pearce Pkwy,Pearl River, NY 10965
392489	69.09-5-28	Kathleen B Dempsey	154 Pearce Pkwy,Pearl River, NY 10965
392489	69.09-5-29	Vincent D'Alisera	85 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-5-30	Brendan O'Sullivan	77 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-5-31	Lynne R Foley	69 Ehrhardt Rd,Pearl River, NY 10965
392489	69.09-5-32	Daniel Scrima	111 Douglas Ct,Pearl River, NY 10965
392489	69.09-5-33	Giovanna Signorino	107 Douglas Ct,Pearl River, NY 10965

DECISION

**SIDE YARD VARIANCE APPROVED; BUILDING HEIGHT VARIANCE DEEMED NOT NECESSARY**

To: Vincent D'Alisera  
85 Ehrhardt Road  
Pearl River, New York 10965

ZBA #18-01  
Date: January 3, 2018  
Permit #46992

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-01: Application of Vincent D'Alisera for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 9 (Side Yard: 20' required, 16.24' proposed), and 12 (Building Height: 16.24' permitted, 27' proposed) for an addition to an existing single-family residence. The Premises are located at 85 Ehrhardt Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.09, Block 5, Lot 29 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 3, 2018 at which time the Board made the determination hereinafter set forth.

Vincent D'Alisera and Danielle Crill, appeared and testified.

The following documents were presented:

1. Survey for 85 Ehrhardt Road dated 12/04/2015 signed by Steven J. Collazuol, PE. & L.S.
2. Architectural plans dated 10/07/2017 with the latest revision date of 11/03/2017 signed and sealed by John J. Gilchrist, Architect.

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

On advice of Dennis Michaels, 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. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

Vincent D'Alisera testified that they want to put a 2<sup>nd</sup> floor addition with 3 bedrooms and two bathrooms. He stated they have owned the house for 6 years. It is just Danielle and he that live there and they do not have kids. He also said that the bedroom on the first floor would remain. He believes that it would not make his house unlike other houses in the area because the neighborhood has similar additions.

Danielle Crill testified that they would be building on the existing footprint.

TOWN OF ORANGETOWN  
2018 JAN 18 P 1:05  
TOWN CLERK'S OFFICE

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 side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. At a Zoning Board Hearing held on November 1, 2017, (regarding a different application) the Board determined that the Building Height, as defined under the Zoning Code, shall be determined from the designated street line, therefore a building height variance is not necessary for this application (see ZBA#17-83, Mc Kenna) The side yard of 15.24' is changing because a second floor is being constructed increasing the bulk of the existing pre-existing non-conforming side yard, however the proposal is not extending the existing footprint of the building.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. At a Zoning Board Hearing held on November 1, 2017, (regarding a different application) the Board determined that the Building Height, as defined under the Zoning Code, shall be determined from the designated street line, therefore a building height variance is not necessary for this application (see ZBA#17-83, Mc Kenna) The side yard of 16.24' is changing because a second floor is being constructed increasing the bulk of the existing pre-existing non-conforming side yard, however the proposal is not extending the existing footprint of the building.
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.

TOWN OF ORANGETOWN  
JAN 18 P 1:05  
TOWN CLERK'S OFFICE



4. The requested side yard 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 height of the building is increasing by 7', changing the existing bulk of the building but not changing the existing footprint.
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 side yard variance is APPROVED, and at a Zoning Board Hearing (regarding a different application) held on November 1, 2017, the Board determined that Building Height, as defined under the Zoning Code, shall be determined from the designated street line, therefore a building height variance is not necessary for this application (see ZBA#17-83, Mc Kenna); 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.

TOWN OF ORANGETOWN  
2018 JAN 18 P 1:05  
TOWN CLERK'S OFFICE


(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 side yard variance is APPROVED, and at a Zoning Board Hearing (regarding a different application) held on November 1, 2017, the Board determined that Building Height, as defined under the Zoning Code, shall be determined from the designated street line, therefore a building height variance is not necessary for this application (see ZBA#17-83, Mc Kenna); was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Bosco, nay; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: January 3, 2018

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

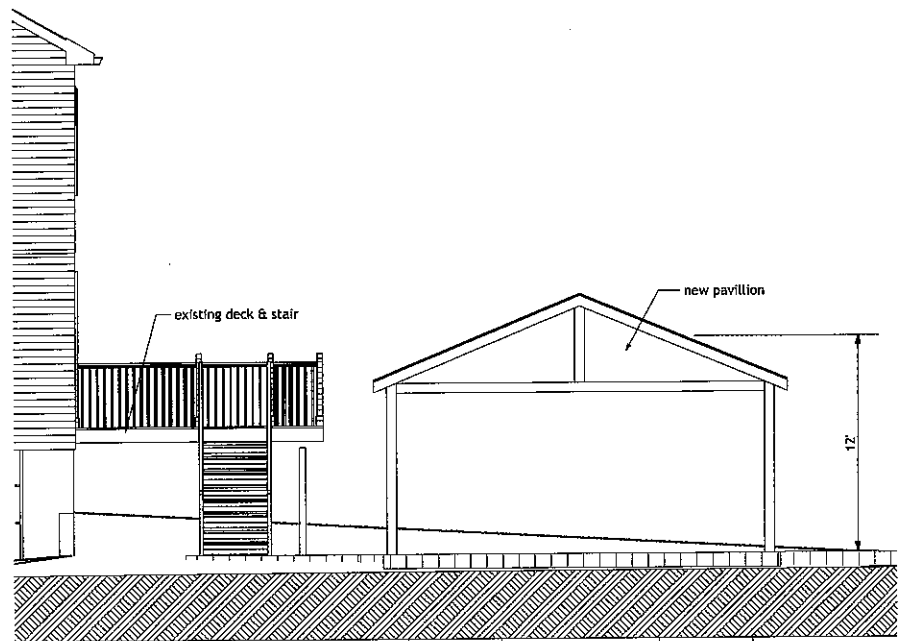
By   
Christian Catania  
Senior Clerk Typist

DISTRIBUTION:

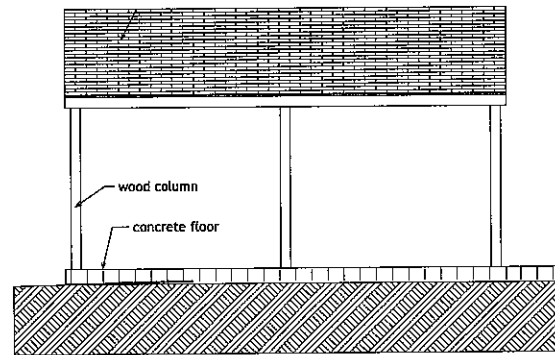
APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-M.M.

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

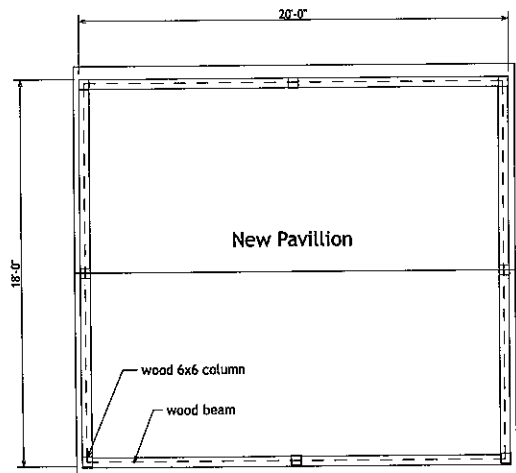
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2018 JAN 18 P 1:05  
TOWN CLERK'S OFFICE



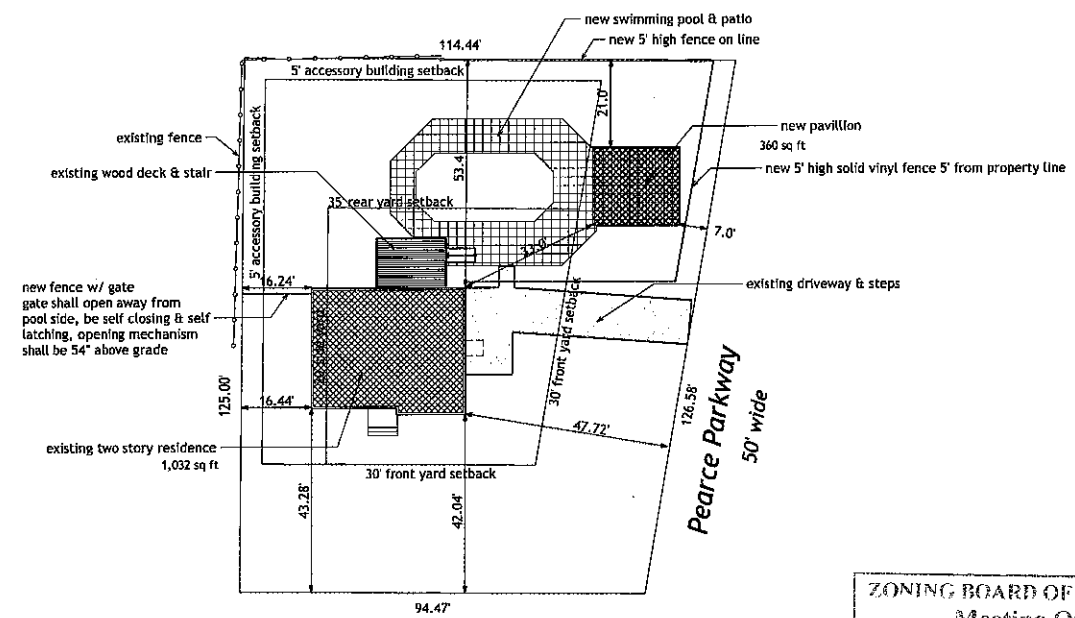
**North Elevation**  
SCALE: 1/4" = 1'-0"



**West Elevation**  
SCALE: 1/4" = 1'-0"



**Pavilion Plan**  
SCALE: 1/4" = 1'-0"



**Ehrhardt Road**  
33' wide

**Site Plan**

Scale: 1" = 20.0'  
0 10' 20' 40'



R15

Prepared with Information taken from, "Survey of Property 85 Ehrhardt Road situated in the Town of Orangetown - Pearl River Rockland County, New York" by Collazuol Engineering & Surveying Assoc., LLC dated December 04, 2015

ZONING BOARD OF APPEALS  
Meeting Of:

OCT 21 2020

Town Of Orangetown

Town of Orangetown Zoning Schedule			
R15 Single Family Detached Group M	Ordinance	Existing	Proposed
Maximum Floor Area Ratio	0.20	0.16	0.19
Minimum Lot Area	15,000	13,057	not changed
Minimum Lot Width	100	94.47	not changed
Minimum Street Frontage	75	72.0	not changed
Required Front Yard	30	42.1	not changed
Required Side Yard	20	16.24	not changed
Total Side Yard	50	n/a	not changed
Required Rear Yard	35	53.4	not changed
Maximum Height: 1' per foot from designated street line	42	27	not changed
5.227			
Accessory Building distance from other building = height of accessory building			
Accessory Building Maximum Height	15		12.0
Accessory Building Minimum Setback	5		2.0
Accessory Building Coverage 30% of rear or side yard			
Swimming Pool located no closer than 8' to principal building	8		36.0

Building Area		
Existing First Floor	1,032	1,032
Second Floor	1,032	1,032
New Pavilion		360
<b>Total Building Area</b>	<b>2,064</b>	<b>2,424</b>

**JOHN J  
GILCHRIST  
ARCHITECT**  
A Professional Corporation

8-21-20	for review	JJG
Date	Issue	Initial
New Swimming Pool & Pavilion for <b>Mr Vincent D'Alisera</b> 85 Ehrhardt Road Pearl River Town of Orangetown Rockland County New York Lot 29 Block 5 Section 69.09		
Site Plan & Pavilion Plan & Elevations		
<b>John J Gilchrist</b> Architect A Professional Corporation 210 Summit Avenue Montvale NJ 07645 Phone 201 573 1877 JGilchristAIA@aol.com		
1/4" = 1'-0"	D'Alisera 1 of 1	
170427		