

MINUTES
ZONING BOARD OF APPEALS
September 6, 2023

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN
MICHAEL BOSCO
THOMAS QUINN
ROBERT BONOMOLO, JR.
PATRICIA CASTELLI,
BILLY VALENTINE

ABSENT: NONE

ALSO PRESENT: Katlyn Bettmann, Senior Clerk Typist
Denise Sullivan, Deputy Town Attorney
Patrizia Beers, Official Stenographer

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

TAPPAN FIRE DISTRICT 135 Washington Street Tappan, New York 77.11 / 3 / 6; CS zone	AMENDMENT TO ZBA#22-47 GRANTED; 43'FRONT YARD APPROVED	ZBA#23-28
SAVIET 17 Peach Street Nanuet, New York 64.19/ 1 / 51; R-22 zone	REAR YARD VARIANCE APPROVED	ZBA#23-29
GENOVESI 17 Moehring Drive Blauvelt, New York 70.18 / 3 / 14; R-15 zone	UNDERSIZE LOT ACKNOWLEDGED FLOOR AREA RATIO VARIANCE APPROVED SIDE YARD AND TOTAL SIDE YARD VARIANCES NOT NECESSARY	ZBA#23-30
GENDRON/CAHILL 53 South Naurausaun Road Pearl River, New York 69.18 / 4 / 45; R-15 zone	SECTIONS 5.2 & 9.2 VARIANCES APPROVED; FLOOR AREA RATIO, AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#23-31
WYANDANCH WASHINGTON REALTY LLC 56 Woods Road Palisades, New York 78.18 / 1 / 3.1-2; R-80 zone	SECTION 6.332 GRAVEL DRIVEWAY VARIANCE APPROVED	ZBA#23-32

TOWN CLERK'S OFFICE
2023 SEP 15 A 10:10
TOWN OF ORANGETOWN

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.

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

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following application: Caribbean Food Delights Site Plan, 117 Route 303, Tappan, NY 74.19 / 1 / 2; LI zone; Orangeburg Commons Amendment to Approved Site Plan; Route 303 and Stevens Way, Orangeburg, NY Section 74.15, Block 1, Lots 21.1, 21.2, 21.3, 21.4, 21.5 & 22; LI zoning district. and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 P.M.

Dated: September 6, 2023

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN
2023 SEP 15 A 10:10
TOWN CLERK'S OFFICE

FRONT YARD VARIANCE APPROVED

To: Ryan Nasher (Tappan Fire District)
232 N. Main Street
New City, NY 10956

ZBA #23-28
Date: September 6, 2023
Permit #BLDC-604-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-28: Application of Tappan Fire District for an amendment to ZBA#22-47 for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, GG District, Section 3.12, Column 8 (Front Yard: 100' required, [45' granted in ZBA#22-47] 43' proposed) for the construction of a new firehouse. The premises are located at 135 Washington Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.11, Block 3, Lot 4 in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 6, 2023 at which time the Board made the determination hereinafter set forth.

Mr. Quinn recused himself because he is a Tappan Fire Commissioner and left the room.

Ryan Nasher, P.E., and Robert Ortman, Tappan Fire Commissioner appeared and testified.

The following documents were presented:

1. Site Plan labeled " Tappan Fire District, Washington Street" dated 01/12/2022 with the latest revision date of 07/17/2023 signed and sealed by Ryan A. Nasher, P.E. & John R. Atzi P.L.S. (5 pages)
2. Orangetown ZBA Decision #22-47 dated July 6, 2022.
3. A letter dated August 18, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated August 31, 2023 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
5. A " No comments at this time , Please send future correspondence for review" from Rockland County Health Department signed by Liz Mello dated September 1, 2023.
6. A Dept. of Environmental Conservation form submitted by Brian Clark, 12 Washington Lane.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant , non -residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Castelli, aye; Mr. Bonomolo, aye; and Mr. Sullivan, aye. Mr. Quinn recused himself.

Ryan Nasher, Engineer for the project, testified that they appeared before the Zoning Board in July and received their necessary variances; that they have started the work and realized that the front bump out needed to be 6' not the original 4'; that they were granted a 45' front yard and they are asking for a 43 foot front yard because the bump out for the computer radio room needed an additional two feet; that the landscape area will be reduced by two feet but will still provide adequate landscaping; that the Rockland County letter dated August 18, 2023 has several comments that they would appreciate the Board over-riding; that comment #1 should be

overridden because the Fire District is only requesting the minimum variances required to house the new up to date equipment that is needed to protect the residents of Tappan, the new fire trucks require this size building to house them and the additional equipment required for the volunteer fire fighters; that comments # 5, #6, #7, and #8 have all been addressed by the SEQRA determination and comment #9 has been addressed and they have a proposed fence at the back of the building as a sound barrier for the neighbor at 12 Washington Lane.

Robert Ortman, Tappan Fire Commissioner, testified that the remediation was done on the property and the tanks were removed and documentation is in the record of the Building Department.

Public Comment:

Brian Clark, 12 Washington Lane, testified that he came home and found his sump pump had died and there was a smell of gas and he found black sludge with an oily sheen; that he replaced the sump pump but is concerned and started doing some research and found that the applicant's property use to be a gas station and that four tanks were buried in the ground and he has a tributary to the Sparkill Creek behind his house and he is requesting a soil check prior to removal and has submitted paper work to the Rockland County Department of Health.

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 Mr. Bosco 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 amended front yard variance of 43' will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. All other Board approvals remain and the difference in front yard set back sounds more like a clerical error and does not significantly change the approvals that were granted in ZBA Decision #22-47 on July 6, 2023.
2. The requested amended front yard variance of 43' will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. All other Board approvals remain and the difference in front yard set back sounds more like a clerical error and does not significantly change the approvals that were granted in ZBA Decision #22-47 on July 6, 2023.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining an amendment to the front yard variance granted in ZBA #22-47 dated July 6, 2022.
4. The requested amended front yard variance of 43' is not 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.

TOWN CLERK'S OFFICE

SEP 11 2023 11:01 AM

TOWN OF ORANGETOWN

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 variance.

Mr. Sullivan made a motion to override several comments from the August 18, 2023 letter from the County of Rockland Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, for the following reasons: comment #1 shall be overridden because the Board determined that an additional two feet for the front yard setback will not cause the local roads to be more congested, will not overburden the sewer system, stormwater management systems or public water supplies; and by permitted the additional two feet to allow for a computer radio room to work efficiently, fire calls will be answered promptly; and the Board would like to override comments # 5, 6, 7, and 8 which have all been addressed by the SEQRA determination and comment #9 has been addressed by a proposed fence at the back of the building as a sound barrier for the neighbor at 12 Washington Lane; which motion was seconded by Mr. Bosco and carried unanimously. Mr. Quinn was recused.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested amended front yard variance 45' granted in ZBA#22-47 to the requested 43' is **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.

11 01 15 2023
TOWN OF ORANGETOWN

(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 amended front yard variance granted in ZBA#22-47 (45') to the requested 43' is APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn abstained.

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: September 6, 2023

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERK'S OFFICE
2023 SEP 15 A 10:11
TOWN OF ORANGETOWN

REAR YARD VARIANCE APPROVED

To: Jonathan Hodash (Saviet)
120 N. Main Street Suite 501
New City, New York 10956

ZBA #23-29
Date: September 6, 2023
Permit #BLDR-3448-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-29: Application of Annette Saviet for variances from Zoning Code (Chapter 43) of the Town of Orangetown, R-22 District- average density R-15, Section 3.12, Group M, Column 11 (Rear Yard: 35' required, 18.3' existing) for an existing deck at an existing single-family residence. The premises are located at 17 Peach Street, Nanuet, New York and identified on the Orangetown Tax Map as Section 64.19, Block 1, Lot 51 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 6, 2023 at which time the Board made the determination hereinafter set forth.

Jonathan Hodash, Architect, Audrey Lupachino, Associate to architect, and Annette Saviet, homeowner, appeared and testified.

The following documents were presented:

1. Plans labeled "The Saviet Residence" dated 05/22/2023 with the latest revision date of 06/06/2023 signed and sealed by Jonathan Hodash, AIA. (4 pages)
2. A memorandum dated July 24, 2023 from Rockland County Department of Planning from Helen Kenny-Burrows, Deputy Commissioner of Planning, stating this application is outside their jurisdiction.
3. A "this project is out the jurisdiction of this agency and has no further comments" from Dyan Rajasingham, Rockland County Highway Department, dated July 17, 2023.
4. A "No comments at this time, Please send future correspondence for review" from Rockland County Health Department signed by Liz Mello dated September 1 2023.
5. A letter dated August 31, 2023 from Rockland County Sewer District #1 signed by Nicholas King, Engineer I.
6. Nine computer generated pictures of the house and signs submitted by Architect..

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Jonathan Hodash, Architect, testified that the house was built in 1985; that Annette Saviet and her husband purchased the house in 1998; that the deck existed when they purchased the house; that there was a municipal search done in 2003 and there was a "No Violation" letter issued; that Mr. Saviet passed away last year and Mrs. Saviet decided to sell the house; another municipal search was done and they found out that the deck was not properly permitted; that they are before the Board to legalize a deck that has existed at least since 1998; that they found in doing their research that the original house has a concrete patio; that they are submitting picture to show that the deck is not visible from the road and does not intrude on any of the neighboring properties and to ask for the required variances to keep the existing deck.

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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Other similar decks exist in the neighborhood.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Other similar decks exist in the neighborhood.
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 rear yard variance 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. Other similar decks exist in the neighborhood.
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 variance.

TOWN OF ORANGETOWN
2023 SEP 15 A 10:11
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 rear yard variance is **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.

TOWN OF ORANGETOWN
2023 SEP 15 A 10:11
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: September 6, 2023

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-Ken L.

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

TOWN OF ORANGETOWN
2023 SEP 15 A 10:11
TOWN CLERK'S OFFICE

**FLOOR AREA RATIO, SIDE YARD AND TOTAL SIDE YARD VARIANCES
APPROVED**

To: Robert Genovesi
17 Moehring Drive
Blauvelt, New York 10913

ZBA #23-30
Date: September 6, 2023
Permit #BLDR#3524-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-30: Application of Robert Genovesi for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area ratio: .20 permitted, .24 proposed), 9 (Side Yard: 20' required, 18.2' existing) and 10 (Total Side Yard: 50' required, 38.3' proposed) for an addition to the existing single-family residence. The premises are located at 17 Moehring Circle, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 3, Lot 14 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 6, 2023 at which time the Board made the determination hereinafter set forth.

Robert and Anne Genovesi appeared and testified.

The following documents were presented:

1. Plans labeled " Genovesi Residence Two-Story Addition" dated 01/30/2023 signed and sealed by Harry Goldstein, AIA. (4 pages)
2. A letter dated August 10, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated August 31, 2023 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
4. A letter dated July 28, 2023 signed by Dyan Rajasingham, Engineer III, Rockland County Highway Department.
5. A letter dated September 1, 2023 from Rockland County Health Department signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
6. Ten signed letters from neighbors in support of the application.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Anne Genovesi testified that they have lived in the area for with years and love it; that they purchased the house one year ago; that they have elderly parents that they want to live with them; that they cannot put them into a care facility; that they have four kids and work from home sometimes; that the existing house is 1400 square feet and the proposed house will be 3100 square feet; that they would bring in a chair lift for their parents; that there are two other houses on the street that look very similar to what they are proposing; that they are planning on working with the same contractors; and that most of the addition is behind and diagonal to street.

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. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. Quinn 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, side yard and total side yard variances 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 neighborhood.
2. The requested floor area ratio, side yard and total side yard variances 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 neighborhood.
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, side yard and total side yard 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. Similar additions have been constructed in the neighborhood.
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 variance.

TOWN OF ORANGETOWN
2023 SEP 15 A 10:12
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 floor area ratio, side yard and total side yard 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.

(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
2023 SEP 15 A 10:12
TOWN CLERK'S OFFICE


Mr. Bosco made a motion to override comment #1 of the letter dated August 10, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: although the variances seem large, the lot is undersized and the applicants are seeking to care for their parents within the existing single-family residence, and in order for that to work well additional living space is required; and two other houses on the street have constructed similar additions; which motion was seconded by Mr. Sullivan and carried as follows: Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Bosco, aye.

The foregoing resolution to approve the application for the requested floor area ratio, side yard and total side yard variances are APPROVED; was presented and moved by Mr. Bosco, seconded by Mr. Sullivan and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: September 6, 2023

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-Ken L.

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

TOWN CLERK'S OFFICE
2023 SEP 15 A 10:12
TOWN OF ORANGETOWN

SECTION 5.21(c) UNDERSIZE LOT, SECTION 9.2 EXTENSION OF NON-CONFORMING BULK ; FLOOR AREA RATIO, AND TOTAL SIDE YARD VARIANCES APPROVED

To: Mark Gendron
53 South Nauraushaun Road
Pearl River, New York 10965

ZBA #23-31
Date: September 6, 2023
Permit #BLDR-3504-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-31: Application of Gendron / Cahill for variances from Zoning Code (Chapter 43) of the Town of Orangetown, R-15 District, Group M, Section 5.2 Exceptions to Bulk Regulations, 5.21 (a thru e) ; Section 9.2 Non-Conforming Bulk and Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted .26 proposed), and 10 (Total Side Yard: 30' required, 28.3' proposed) (Section 5.21 (c) Undersize lot applies) for an addition to an existing single-family residence. The premises are located at 53 South Nauraushaun Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.18, Block 4, Lot 45 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 6, 2023 at which time the Board made the determination hereinafter set forth.

Mark Gendron and Jane Cahill appeared and testified.

The following documents were presented:

1. Plans labeled "Gendron/Cahill Residence Two-Story Addition" dated 04/14/2022 signed and sealed by Harry J. Goldstein, AIA. (4 pages)
2. Survey dated November 30, 2009 with the latest revision date of May 26, 2023 signed and sealed by Robert E. Sorace, L.S..
3. A letter dated August 10, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated August 31, 2023 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
5. A letter signed by Dyan Rajasingham, Engineer III, Rockland County Highway Department, dated August 2, 2023.
6. A letter from Rockland County Health Department signed by Elizabeth Mello., P.E., Senior Public Health Engineer, dated September 1, 2023.
7. Eight letters in support of application from neighbors.
8. Seven color pictures of houses in the immediate area that have additions.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Janet Cahill testified that she was born and raised in Pearl River; that when they had the opportunity to buy a house next to her Mom, they did; that Marks parents live in Saratoga, that she and her husband work from home at times; that downstairs would primarily be used as office space and the kids bedrooms would be moved upstairs and away from the main level; that the house was built in 1937 and all of the plumbing and electric needs to be replaced; that the house is currently U shaped and they would be closing that in; and that a lot of development has been going on in the neighborhood recently.

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 § 5.21 (c) Undersized lot, § 9.2 Extension of Non-Conforming Bulk , floor area ratio and total side yard variances 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 neighborhood.
2. The requested § 5.21 (c) Undersized lot, § 9.2 Extension of Non-Conforming Bulk , floor area ratio and total side yard variances 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 neighborhood.
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 § 5.21 (c) Undersized lot, § 9.2 Extension of Non-Conforming Bulk , floor area ratio and total side yard 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. Similar additions have been constructed in the neighborhood.
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 variance.

TOWN OF ORANGETOWN
2023 SEP 15 A 10:12
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 § 5.21 (c) Undersized lot, § 9.2 Extension of Non-Conforming Bulk, floor area ratio and total side yard 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.

(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
2023 SEP 15 A 10:12
TOWN CLERK'S OFFICE


Mr. Quinn made a motion to override comment #1 of the letter dated August 10, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: although the variances seem large, the lot is undersized and the applicants are seeking an area to work from home and to accommodate parents when they visit;; and several other houses on the area have constructed similar additions; which motion was seconded by Mr. Bosco and carried as follows: Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Bosco, aye.

The foregoing resolution to approve the application for the requested § 5.21 (c) Undersized lot, § 9.2 Extension of Non-Conforming Bulk , floor area ratio and total side yard variances are APPROVED; was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: September 6, 2023

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-Ken L.

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

TOWN OF ORANGETOWN
2023 SEP 15 A 10:12
TOWN CLERK'S OFFICE

SECTION 6.332 GRAVEL DRIVEWAY VARIANCE APPROVED

To: Simon Bergson (Wyandanch)
P.O. Box 695
Palisades, New York 10964

ZBA #23-32
Date: September 6, 2023
Permit #3603-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-32: Application of Wyandanch Washington Realty LLC for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, R-80 District, Section 6.332 (Driveways shall be installed with at least three inches of binder mix with a top wearing course of 1 ½ inches of fine mix asphalt: gravel existing and proposed) for a driveway at an existing single-family residence. The premises are located at 56 Woods Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 3.1-2 in the R-80 zoning district

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 6, 2023 at which time the Board made the determination hereinafter set forth.

Brianna Bergson Gluckstern appeared and testified.

The following documents were presented:

1. Survey of Lot # 2 Subdivision -Bergson, Tax Lot 78.18-1-3.12 dated 0529/20 with the latest revision date of 10/25/ 22 signed and sealed by Jay A. Greenwell, L.S..
2. E-mail correspondence concerning the tax lot numbers and addresses coordinating correctly: Jim Davies, Orangetown Tax Assessor, Jay Greenwell, Land Surveyor for the subdivision, Michele Marzella, Rockland County Office of Fire and Emergency Services.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye.

Brianna Bergson Gluckstern testified that they lived next door to this home for three years and in the house for one year; that they are applying to the Board to keep the existing gravel driveway; that many houses in the area have gravel driveways and she submitted a tax map showing many houses along Woods Road that have gravel driveways.

TOWN CLERK'S OFFICE
2023 SEP 15 A 10:12
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. 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 § 6.1 and § 6.332 gravel driveway variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Many other properties in the area have gravel driveways.
2. The requested § 6.1 and § 6.332 gravel driveway variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Many other properties in the area have gravel driveways.
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 § 6.1 and § 6.332 gravel driveway 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. Many other properties in the area have gravel driveways.
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 variance.

TOWN OF ORANGETOWN
2023 SEP 15 A 10:13
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 Section 6.1 and 6.332 gravel driveway variance is **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.

TOWN CLERK'S OFFICE

2023 SEP 15 A 10:13


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested Section 6.1 and 6.332 Gravel driveway variance is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, 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: September 6, 2023

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-G.M.

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

TOWN OF ORANGETOWN
2023 SEP 15 A 10:13
TOWN CLERK'S OFFICE