

MINUTES
ZONING BOARD OF APPEALS
January 17, 2024

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

ABSENT: PATRICIA CASTELLI

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 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

CONTINUED ITEM:

SOUTH ORANGETOWN
AMBULANCE CORP.
70 Independence Avenue
Tappan, New York
74.18 / 3 / 39& 40; R-15 zone

FLOOR AREA RATIO, ZBA#23-24
FRONT YARD, SIDE YARD
TOTAL SIDE YARD, REAR
YARD, BUILDING HEIGHT,
SECTION 6.35 AND PARKING
SPACE VARIANCES APPROVED
WITH SPECIFIC CONDITIONS

NEW ITEMS:

HIEP
720 Western Highway
Blauvelt, New York
70.05 / 1 / 10; R-40 zone

LOT WIDTH, TOTAL ZBA#24-04
SIDE YARD, SECTION 9.2
AND SECTION 9.34 VARIANCES
APPROVED WITH SPECIFIC CONDITIONS

PORTILLO
15 Ethan Allen Court
Orangeburg, New York
74.17 / 2 / 6; R-22 zone

SIDE YARD VARIANCE ZBA#24-05
APPROVED

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

TOWN CLERK'S OFFICE
2024 JAN 23 P 3:49
TOWN OF ORANGETOWN

Page 2

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:15 P.M.

Dated: January 17, 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
2024 JAN 23 P 3:49
TOWN CLERK'S OFFICE

FLOOR AREA RATIO, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, REAR YARD, BUILDING HEIGHT, AND SECTION 3.11, COLUMN 5, #1 SAME AS R-80, COLUMN 6, #3 (PARKING : 1 SPACE FOR EVERY 200 SF FLOOR AREA: 57 SPACES REQUIRED, 18 SPACES PROVIDED) VARIANCES APPROVED WITH SPECIFIC CONDITIONS

To: Donald Brenner (S.O. Ambulance)
4 Independence Avenue
Tappan, New York 10983

ZBA #23-24
Date: July 19, 2023 & January 17, 2024
Permit # 49091

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-24: Application of South Orangetown Ambulance Corp. for variances from Zoning Code (Chapter 43) of the Town of Orangetown, R-15 District, Section 3.12, Group O, Column 3 (all other uses), Columns 4, (Floor Area Ratio: .20 permitted, .34 and .22 proposed) (added to the lot), 8 (Front Yard: 100' required, 10' previously approved, 4.3' existing & proposed), 9 (Side Yard: 75' required, 19.1' previously approved, 18.9' proposed), 10 (Total Side Yard: 200' required, 107.8 proposed), 11 (Rear Yard: 100' required, 14.4' previously approved, 4.2' proposed) and 12 (Building Height: 3" per foot permitted, 20'7" existing, 26' 5" proposed) for an addition to the existing building with merging lots. The premises are located at 70 Independence Avenue, Tappan, New York and identified on the Orangetown Tax Map as Section 74.18, Block 3, Lot 39 & 40 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at Public Hearings held on Wednesday, July 19, 2023, January 3, 2024 was postponed to January 17, 2024 at which time the Board made the determination hereinafter set forth.

At the July 19, 2023 hearing Donald Brenner, Attorney, Jay Greenwell, Land Surveyor, Kier Levesque, Architect, appeared and testified.

The following documents were presented:

1. Site Plan for proposed So. Orangetown Ambulance Corps. Dated 10/23/2018 with the latest revision date of 04/25/2023 signed and sealed by Jay A. Greenwell, PLS and Paul Gdanski, P.E.. (3 pages)
2. Survey dated October 23, 2018 with the latest revision date of December 10, 2019 signed and sealed by Jay A. Greenwell, PLS.
3. Conceptual Plan dated February 14, 2019 by Yost Design Landscape Architecture (1 page).
4. A lighting plan dated February 19, 2019 by Yost Design Landscape Architecture (1 page).
5. Architectural plans dated May 1, 2019 with the latest revision date of May 4, 2023 signed and sealed by Kier B. Levesque, R.A. (7 pages).
6. Four computer generated pictures of the proposed addition.
7. A letter dated June 30, 2023 from Rockland County Department of Planning signed by Helen Kenny Burrows, Deputy Commissioner, for Douglas J. Schuetz, Acting Commissioner of Planning.
8. A letter dated July 18, 2023 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
9. A letter dated June 15, 2023 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III,
10. A letter dated July 17, 2023 from Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.

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

Donald Brenner, Attorney, testified that the headquarters of the Ambulance Corp. has been located at 70 Independence Avenue since 1965; that it is a quasi-volunteer operation which provided 24-hour service to the residential and commercial properties in the unincorporated Town of Orangetown east of the Hackensack River; that the number of service calls from 2015 to 2022 has increased from 2,110 in 2015 to 2,715 in 2022, an increase of 28%; that its rolling

stock consists of three ambulances, three 1st response vehicles; one fire/rehab MCI Vehicle; one fire/rehab MCI Trailer owned SOAC and two fire rehab MCI Trailers that are County owned; that the department expects delivery of a new ambulance this fall; that to properly protect the vehicles and trailers they are attempting to have them in an enclosed heated facility; that they can presently house some of the equipment in the existing building; that with the expansion they will be able to house new and projected equipment; that they have a present volunteer member count of one hundred; that in addition there are 17 career staff; that they properly planned for the extension by acquiring the adjacent parcel of property on their eastern boundary; that the Planning Board referred the project on July 18, 2019 before the Pandemic occurred; that they have provided excellent service during this crucial time period; and that the Planning Board had suggested they appear before the Zoning Board to determine if the required variances would be granted and the Planning Board would then act on the Zoning Board recommendations.

Jay Greenwell, Land Surveyor testified that there was an erroneous calculation for Floor Area Ratio because they based their calculation on the 2003 determination of .34 for the smaller lot, without measuring the building; that since Kier Levesque was hired as the architect, he actually measured the existing building and the existing building is .49 on the small lot; that after the addition of the adjacent lot and shaving off a portion of the proposed second floor the current number is .304; that the subdivision was finalized on October 7, 2019

Kier Levesque, Architect, testified that the floor area ratio number comes down from the .49 to .304 because of the additional property; that since the Planning Board reviewed the plans in 2019 he has reduced the massing of the building by removing part of the proposed second floor over the last two bays; the page A-8 shows the original proposal was the dotted lines and the solid lines is the reduced second floor; that the 4.2 rear yard is to accommodate the larger equipment but they may be able to jog this section forward; that A-2 shows the ridge box behind the stretcher and pull out dimensional factor of the building and the back door.

At the July 19, 2023 hearing the following Public Comment took place:

T.J. Munsan, 7 Amy Court, Tappan, testified that he had objections in 2019 and still has objections; that this building is just too large for a residential neighborhood; that going from two bays to six is just too much for the neighborhood; that other communities have their own ambulances; that this is just too large and not necessary; that it is surrounded by all single-family residences.

Ari Saposh, 16 Thomas Circle, Tappan, testified that he is the neighbor behind the proposed addition; that in 2019 he agreed that the building proposal was too large; that there was a lot of space on the second floor of unspecified space; that the new plan has less parking; that he is not against the Ambulance Company; that he would like to see a landscape plan and a higher fence behind his house to create more of a barrier; that he would like the building blocked from his view.

Peter Roimisher, Operational Officer for the South Orangetown Ambulance Corp., residing at 9 Lt. Craft Wheeler Court, testified that they currently have three 1st response vehicles and are adding a 4th in the fall of 2023; that one ambulance in the bay for rehab; that three first response vehicles with trailers and three fly cars are outside now; that the facility is maxed out; that the fly cars are two Suburban's and a Tahoe which carry on like ambulances and start care; that the ambulance has been a good neighbor since 1960; that if they can expand all the equipment can be inside; that the trailers double up in the bays; that first response vehicles are used by the officers and they have plans for other equipment down the line.

TOWN OF ORANGETOWN
JUL 19 2023
5:18 PM
CIVIL ENGINE
1707

Wayne Roimisher, 4 Delongis Court, Sparkill, testified that the fly cars are the first responder vehicles and they have been successful in two over doses and a baby not breathing in the last two weeks.

Jay Greenwell testified that there is parking in front of the existing building and the first responders can double up parking but they didn't count that and they will add parking calculations to the plan and work with the neighbor regarding fencing and plantings.

Donald Brenner further testified that the six bays are required; that he is not hearing opposition; that they will identify dimension for the rear setback of the generator and ask for the transcript to go back to the Planning Board and requested a continuance.

January 3, 2024 was postponed to January 17, 2024

CONTINUED ITEM parking and access lane width variances were added to the publication:

ZBA# 23-24: Application of South Orangetown Ambulance Corp. for variances from Zoning Code (Chapter 43) of the Town of Orangetown, R-15 District, Section 3.12, Group O, Column 3 (all other uses), Columns 4, (Floor Area Ratio: .20 permitted, .34 and .22 proposed) (added to the lot), 8 (Front Yard: 100' required, 10' previously approved, 4.3' existing & proposed), 9 (Side Yard: 75' required, 19.1' previously approved, 18.9' proposed), 10 (Total Side Yard: 200' required, 107.8 proposed), 11 (Rear Yard: 100' required, 14.4' previously approved, 4.2' proposed) and 12 (Building Height: 3" per foot permitted, 20'7" existing, 26' 5" proposed) and from Section 6.35 (access lane more than 20' wide for access to all garage bays) and from Section 3.11, Column 6 # 1 same as R-80, Column 6, #3 (Parking: 1 space for every 200 sf floor area: 57 spaces required, 18 spaces provided) for an addition to the existing building with merging lots. The premises are located at 70 Independence Avenue, Tappan, New York and identified on the Orangetown Tax Map as Section 74.18, Block 3, Lot 39 & 40 in the R-15 zoning district.

Members present for this hearing: Dan Sullivan, Chairman, Tom Quinn, Robert Bonomolo, Michael Bosco, and Billy Valentine. Tricia Castelli was absent.

At the January 17, 2023 hearing Peter Roimisher, Operational Officer for South Orangetown Ambulance, Donald Brenner, Attorney, Jay Greenwell, Land Surveyor, Kier Levesque, Architect, appeared and testified.

Items submitted for review at this hearing:

1. Site plan for proposed addition So. Orangetown Ambulance Corps dated 10/23/2018 with the latest revision date of 11/07/2023 signed and sealed by Jay A. Greenwell, L.S., and Paul Gdanski, P.E. (6 pages).

2. Planning board decisions #19-67 with Neg. Dec. dated October 25, 2023 and PB#23-48 dated October 25, 2023.

3. A memorandum dated October 19, 2023 from Jane Slavin, RA, Director, O.B.Z.P.A.E., Town of Orangetown.

4. A letter dated December 27, 2023 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

5. A letter dated January 3, 2024 from Rockland County Sewer District No.1 signed by Nicholas King, Engineer I.

TOWN CLERK'S OFFICE
JAN 23 4 34 PM
TOWN OF ORANGETOWN

6. A letter dated November 21, 2023 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
7. Seven e-mails from neighbors expressing concerns and objections to the plans.
8. Three computer generated pictures of the proposed building, one from the 2019 proposal and two from the 2023 proposal.

Donald Brenner, Attorney, testified that this project has been before the Planning Board for a couple of years; that they also appeared before the Zoning board at the request of the Planning Board some time last year to see if the requested variances were something the Board would consider; that after that they returned to the Planning Board and received a preliminary approval and a Neg Dec for SEQRA; that all of these meetings have been advertised and posted; that he would like it noted for the record that this is a 24 hour, seven day a week operation with about 100 volunteers; that they have seen a 28% increase in service calls from 2015 to 2022; that they have three ambulances and hope to have a fourth soon; that they have response vehicles and the building has existed in this location since 1965; that they purchased the additional lot almost five years ago; that this location is central for their services and they are considerate and try not to use sirens until they are on Western Highway.

Jay Greenwell, Land Surveyor for the project, testified that they have made changes to the plans since the first proposal; that they have added a lot of landscaping, reduced the volume of the building, that they have examined the lighting plan; that multiple satellite sights are not feasible; that the retaining wall has added screening; that an acoustical fence has been added for the generator noise; that they postponed at the last meeting to have the parking published properly; that the County Highway Department stated that it has been mitigated by the stop sign on Amy Court; and that they have no objection to the County Sewer letter.

Kier Levesque, Architect, testified that one of the reasons for the increase in size of the building is that the trucks must be able to re-load while in the bay; that the vehicles are stacked now; that the premise for the additional bays is to be able to comply with the laws; that the building was redesigned and a large section of the second floor was removed and the building is designed to look more residential; that foot candles are proposed for lighting that will not light beyond the property line; and that the acoustic fence is 6' x 30' and absorbs the noise.

Peter Roimisher, Operational Officer, South Orangetown Ambulance, testified that they have one small trailer for MCI purposes (Mass Casual Incident) such as a school shootings or a train wreck; that they have three first line ambulances, one MCI Vehicle and three first response vehicles; that they need to have three ambulances available for service calls; that having four ambulances allows for one to be serviced and three available for service calls; that the addition will allow for training to take place in the building; that the drivers are considerate and usually wait to get to the monument or Western Highway before they use the lights or sirens; that the back up alarm is usually turned off, when they are backing up and the switch has an automatic kill switch that goes back on without having to be re-set.

TOWN CLERK'S OFFICE

2024 JAN 23 P 3:50

TOWN OF ORANGETOWN

Public Comment:

Stuart Rasch, 40 Sickletown Road, Pearl River, testified that he is the medical director for South Orangetown Ambulance, that the calls keep going up; that they don't want to change the residential nature of the community; that they have been trying to mitigate any complaints; that the services are needed in the community and the same person that complains about the location of the facility will be the one to depend on them for an emergency; that it is cost prohibitive to move; and the ambulance has existed there since 1965.

Teppei Iharadi, 7 Amy Court, Tappan, testified that his house is on the corner of Independence and Amy; that from his garage presently he still sees open space; that after this addition that will be gone; that he is a nurse and understands the negative impact of large emergency services buildings; that the number of personal flying up the street will increase; that they should reconsider another location that is not all residential.

TJ Muncan, 26 Amy Court, testified that he faces the corp at the top of the hill and has no view of the building now but after the expansion will be looking at four big commercial bays; that there will be lights into the night for the parking lot; that in 2019 there were six or seven people with objections to the plan; that the applicant should look at was to make the bays not visible from the street; that this doesn't belong in residential lots, that it is a commercial interest and should be located elsewhere in the five hamlets.

Steven Honan, Attorney, representing Mr. Lou Fermaintt, 48 Independence Ave, Tappan, testified that he was hired earlier today; that he just heard that the application was before the Planning Board and received a SEQRA determination; that the website did not notice this application on the agenda; that the plans were on-line; that the surrounding area and homes were not on-line and the plans should be amended to show the hardscape, homes, driveways; that this would help the Board to see that this proposal is not for this neighborhood; that the renderings of the structure look like this building should be on a four lane highway not in this residential neighborhood; that the number of volunteers will have more impact on traffic; that people hanging around outside the building will disturb the neighborhood that there will be additional light intrusion also; that the corps have outgrown this neighborhood; that no Board members would want this in their backyard; that they should move to a more suitable location; that is no representation of who owns the property; that the Table for General Use Regulations for the R-15 zone goes to the R-80 zone for uses permitted by right and since this building is not a community owned ambulance building, they need to ask for a use variance, and those standards are much higher than those for area variances; and that he would ask the Board to continue the item to the next available meeting date for the item to be properly posted and published in the newspaper or at least postpone closing the item for at least a week for more information to be submitted.

Mr. Bosco stated that the Board visits all of the properties and take all of the surrounding areas into consideration when making decisions.

Mr. Sullivan made a motion to close the public comment portion of the hearing; which motion was seconded by Mr. Bosco and carried unanimously.

Donald Brenner, Attorney, testified that the South Orangetown Ambulance has been servicing the neighborhood since 1965; that the firehouse on Western Highway also services the Town; that these new houses were built with these structures in place; that there is no real estate or money for moving.

2021 JAN 23 P 3:50

TOWN OF ORANGETOWN

Peter Roimisher, Operations Officer, testified that there are 100 volunteers and 15 to 17 career staff; that they also have approximately 15 high school kids that train there; that they would welcome more volunteers; that daily Monday through Friday there are four people present ; that there may be 4 or 5 cars on the property, usually parked in front of the double main doors ; and that the side lot is rarely used; that they receive approximately 40% of their funding from the Town; that the budget is 1.1 million dollars and they have a contract with the Town for the services and they have a revenue recovery fund that lowers the tax bills of residents, so you could extrapolate "community ambulance" from that.

Jay Greenwell, L.S. testified that the site plan application states that the ambulance corps. acquired the property adjacent to it and merged the lots; that it is not a community owned but they are funded by the Town .

Mr. Sullivan requested a side board or attorney/client meeting. The Board and the Attorney left for ten minutes.

Denise A. Sullivan, Deputy Town Attorney advised that the South Orangetown Ambulance Corp. has a contract with the Town to provide ambulance services for the South Orangetown Ambulance District which comprises all of the Town except for Pearl River and the Villages; and that both Pearl River and South Orangetown are volunteer ambulance corps.

Mr. Sullivan made a motion to close 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 since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on October 25, 2023 (as set forth in PB#19-67) for Preliminary Site Plan approval subject to Conditions, rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; Mr. Sullivan, aye.; and Mr. Bosco, aye. Ms. Castelli was absent.

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.

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:

TOWN CLERK'S OFFICE

2024 JAN 23 P 3:50

TOWN OF ORANGETOWN

1. The requested floor area ratio, front yard, side yard, total side yard, rear yard, building height, Section 6.35 access lane, and parking space variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The South Orangetown Ambulance Corps. has seen a steady increase in demand of services since 2020 and had 2,600 calls in 2023. The state requires that all ambulances be re-loaded inside the building and the present building does not allow enough room for this to be done. The ambulance building has existed at its present location since 1965 and has a history of being respectful of its neighbors. Since the first application before the Planning Board in 2019, the applicant has reduced the size of the building, included a landscaping and lighting plan and has agreed to install an acoustical buffer for the generator. It is reasonable to expect the 60-year-old building would need to expand to meet the demand of the community it serves and to expect the need for new equipment and that State regulations would change.
2. The Board determined that although the South Orangetown Ambulance is not registered as a "Community Owned Ambulance Station" (Section 3.1,1 R-80 District, Column1, #9): it is funded by the Town to provide services to the community, having a 1.1-million-dollar budget and a revenue recovery fund that lowers tax bills for property owners. For this reason the Board agrees that although it is not "community owned" it provides valuable community service, which the Town recognizes by its funding, and this addresses the spirit of the code and does not require a use a variance.
3. The requested floor area ratio, front yard, side yard, total side yard, rear yard, building height, Section 6.35 access lane, and parking space variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The South Orangetown Ambulance Corps. has seen a steady increase in demand of services since 2020 and had 2,600 calls in 2023. The state requires that all ambulances be re-loaded inside the building and the present building does not allow enough room for this to be done. The ambulance building has existed at its present location since 1965 and has a history of being respectful of its neighbors. Since the first application before the Planning Board in 2019, the applicant has reduced the size of the building, included a landscaping and lighting plan and has agreed to install an acoustical buffer for the generator. It is reasonable to expect the 60-year-old building would need to expand to meet the demand of the community it serves and to expect the need for new equipment and that State regulations would change.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested floor area ratio, front yard, side yard, total side yard, rear yard, building height, Section 6.35 access lane, and parking space 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. . The South Orangetown Ambulance Corps. has seen a steady increase in demand of services since 2020 and had 2,600 calls in 2023. The state requires that all ambulances be re-loaded inside the building and the present building does not allow enough room for this to be done. The ambulance building has existed at its present location since 1965 and has a history of being respectful of its neighbors. Since the first application before the Planning Board in 2019, the applicant has reduced the size of the building, included a landscaping and lighting plan and has agreed to install an acoustical buffer for the generator. It is reasonable to expect the 60-year-old building would need to expand to meet the demand of the community it serves and to expect the need for new equipment and that State regulations would change.
6. 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 CLERK'S OFFICE

2023 SEP 15 10:43 AM
SOUTH ORANGETOWN, NJ

7. The applicant has agreed to comply with all of the conditions in the following letters: Rockland County Department of Planning letter dated December 27, 2023(5 comments: comments #1 & #2 were addressed at the January 17, 2-24 hearing); Rockland County Highway Department letter dated November 21, 2023 (1 comment).

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio, front yard, side yard, total side yard, rear yard, building height, Section 6.35 access lane, and parking space variances are APPROVED with the following SPECIFIC CONDITIONS: (1)The applicant must comply with the conditions of the Rockland County Highway Department in the letter dated November 21, 2023; (2) a review must be done by the Rockland County Department of Health to ensure compliance with Article XIX(Mosquito Control) of the Rockland County Sanitary Code; (3) A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Tappan Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles; (4) the proposed addition would be facing directly the on-coming traffic across the roadway, and it would become a traffic /public safety concern, the applicant shall have to investigate the concern and provide potential traffic safety measures; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:


- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application for the requested floor area ratio, front yard, side yard, total side yard, rear yard, building height, Section 6.35 access lane, and parking space variances are APPROVED with the following SPECIFIC CONDITIONS: (1) The applicant must comply with the conditions of the Rockland County Highway Department in the letter dated November 21, 2023; (2) a review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code; (3) A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Tappan Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles; (4) the proposed addition would be facing directly the on-coming traffic across the roadway, and it would become a traffic /public safety concern, the applicant shall have to investigate the concern and provide potential traffic safety measures; ; was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Valentine, aye; Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli was absent.

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

DATED: July 19, 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-Dom.M.

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

TOWN CLERK'S OFFICE
2024 JAN 23 P 3:50
TOWN OF ORANGETOWN

LOT WIDTH, TOTAL SIDE YARD, SECTION 9.31 REPAIR AND/ OR ALTERATION OF NON-CONFORMING BULK AND SECTION 9.34 ONE TIME 50% EXPANSION OF NON-CONFORMING BULK VARIANCES APPROVED: ALL ACCESSORY STRUCTURES SHALL BE REMOVED FROM PLAN

To: Jay Greenwell(Hiep)
34 Wayne Avenue
Suffern, New York 10901

ZBA #24-04
Date: January 17, 2024
Permit #BLDR-4318-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-04: Application of Hiep for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, R-40 District, Group E, Columns 6, (Lot Width:: 150' required, 116.5' existing), 10 (Total Side Yard: 80' required, 73.4' proposed); Section 5.227 (Accessory Structure must be 5' from side yard: 1.8' proposed) and from Section 9.2 (degree of non-conforming bulk shall not be increased), Section 9.31(repair and alteration of non-conforming use or bulk) and Section 9.34 (one time 50% or less expansion of non-conforming bulk) to rebuild a single-family residence that was damaged by fire on a lot with more than one single-family dwelling. The premises are located at 720 Western Highway, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.05, Block 1, Lot 10 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 17, 2024 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Jay Greenwell, Land Surveyor and Kier Levesque, Architect, appeared and testified.

The following documents were presented:

1. Plot Plan of Property for Hiep dated 08/21/2023 with the latest revision date of 11/20/2023 signed and sealed by Paul Gdanski, P.E. and Jay A. Greenwell, L.S. (1 page)
2. Architectural plans labeled "SMK Hiep Residence 720B Western Highway, Blauvelt, NY 10913" dated October 10, 2023, signed and sealed by Kier B. Levesque, Architect.
3. A letter dated January 12, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated January 17, 2023 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
5. A letter dated January 11, 2024 from Rockland County Center for Environmental Health signed by Brandon Durant, Assistant Public Health Engineer.
6. A letter dated December 6, 2023 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
7. An email response to Mr. Dyan Rajasingham from Jay Greenwell, L.S..
8. Two letters in support of the project from abutting property owners.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Quinn 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli was absent.

2024 JAN 23 P 3:50
TOWN OF ORANGETOWN

Jay Greenwell, Land Surveyor, testified that the structure in the middle of the property suffered from fire damage; that the proposal is to rebuild it slightly smaller than what existed before the fire and to remove all of the sheds from the property; that they have no problem addressing all of the concerns from the involved agencies; that the net reduction of impervious surfaces is approximately 800 sq. ft.; that they will replace the existing 4" sanitary sewer main with a 6" to match what exists; that they will also acknowledge that this is a one-time 50% expansion per Section 9.34; that the narrative explains the other pre-existing non-conforming conditions on the lot; that there are three one-story framed dwellings on the property; that they will check with the tax assessor about the house that was built in 1918 being listed as a two-family; and if they have to register the houses for multiple dwelling rental certificates, they will do that.

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. Valentine and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the 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 lot width, total side yard and Section 9.31 and Section 9.34 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged all of the pre-existing non-conforming conditions on the lot. This is a unique lot with three existing dwellings and is before the Board because of the fire damage to the middle residence. The applicant has acknowledged that this is a one-time expansion of 50% or less and that no other expansion shall be granted for this pre-existing non-conforming lot. There was also two letters from abutting property owners in support of the application. The applicant also agreed to remove all of the existing sheds from the lot.
2. The requested lot width, total side yard and § 9.31 and § 9.34 variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged all of the pre-existing non-conforming conditions on the lot. This is a unique lot with three existing dwellings and is before the Board because of the fire damage to the middle residence. The applicant has acknowledged that this is a one-time expansion of 50% or less and that no other expansion shall be granted for this pre-existing non-conforming lot. There was also two letters from abutting property owners in support of the application. The applicant also agreed to remove all of the existing sheds from the lot.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

TOWN CLERK'S OFFICE

2024 JAN 23 P 3:50

TOWN OF ORANGETOWN

4. The requested lot width, total side yard and § 9.31 and § 9.34 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. The Board acknowledged all of the pre-existing non-conforming conditions on the lot. This is a unique lot with three existing dwellings and is before the Board because of the fire damage to the middle residence. The applicant has acknowledged that this is a one-time expansion of 50% or less and that no other expansion shall be granted for this pre-existing non-conforming lot. There were also two letters from abutting property owners in support of the application. The applicant also agreed to remove all of the existing sheds from the lot.
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 lot width, total side yard and § 9.31 and § 9.34 variances are APPROVED and all of the existing sheds are being removed from the property, with the following SPECIFIC CONDITIONS: (1) A review must be completed by the County of Rockland Department of Highways and all required permits obtained, (2) A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Blauvelt Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency services. (3) The bulk regulations on the site plan indicates that the lot width is nonconforming and does not denote that a variance is needed, the site plan's bulk table must be corrected to note all required variances for this proposal, (4) Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1 all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC) If this proposed multifamily dwelling meets the requirements of the MDRC registry requirements, then the owner must register and obtain the MDRC. Failure to comply is a violation which may result in penalties of \$2,000 per day; (5) The applicants' last name is spelled differently on the GML Referral Form from the Town of Orangetown Application Review form, this must be corrected; 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.

TOWN CLERK'S OFFICE

2024 JAN 23 P 3:50

TOWN OF ORANGETOWN

(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.

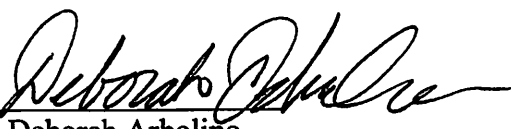
TOWN OF ORANGETOWN
2024 JAN 23 P 3:51
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested lot width, total side yard and § 9.31 and § 9.34 variances are APPROVED and all of the existing sheds are being removed from the property; with the following SPECIFIC CONDITIONS: (1) A review must be completed by the County of Rockland Department of Highways and all required permits obtained, (2) A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Blauvelt Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency services. (3) The bulk regulations on the site plan indicates that the lot width is nonconforming and does not denote that a variance is needed, the site plan's bulk table must be corrected to note all required variances for this proposal, (4) Pursuant to the Rockland County Sanitary Code, Article XIII, Section 13.8.1 all multiple dwellings with three or more rental units must register and obtain a Multiple Dwelling Rental Certificate (MDRC) If this proposed multifamily dwelling meets the requirements of the MDRC registry requirements, then the owner must register and obtain the MDRC. Failure to comply is a violation which may result in penalties of \$2,000 per day; (5) The applicants' last name is spelled differently on the GML Referral Form from the Town of Orangetown Application Review form, this must be corrected; was presented and moved by Mr. Bosco, seconded by Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli was absent.

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

DATED: January 17, 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
2024 JAN 23 P 3:51
TOWN CLERK'S OFFICE

SIDE YARD VARIANCE APPROVED: UNDERSIZE LOT ACKNOWLEDGED

To: Sergio Quintana (Portillo)
20 Hillside Drive
New City, New York 10956

ZBA #24-05
Date: January 17, 2024
Permit #BLDR-4109-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-03: Application of Humberto Portillo for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, R-22 District, Group I, Column 9 (Side Yard: 20' required, 16' existing) (Section 5.21 undersized lot applies) for a roof over an existing deck at an existing single-family residence. (variance granted for deck in ZBA#71-102 dated 10/6/1971) The premises are located at 15 Ethan Allen Court, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.17, Block 2, Lot 6 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 17, 2024 at which time the Board made the determination hereinafter set forth.

Alberto Portillo, Matthew Oscar, Architect, and Ken Kessler, contractor, appeared and testified.

The following documents were presented:

1. Copy of survey dated 6/15/1970. (1 page)
2. Six pictures of the roof over an existing deck not dated or signed or sealed presented by Matthew Oscar, Architect.
3. ZBA#71-102 dated October 6, 1971.
4. Four color photos of the existing deck and roof.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Quinn 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli was absent.

Matthew Oscar, Architect, testified that they are before the Board to ask for approval of a roof over an existing deck; that the deck received a variance in ZBA#71-102 on October 6, 1971 and the roof was added about ten years ago.

TOWN CLERK'S OFFICE
2024 JAN 23 P 3:51
TOWN OF ORANGETOWN

Public Comment:

Guy Scarpaci, 16 Ethan Allan Court, testified that he has no problem with the roof over the deck that he has lived here for 39 years and never had a problem with his neighbor; that his neighbors at #14, #15 & #16 also got the letter and they have no problems with it either, that they were going to come to the hearing but got sick.

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. Bonomolo and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The roof has existed for at least ten years without incident and does not increase the side yard variance that was granted in ZBA#71-102 dated October 6, 1971.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The roof has existed for at least ten years without incident and does not increase the side yard variance that was granted in ZBA#71-102 dated October 6, 1971.
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 side yard variance 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. The roof has existed for at least ten years without incident and does not increase the side yard variance that was granted in ZBA#71-102 dated October 6, 1971.

TOWN CLERK'S OFFICE
2024 JAN 23 P 3:51
TOWN OF ORANGE TOWN

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 side 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.


15:31 23 JAN 23 2024
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard variance is APPROVED and the Undersize lot is acknowledged; was presented and moved by Mr. Valentine, seconded by Mr. Bonomolo and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli was absent.

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

DATED: January 17, 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

TOWN OF ORANGETOWN
2024 JAN 23 P 3:51
TOWN CLERK'S OFFICE