

MINUTES
ZONING BOARD OF APPEALS
March 6, 2024

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

ABSENT: NONE

ALSO PRESENT: Denise Sullivan, Deputy Town Attorney
 Deborah Arbolino, Administrative Aide
 Katlyn Bettmann, Senior Clerk Typist
 Anne Marie Ambrose, Official Stenographer

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

PUBLISHED ITEMS

<u>APPLICANTS</u>	<u>DECISIONS</u>	
MADDEN 69 Cara Drive Pearl River, New York 69.06 / 1 / 98; R-15 zone	TOTAL SIDE YARD VARIANCE APPROVED	ZBA#24-11
PERRETTA 144 Fairview Avenue Pearl River, New York 68.19 / 3 / 70; R-15 zone	FLOOR AREA RATIO AS MODIFIED, SIDE YARD AND TOTAL SIDE YARD APPROVED	ZBA#24-12
FILOR 252 Holt Drive Pearl River, New York 69.13 / 2 / 49; R-15 zone	FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD AND § 9.2 VARIANCES APPROVED §5.21 UNDERSIZE LOT ACKNOWLEDGED	ZBA#24-13
VERGINE 36 Guterl Drive Pearl River, New York 69.14 / 1 9; R-15 zone	§5.153 ACCESSORY STRUCTURE DISTANCE TO PRIMARY STRUCTURE, SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#24-14
RYAN 341 Laurel Road Pearl River, New York 68.11 / 2 / 10; R-15 zone	FLOOR AREA RATIO, SIDE YARD, AND § 9.2 VARIANCES APPROVED: 19.8' TO EXIXTING FRONT STEP ACKNOWLEDGED	ZBA#24-15

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

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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 8:45 P.M.

Dated: March 6, 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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TOWN CLERK'S OFFICE

TOTAL SIDE YARD VARIANCE APPROVED

To: Liam Madden
69 Cara Drive
Pearl River, New York 10965

ZBA #24-11
Date: March 6, 2024
Permit #BLDR-4369-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-11: Application of Liam Madden for a variances from Zoning Code (Chapter 43) of the Town of Orangetown, R-15 District, Group M, Section 3.12, Column 10 (Total Side Yard: 50' required, 46.3' proposed) for an addition to an existing single- family residence. The premises are located at 69 Cara Drive, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.06, Block 1, Lot 98 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 6, 2024 at which time the Board made the determination hereinafter set forth.

Liam Madden appeared and testified.

The following documents were presented:

1. Architectural plans labeled " Madden Residence Two-Story Addition" dated)8/11/2021 signed and sealed by Harry J. Goldstein, AIA. (4 pages)
2. A letter dated February 26, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated February 7, 2024 from Rockland County Drainage Agency signed by Liron Derguti, Engineer I.
4. A " this project is out the jurisdiction of this agency and has no further comments" from Dyan Rajasingham, Rockland County Highway Department, dated February 6, 2024.
5. A letter dated March 4, 2024 from Rockland County Health Department signed by Brandon Durant, Ph.D., Assistant Public Health Engineer.

Mr. Bosco, 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. Bosco 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. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, aye.

Liam Madden testified that the Board knows why he is here better than he does; that they are running out of room; that they had one child when they purchased the house in 2017 and since then they have added three more kids; that he needs the garage to have a place to escape from his kids; that the neighbor closest to the proposed addition is a realtor that sold him the house and she has no concerns; and that they love their neighborhood.

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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.

Mr. Bosco 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 total side yard variance 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 total side yard variance 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 total side yard variance although somewhat substantial, 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.

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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 total 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.


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MAR 13 P 1:31
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The foregoing resolution to approve the application for the requested total side yard variance is APPROVED; was presented and moved by Mr., Bonomolo seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, 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: March 6, 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
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TOWN CLERK'S OFFICE

**FLOOR AREA RATIO AS MODIFIED TO .258, SIDE YARD, & TOTAL SIDE YARD
VARIANCES APPROVED**

To: Robert Perretta
144 Fairview Ave
Pearl River, New York 10965

ZBA #24-12
Date: March 6, 2024
Permit # BLDR-4585-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-12: Application of Robert Perretta 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, .266 proposed), 9 (Side Yard: 20' required, 16.25' proposed) and 10 (Total Side Yard: 50' required, 38.5' proposed) for an addition to an existing single-family residence. The premises are located at 144 Fairview Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.19, Block 3, Lot 70 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 6, 2024 at which time the Board made the determination hereinafter set forth.

Robert Perretta and Robert Palmerini, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Perretta residence" dated 01/10/2024 signed and sealed by Roberto M. Palmerini, R.A. (5 pages).
2. Survey dated September 17, 2018 prepared by Anthony Celentano, P.L.S..
3. Seven color photographs of the house and existing houses around the applicants' house.

Mr. Bosco, Chairman, 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, Mr. Bosco 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. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, aye.

Robert Palmerini, Architect, testified that this is a two bedroom, one and half bath home; that both of his clients work from home; that they have one child and would like to have more; that they are proposing to add a two-car garage on the right side of the house with an addition above and a wrap around porch; that the existing house and small detached garage is 1772 sq. ft. and 11% of the permitted floor area ratio; that they are proposing to add 2,775 sq. ft. to accommodate a larger family and two offices; that the house was sold as three bedroom but one of the existing bedrooms is walk thru to the next bedroom as serves as a closet; that they can remove the wrap around from the porch and reduce the proposed floor area ratio to 25.8%, by having the porch end at the end of the house thereby reducing the square footage of the porch by 227 square feet; and they are trying to maintain the character of the house with the design of the addition.

Robert Perretta submitted seven pictures of the house and immediate area; and testified that he put stakes out to show how far out the proposed addition would go; that the reason they are adding a two car garage is more about the space above it, that they need for living space, than it is about needing a two-car garage; that they tried to design the addition to keep with the character of the neighborhood; that there are other much larger houses in the cul-de-sac; that they are removing the existing garage and shed that the actual living space of the existing house is 1,300 sq. ft.; and that they love their neighbors and neighborhood.

Ms. Castelli and Mr. Valentine expressed concerns about the floor area ratio and asked if the applicant could reduce it.

Public Comment:

Robert Mahon, 150 Fairview Avenue, testified that his house is a little down hill from the Perretta family; that he is on the side of the proposed addition and is here to speak in support of the project and to let the Board know that he has reviewed the plans and they seem reasonable to him; that he has been in his house for twenty-five years and when they connected the two dead end streets with the cul-de-sac, the neighborhood opened up to very large center hall colonial style houses; and that this improvement is in keeping with the character of the neighborhood.

Patrick Coyne, 143 Fairview Avenue, testified that he is also here to support the application; that he lives directly across and will be the one looking at directly at the addition; that this house is very small and it has flipped four times because of its size; that it would be wonderful to allow the Perretta family to make the house a proper size to accommodate the growing family and allow them to stay in the neighborhood; that the proposal is in keeping with the character of the neighborhood and that he supports it and does not want to lose another really good neighbor.

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. Bosco 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 floor area ratio as modified to .258, 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 area.
2. The requested floor area ratio as modified to .258, 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.
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 as modified to .258, 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.
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 requested floor area ratio as modified to .258, 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
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TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested floor area ratio as modified to .258, side yard and total side yard variances are 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; Mr. Quinn, aye and Mr. Valentine, 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: March 6, 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- Ken L

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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TOWN CLERK'S OFFICE

**FLOOR AREA RATIO, SIDE YARD, & SECTION 9.2 NON-CONFORMING BULK
VARIANCES APPROVED: UNDERSIZED LOT ACKNOWLEDGED**

To: John Perkins (Filor)
P.O. Box 271
Tomkins Cove, New York 10986

ZBA #24-13
Date: March 6, 2024
Permit # BLDR-4586-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-13: Application of Jason and Marissa Filor 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, .28 proposed), 9 (Side Yard: 15' required, 7.1' existing & proposed) and 10 (Total Side Yard: 30' required, 21.8' existing & proposed), (Section 5.21 Undersize lot applies) and from Section 9.2 (Expansion of Non-Conforming Bulk) for an addition to an existing single-family residence. The premises are located at 252 Holt Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.13, Block 2, Lot 49 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 6, 2024 at which time the Board made the determination hereinafter set forth.

John Perkins, Architect and Jason Filor appeared and testified.

The following documents were presented:

1. Proposed addition map, labeled "Filor", dated 1/23/2024 signed and sealed by Robert E. Sorace, P.L.S., (1 page).
2. Review Copy of Survey map, dated June 25, 2019 prepared by Robert R Rahnefeld, P.L.S., (1 page).
3. Architectural Plans, labeled "Proposed Addition/alterations for the Filor residence", dated December 15, 2023 with the latest revision date of December 29, 2023 signed and sealed by John Perkins, N.C.A.R.B. (4 pages)

Mr. Bosco, Chairman, 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, Mr. Bosco 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. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, aye.

John Perkins, Architect, testified that they are proposing an addition to the rear of the existing house for the first floor and a small 2nd floor addition; that the lot is undersized at only 12,000 sq. ft. as opposed to the required 15,000 sq. ft. and only 73 feet wide; that the requested variances are triggered by the undersized lot; that they total size of the proposed addition is 630 sq. ft., 550 of which will be in rear yard on the first floor; and the additional 80 sq. ft. are proposed on the existing second floor to extend the existing dormer to allow for closet space in the upstairs bedroom; that house front on Holt Drive with an existing 7.1 setback and the left side set-back is 14.7'; that Marissa's family has owned the property for 50 years and the couple purchased it from the family five years ago; that they are not planning to create a local law #7; that there is a dry bar being installed but not a second kitchen; that the front stoop does go out about four or five feet; that the existing shed will be removed and when they are ready to install a new one they will apply for a building permit.

TOWN CLERK'S OFFICE
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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. Bosco 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 floor area ratio, side yard, total side yard, and § 9.2 non-conforming bulk variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the § 5.21 (e) undersized lot. Similar additions have been constructed in the neighborhood. Similar additions have been constructed in the area.
2. The requested floor area ratio, side yard, total side yard and § 9.2 non-conforming bulk variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged § 5.21 (e) undersized lot. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, side yard, total side yard and § 9.2 non-conforming bulk 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 the undersized lot. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

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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, total side yard and § 9.2 non-conforming bulk variances are APPROVED; and the undersized lot was 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.


TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested floor area ratio, side yard, total side yard and § 9.2 non-conforming bulk variances are APPROVED and the undersized lot was acknowledged; was presented and moved by Mr. Quinn seconded by Mr. Bonomolo and carried as follows: Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Mr. Bosco, 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: March 6, 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- Mike 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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TOWN CLERK'S OFFICE

**SECTION 5153 ACCESSORY STRUCTURE DISTANCE TO PRIMARY STRUCTURE
VARIANCE APPROVED: BOARD ACKNOWLEDGED THE 10.5 SIDE YARD AND
36.2 TOTAL SIDE YARD AND GRANTED THOSE VARIANCES**

To: Donald Brenner(Vergine)
4 Independence Ave
Tappan, New York, 10983

ZBA #24-14
Date: March 6, 2024
Permit # BLDR-4448-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-14: Application of Larry Vergine for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, R-15 District, Group M, Section 5.153 (Accessory Structure Distance from Principal Structure: 15' required, 7.4' existing) for an existing open pool cabana at an existing single-family residence. The premises are located at 36 Guterl Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.14, Block 1, Lot 9 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 6, 2024 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Certification letter dated December 1, 2023 from Harry J. Goldstein, Architect for plans attached dated 10/18/2023 for a pool cabana.
2. Survey dated November 30, 2018 with the latest revision date of September 19, 2023 signed and sealed by Robert E. Sorace, PLS.

Mr. Bosco, 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. Bosco 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. Quinn, aye; Mr. Bonomolo, aye; Mr. Valentine, aye; and Ms. Castelli, aye.

Donald Brenner, Attorney, testified that the contractor installed the cabana without a permit; that he left for Florida; that the structure exists and his client wants to legalize the existing condition and get a certificate of occupancy for it; and that he would have no objections to the Board acknowledging the side yard and total side yard conditions that were not mentioned in the denial from the building department.

TOWN OF ORANGETOWN
MAR 13 P 1:32
TOWN CLERK'S OFFICE

Public Comment:

No public comment.

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

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

Mr. Bosco 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 § 5.513 accessory structure distance to primary structure variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the 10.5' side yard and the 36.2' total side yard that exists because of this structure, and grants those variances in addition to the accessory structure variance. The structure is in the rear of the property and does not interfere with any of the surrounding properties in a negative way. The applicant supplied a letter from a licensed architect stating that the existing structure is structurally sound.
2. The requested § 5.513 accessory structure distance to primary structure variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the 10.5' side yard and the 36.2' total side yard that exists because of this structure, and grants those variances in addition to the accessory structure variance. The structure is in the rear of the property and does not interfere with any of the surrounding properties in a negative way. The applicant supplied a letter from a licensed architect stating that the existing structure is structurally sound.
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 § 5.513 accessory structure distance to primary structure 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. The Board acknowledged the 10.5' side yard and the 36.2' total side yard that exists because of this structure, and grants those variances in addition to the accessory structure variance. The structure is in the rear of the property and does not interfere with any of the surrounding properties in a negative way. The applicant supplied a letter from a licensed architect stating that the existing structure is structurally sound.
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 § 5.513 accessory structure distance to primary structure, 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
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TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested § 5.513 accessory structure distance to primary structure, side yard and total side yard variances are APPROVED; was presented and moved by Mr. Bosco, seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, 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: March 6, 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- Dominic 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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TOWN CLERK'S OFFICE

**FLOOR AREA RATIO, SIDE YARD AND § 9.2 EXPANSION OF NON-CONFORMING
BULK VARIANCES APPROVED**

To: John Ferraro (Ryan)
37 Maple Avenue
New City, New York 10956

ZBA #24-15
Date: March 6, 2024
Permit #BLDR-4576-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-15: Application of Jeremy Ryan 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, 9.4 existing & proposed) and from Section 9.2 (Expansion of Non-Conforming Bulk) for an addition to an existing single-family residence. The premises are located at 341 Laurel Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.11, Block 2, Lot 10 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 6, 2024 at which time the Board made the determination hereinafter set forth.

John Ferraro, Architect and Jeremy and Christina Ryan appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Ryan Residence" dated 1/08/2024 signed and sealed by John Anthony Ferraro, AIA. (6 pages)
2. Survey dated August 26, 1998 signed and sealed by Joseph Haller, L.S..
3. Zoning Board Decision #99-11 dated February 3, 1999.

Mr. Bosco, Chairman, 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, Mr. Bosco 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. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye and Mr. Valentine, aye.

John Ferraro, Architect, testified that Jeremy is a veteran and Christina is a Veterinarian; that they purchased the house three years ago; that the existing house is has a really odd galley kitchen that is extremely small; that they are proposing a 465 sq. ft. addition to the rear of the house to expand the kitchen and add an office and mudroom; that the addition will be set in two feet from the existing 9.4 set-back; that the north side of the corner lot meets the driveway and rear yard of the neighbors; that there are no steps from the deck and the house on the west side has a similar addition.

TOWN CLERK'S OFFICE
2024 MAR 13 P 1:32
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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. Bosco 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 floor area ratio, side yard and § 9.2 expansion of non-conforming bulk variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The side yard of 9.4 is existing and will be extended for the proposed deck, the house was constructed straight to the road, however the property is angled. Other houses in the neighborhood have added similar additions.
2. The requested floor area ratio, side yard and § 9.2 expansion of non-conforming bulk variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The side yard of 9.4 is existing and will be extended for the proposed deck, the house was constructed straight to the road, however the property is angled. Other houses in the neighborhood have added similar additions.
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 § 9.2 expansion of non-conforming bulk 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 side yard of 9.4 is existing and will be extended for the proposed deck, the house was constructed straight to the road, however the property is angled. Other houses in the neighborhood have added similar additions.
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 CLERK'S OFFICE
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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, side yard and § 9.2 expansion of non-conforming bulk 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.


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TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested floor area ratio, side yard and § 9.2 expansion of non-conforming bulk variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, 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: March 6, 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
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TOWN CLERK
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE