

Name of Municipality: **TOWN OF ORANGETOWN**

Date Submitted: \_\_\_\_\_

**2022 LAND USE BOARD APPLICATION**

Please check all that apply:

<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential
<input 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 type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

**PERMIT#:** RENW-1098-22

**ASSIGNED**

**INSPECTOR:** Glenn

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

**Project Name:** 8' Fence Clerkln

**Street Address:** 45 Brightwood Ave  
Pearl River, NY 10965

**Tax Map Designation:**

Section: 68-12 Block: 5 Lot(s): 52  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

**Directional Location:**

On the Left side of 45 Brightwood Avenue, approximately \_\_\_\_\_ feet of the intersection of N Main Street, in the Town of ORANGETOWN in the hamlet/village of Pearl River.

**Acreage of Parcel** \_\_\_\_\_  
**School District** Pearl River  
**Ambulance District** \_\_\_\_\_  
**Water District** \_\_\_\_\_

**Zoning District** \_\_\_\_\_  
**Postal District** \_\_\_\_\_  
**Fire District** \_\_\_\_\_  
**Sewer District** \_\_\_\_\_

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

8' Fence at rear of property to obtain privacy from neighbors pool which is on a raised platform. Fence was installed almost 7 years ago. Did not realize we needed permit.

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

Date: 5/10/22 Applicant's Signature: Carole Clark

# 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. cherry Brook

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.

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



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

20 Greenbush Road  
Orangeburg, N.Y. 10962

Jane Slavin, R.A.  
Director

(845)359-8410

Fax: (845) 359-8526

**DENIAL TO THE ZONING BOARD OF APPEALS**

Date: May 4, 2022

Applicant: Clerkin

Address: 45 Brightwood Ave, River, NY

RE: Application Made at: same

Chapter 43, Section 5.226 Fences over 6' in height in the rear and side yards must be set back from the property line 2/3 height of proposed fence height. 8' fence requires 5'4" setback, with 2' proposed  
1 Variance required

Section: 68.12

Block: 5

Lot: 52

Dear Clerkin:

Please be advised that the Building Permit Application, which you submitted on

May 2, 2022, has been denied. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for denial.

**In Accordance with Zoning, Chapter 43 Section 10.322 the time to appeal a determination of a Building Inspector or Similar administrative office is thirty (30) days from the filing of such a determination with the Town Clerk.**

The Clerk to the Zoning Board of Appeals, Debbie Arbolino, will assist you in the preparation necessary to appear before the board.

Sincerely,

  
Richard O'Neil  
Deputy Building Inspector

Signature of Director  
NOTE: PLEASE KEEP FOR YOUR RECORDS  
12-31-18-CCC

Date  
CC: Rosanna Sfraga  
Liz Decort  
Debbie Arbolino



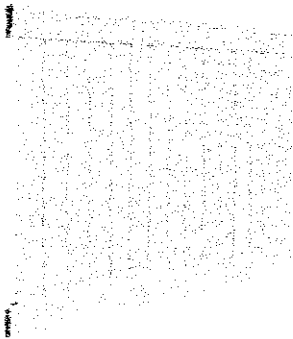
SWIS	PRINT KEY	NAME	ADDRESS
392489	68.12-5-1	Lawrence G Mc Gee ✓	36 Forest Ave, Pearl River, NY 10965
392489	68.12-5-2	Jeremiah Keneally ✓	40 Forest Ave, Pearl River, NY 10965
392489	68.12-5-3	Anthony Gazzara ✓	44 Forest Av, Pearl River, NY 10965
392489	68.12-5-4.2	Gene Tavormina ✓	48 Forest Ave, Pearl River, NY 10965
392489	68.12-5-50	Kirk Smith ✓	57 Brightwood Av, Pearl River, NY 10965
392489	68.12-5-51	Louis Blanco ✓	51 Brightwood Av, Pearl River, NY 10965
392489	68.12-5-52	Brian Clerkin ✓	45 Brightwood Ave, Pearl River, NY 10965
392489	68.12-5-53	Christopher Widmer ✓	39 Brightwood Ave, Pearl River, NY 10965
392489	68.12-5-54	John Carpentieri ✓	25 Brightwood Av, Pearl River, NY 10965
392489	68.12-5-55	Sean Reid ✓	21 Brightwood Ave, Pearl River, NY 10965
392489	68.12-5-60	Richard M Koppel ✓	16 Forest Av, Pearl River, NY 10965
392489	68.12-5-61	Peter C Rooney ✓	24 Forest Ave, Pearl River, NY 10965
392489	68.12-5-62	Manuel Suquilema ✓	30 Forest Ave, Pearl River, NY 10965
392489	68.16-2-6	Michael Mc Donagh ✓	30 Brightwood Ave, Pearl River, NY 10965
392489	68.16-2-7	Robert Zerega ✓	34 Brightwood Ave, Pearl River, NY 10965
392489	68.16-2-8	Carmela Marino ✓	44 Brightwood Av, Pearl River, NY 10965
392489	68.16-2-9	Paul Weldon ✓	50 Brightwood Av, Pearl River, NY 10965
392489	68.16-2-10	George F Mc Carthy ✓	52 Brightwood Av, Pearl River, NY 10965
392489	68.16-2-11	Edward D Pascocello ✓	58 Brightwood Ave, Pearl River, NY 10965
	68.12-5-4.1	Michael + Mary Ann Shostel ✓	52 Forest Ave., Pearl River, NY 10965
	68.12-5-5	John C + Dale Shelds ✓	60 Forest Ave., Pearl River, NY 10965
	68.12-5-49	Peter + Colleen Timony ✓	61 Brightwood Ave., Pearl River, NY 10965
	68.12-5-56	Francis M + Karen C Brooke ✓	17 Brightwood Ave., Pearl River, NY 10965
	68.16-3-5	Peter + Joanne McDonald ✓	34 Bogert Ave., Pearl River, NY 10965
	68.16-3-12	Mary J Mahoney, James + Maureen ✓	70 Bogert Ave., Pearl River, NY 10965
	68.16-3-13	Christina Ann Leighton, John + Patricia <sup>Murray</sup> ✓	74 Bogert Ave., Pearl River, NY 10965
	68.16-3-54	Pamela Gay Bryant - Childs <sup>O'Connor</sup> ✓	57 Hunt Ave., Pearl River, NY 10965
	68.16-3-55	Eugene + Elleasue Minchak ✓	53 Hunt Ave., Pearl River, NY 10965
	68.16-3-56	Michael J + Kathleen McGausty ✓	47 Hunt Ave., Pearl River, NY 10965
	68.16-3-57	David Thomas Connolly ✓	45 Hunt Ave., Pearl River, NY 10965
	68.16-3-58	Nicholas C + Patricia Tarrillo ✓	41 Hunt Ave., Pearl River, NY 10965

68.12-5-52

45 Brightwood Ave.

Your Store:  
Orangeburg, NY

Your Store: Orangeburg, NY



**Gatehouse Emblem White Flat-Top Privacy Vinyl Fence Panel (Common: 72-in x 8-ft; Actual: 72-in x 7.82-ft)**

Item #: 12092 | Model #: 73013949

★★★★★

**\$79.98**

Buy 24, Get 13% Off

FREE  
Store Pickup

Lowe's Truck Delivery

Parcel Shipping  
Unavailable for This Order  
Sent by carriers like UPS,  
FedEx, USPS, etc.

Gatehouse Emblem **\$79.98**

White Flat-Top Privacy Vinyl Fence Panel (Common: 72-in x 8-ft; Actual: 72-in x 7.82-ft)



Facebook

Pinterest

Twitter

Google+

Email

**Description**

Emblem White Flat-Top Privacy Vinyl Fence Panel (Common: 72-in x 8-ft; Actual: 72-in x 7.82-ft)

- Once assembled, actual panel size is 72-in x 94-in
- Coordinating posts include: #73013950 line post, #73013951 corner post, #73014057 end post - sold separately
- Coordinating gates include: #73013960 gate kit, #73014059 privacy walk gate, #73014060 privacy drive gate - sold separately
- Rackable up to 8-in in height across 8-ft of sloped terrain
- Prerouted fence posts - sold separately
- 7/8-in x 6-in tongue-and-groove boards
- ProSeal™ Barbed Construction within rail to ensure strength and durability
- Heavy duty, low maintenance vinyl construction
- Transferable limited lifetime warranty

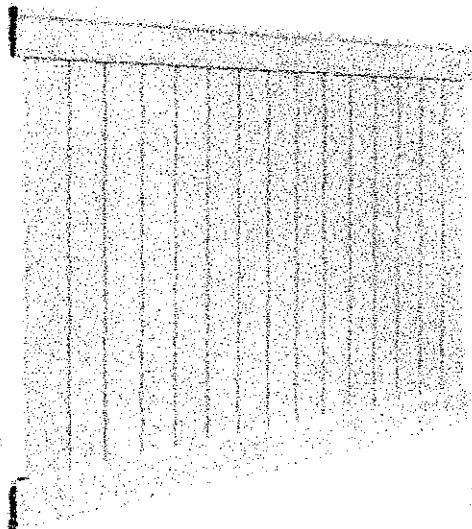
**Specifications**

Type	Privacy	Warranty	Transferrable
Style	Flat-top		Limited lifetime
Actual Length (Feet)	7.82	Series	Emblem
Actual Height (Inches)	72	Collection	N/A
Manufacturer Color	White	Material	Vinyl
Color/Finish Family	White	Common Height (Inches)	72
		Common Length (Feet)	8

**Complete the Fence Project**

★★★★★

★★★★★



**LOT AREA**  
 15,064.03 S.F.  
 OR  
 0.35 ACRES



N/F  
**McGEE**  
 68.12-5-1

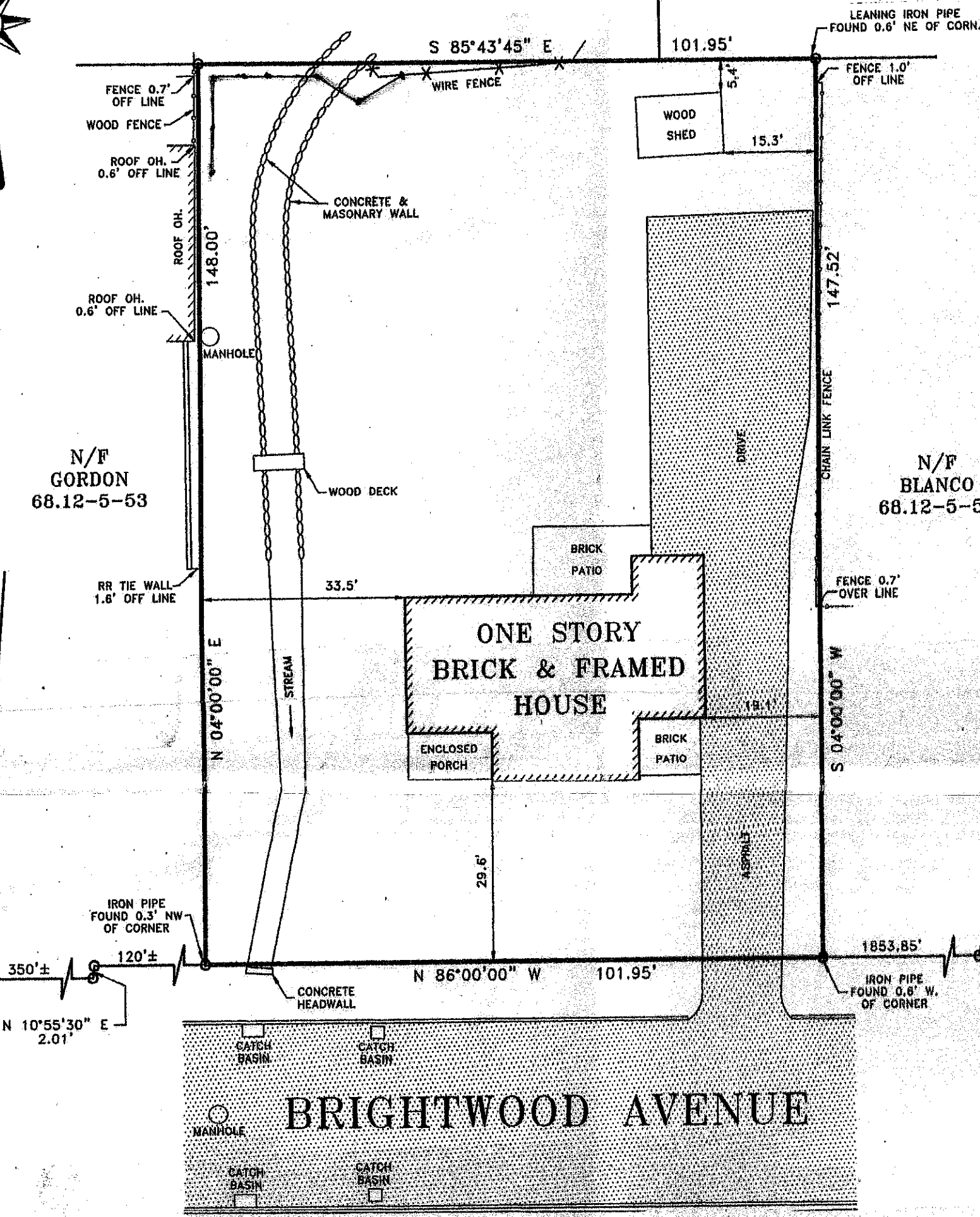
N/F  
**KENEALLY**  
 68.12-5-2

N/F  
**GORDON**  
 68.12-5-53

N/F  
**BLANCO**  
 68.12-5-51

NORTH MAIN STREET

MIDDLETOWN RD.



**GENERAL NOTES:**

1. THE PREMISES SHOWN HEREON IS GENERALLY AS DESCRIBED IN DEED LIBER-916, PAGE-318 RECORDED IN THE ROCKLAND COUNTY CLERK'S OFFICE.
2. SURVEYED AS PER RECORD DESCRIPTIONS AND EXISTING MONUMENTATION.
3. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAYS THAT AN ACCURATE UP TO DATE ABSTRACT OF TITLE MAY SHOW.
4. THE LOCATION OF ANY SUBSURFACE EASEMENTS, RIGHT OF WAYS, ENCROACHMENTS, AND/OR IMPROVEMENTS, IF ANY EXIST, ARE NOT CERTIFIED OR SHOWN HEREON.
5. ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THEREOF ONLY IF SAID MAP OR COPIES BEAR THE ORIGINAL SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON.
6. ANY ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PER SECTION 7209, SUBDIVISION 2.

RECEIVED

**BUILDING INSPECTOR'S COPY**

FEB 02 2016

ZONING & BLDG. DEPT.  
 TOWN OF ORANGETOWN

REVISED: JULY 9, 2009 (BOUNDARIES CORRECTED)

**W.E. JAMES ASSOCIATES**



ENGINEERING,  
 SURVEYING &  
 PLANNING

8 CHEANDA LANE  
 WALLKILL, NEW YORK 12589  
 PHONE: (845) 566-6522 FAX: (845) 566-6525

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A TRUE VALID COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON: JULY 8, 2009  
 CERTIFIED ONLY TO:

1. BRIAN CLERKIN AND CAROLINE CLERKIN
2. WELLS FARGO BANK, N.A., ITS SUCCESSORS AND/OR ASSIGNS
3. STEWART TITLE INSURANCE COMPANY
4. JANE RAMSAY

*William E. James*

**WILLIAM E. JAMES, P.E., P.L.S.**  
 NY STATE PROFESSIONAL LAND SURVEYOR LICENSE #050506

PROJECT TITLE:

SURVEY PREPARED FOR

**Brian & Caroline Clerk**

TAX MAP SECTION 68.12, BLOCK 5, LOT 52  
 TOWN OF ORANGETOWN  
 ROCKLAND COUNTY, NEW YORK

SCALE:  
 1" = 20'

DATE:  
 JUNE 22, 2009

SHEET NO:  
 1 OF 1

PROJECT CAD REFERENCE:

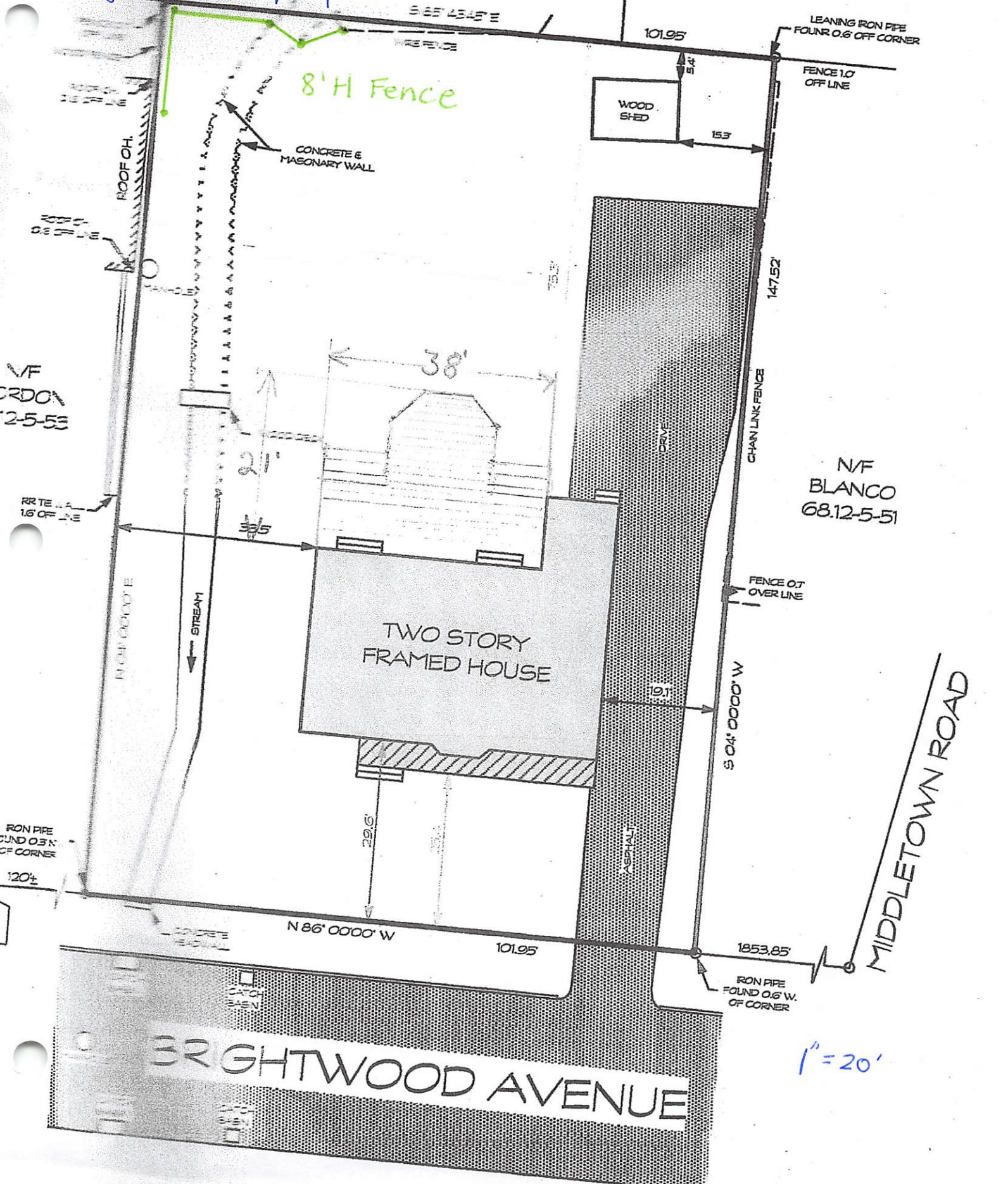
ROCKLAND COUNTY/TOWN OF ORANGETOWN/BRIGHTWOOD AVENUE/CLERKIN.BWG

McGee Pool & sitting area on raised platform

N 68° 12' 5" E

N 68° 12' 5" E  
68.12-5-2

OR  
0.35 ACRES



N 68° 12' 5" E  
68.12-5-53

RR T.E. 1.6' OFF LINE

IRON PIPE FOUND 0.6' W. OF CORNER

120'

BRIGHTWOOD AVENUE

1" = 20'

N 68° 12' 5" E  
68.12-5-51

MIDDLETOWN ROAD



DECISION

**FRONT YARD VARIANCE APPROVED AS MODIFIED**

To: Brian and Caroline Clerkin  
45 Brightwood Avenue  
Pearl River, New York 10965

ZBA # 10-03  
Date: January 6, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-03: Application of Brian and Caroline Clerkin for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, RG District, Group Q, Column 8 (Front Yard: 25' required, 19.9' proposed) for a porch at an existing single-family residence. The premises is located at 45 Brightwood Avenue, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 52; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 6, 2010 at which time the Board made the determination hereinafter set forth.

Caroline Clerkin appeared and testified.

The following documents were presented:

1. Architectural plans dated 9/18/09 (2 pages) with the latest revision date of 10/15/09 not signed or sealed by George Hodash Associates, Architects.

Mr. Mowerson made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson 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: Ms. Albanese, aye; Ms. Castelli, aye; Ms. Salomon, aye; Mr. Sullivan; aye; and Mr. Mowerson, aye.

Caroline Clerkin testified that they would like to add a front porch onto the house to provide some outdoor covered space; that there are no steps at the front of the house and a covered area could be used by her 72 year old mother and her two children; that this space would also provide a covered outdoor area for any smokers; and a place for the children to wait for the bus; and that she could make the porch eight feet wide instead of the proposed ten feet by ten feet.

TOWN CLERKS OFFICE

10 JAN 22 AM 9:35

TOWN OF ORANGETOWN

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Mowerson made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested front yard variance as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested front yard variance as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
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 front yard variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area.
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.

TOWN CLERKS OFFICE

10 JAN 22 19:35

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested front yard variance is APPROVED as modified by reducing the depth of the front porch by two feet, providing a 21.9' front yard; 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 CLERKS OFFICE

10 JAN 22 09:34


TOWN OF ORANGE TOWN

The foregoing resolution to approve the application for the requested front yard variance as modified by reducing the front porch by two feet providing a front yard of 21.9' was presented and moved by Ms. Castelli, seconded by Ms. Salomon, and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Mowerson, 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 6, 2010

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 -R.O.

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

TOWN CLERKS OFFICE

10 JAN 22 AM 9:34

TOWN OF ORANGETOWN