

MINUTES  
ZONING BOARD OF APPEALS  
January 3, 2024

MEMBERS PRESENT: PATRICIA CASTELLI, ACTING CHAIR  
MICHAEL BOSCO  
ROBERT BONOMOLO, JR.

ABSENT: THOMAS QUINN  
DAN SULLIVAN, CHAIRMAN  
BILLY VALENTINE

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
Denise Sullivan, Deputy Town Attorney  
Anne Marie Ambrose, Official Stenographer

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

SOUTH ORANGETOWN AMBULANCE CORPS. 70 Independence Avenue Tappan, New York 74.18 / 3 / 39& 40; R-15 zone	POSTPONED TO JANUARY 17, 2024	ZBA#23-24
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NEW ITEMS:

FISHER 7 Berachah Avenue South Nyack, New York 66.61 / 1 / 19.2; R-12HC zone	CONTINUED	ZBA#24-01
MEYER 23 Closter Road Palisades, New York 78.17 / 2 / 24; R-40 zone	FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD VARIANCES APPROVED: UNDERSIZE LOT ACKNOWLEDGED	ZBA#24-02
GOLDSTEIN 70 Dutch Hollow Drive Orangeburg, New York 74.06 / 2 / 55; RG zone	FLOOR AREA RATIO VARIANCE APPROVED	ZBA#24-03

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

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Page 2

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: Onyx Equities Re-subdivision and Site Plan, 140 Leber Road, Blauvelt, NY 70.06 / 1 / 50.4 & 47; R-40 / LO zone; Bill Kolb Jr. Subaru Site Plan, 252 Route 303, Orangeburg, NY, 74.11 1 / 22; LI zone; Bethany Mar Thoma Church Fence and Gate Plan, 90 Old Orangeburg Road, Orangeburg, NY, 76.09 1 64; R-80 zone; 80 South William Street Subdivision (3 lots), 80 South William Street, Pearl River, NY, 68.20 / 2 / 76; RG zone; Ma-tov Site Plan- Camp Regesh Pavillion Plan, 284 Orangeburg Road, Orangeburg, NY, 76.08 / 1 / 5; LIO zone; 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 9:20 P.M.

Dated: January 3, 2024

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  
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**FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD VARIANCES APPROVED  
UNDERSIZE LOT ACKNOWLEDGED**

To: Barbara Meyer  
PO Box 152  
Palisades, NY 10964

ZBA #24-02  
Date: January 3, 2024  
Permit #bldr-4120-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-02: Application of Barbara Meyer for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, Group E, Columns 4, (Floor Area Ratio: 15% permitted, 19.53% proposed), 9 (Side Yard: 20' required, 4.76 & 12.35' proposed), 10 (Total Side Yard: 40' required, 17.11' proposed) (Section 5.21(a) Undersized lot applies) for an addition to an existing single-family residence. The premises are located at 23 Closter Road, Palisades, New York and identified on the Orangetown Tax Map as Section 78.17, Block 2, Lot 24 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 3, 2024 at which time the Board made the determination hereinafter set forth.

Barbra Meyer appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Private Residence" dated 08/14/2023 with the latest revision dated of 11162023 signed and sealed by Jo Machinist, AIA. (10 pages)
2. Survey dated October 20, 2023 signed and sealed by William E. James, L.S..
3. A letter dated December 27, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated September 1, 2023 from Rockland County Center for Environmental Health signed by Elizabeth Mello, P.E, Senior Public Health Engineer.
5. A letter dated December 5, 2023 from Dyan Rajasingham, Engineer III, Rockland County Highway Department.
6. A "No comments at this time , Please send future correspondence for review" from Rockland County Health Department signed by Liz Mello dated February 15, 2023.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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 Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Quinn, Mr. Sullivan and Mr. Valentine were absent.

Barbara Meyer testified that both of her professionals are home sick with COVID and Shingles; that the house she purchased was built in the 1800's; that there is an existing shed in the rear yard that is too close to the property line but it has existed for a long time without a problem; that the side yards are existing for the most part; that the updated survey is slightly different that the previous owners survey, which is making these yards slightly different; that she is proposing an art studio in the rear of the house for her daughter; and that she is scheduled for the next historic board meeting.

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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.

Ms. Castelli 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 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. The proposed alteration and addition to the existing house will enhance the neighborhood, other similar additions have been constructed in the neighborhood. The undersize lot is acknowledged.
2. The requested floor area ratio, side yard, total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed alteration and addition to the existing house will enhance the neighborhood, other 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 somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The proposed alteration and addition to the existing house will enhance the neighborhood, other 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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio of 19.63', side yard of 11.74' on the south, 5.17', 8.3' and 11.17', and the total side yard of 16.92' variances are APPROVED and the undersize lot is acknowledged; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

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The foregoing resolution to approve the application for the requested floor area ratio, side yard and total side yard variances are APPROVED and the undersize lot is acknowledged; was presented and moved by Mr. Bonomolo, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Sullivan, Mr. Quinn and Mr. Valentine were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: January 3, 2024

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  
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## **FLOOR AREA RATIO AND FRONT YARD VARIANCES APPROVED**

To: Scott O'Neill  
164 High Avenue  
Nyack, New York 10964

ZBA #24-03  
Date: January 3, 2024  
Permit #BLDR-4057-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-03: Application of Charlie and Cara Goldstein for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, RG District, Group Q, Columns 4 (Floor Area Ratio: 30% permitted, 34% proposed) and 8 (Front Yard: 25' required, 21.42' proposed) for an addition to an existing single-family residence. The premises are located at 70 Dutch Hollow Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.06, Block 2, Lot 55 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 3, 2024 at which time the Board made the determination hereinafter set forth.

Scott O'Neill and Charlie Goldstein appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Goldstein Residence" dated 11/02/2022 last revision date of 0926 2023 signed and sealed by Eric Jacobsen, AIA. (6 pages)

Ms. Castelli, Acting Chair, 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, Ms. Castelli 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 Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye. Mr. Sullivan, aye; Mr. Quinn and Mr. Valentine were absent.

Scott O'Neill, Stow designs, testified that they are proposing to add a second story addition above the existing garage; that the lot is 8,000 s. f. and if the lot was 10,000 s. f. they would not require a floor area ratio; that they are proposing a 396 square foot addition of a primary suite; that there is not change to the footprint because this is being constructed above the existing

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garage; that they are requesting a front yard variance because they are proposing a portico for the front door to improve the exterior architectural appeal of the house.

Charlie Goldstein testified that they have owned the house for nine years; that they have one and a half bathrooms; that there are three in the family and they are hoping to increase the family; that they have letters of support from the neighbors at #24, #47, #51 Dutch Hollow Drive; that quite a few neighbors have done similar additions and upgrades; and that their proposed addition is very similar to other improvements in the neighborhood.

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.

Ms. Castelli 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 floor area ratio and front 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 and front 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.

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4. The requested floor area ratio, and front 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.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested floor area ratio and front 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.

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(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

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

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: January 3, 2024

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

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