

MINUTES  
ZONING BOARD OF APPEALS  
January 29, 2025

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

ABSENT:                         NONE

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

This meeting was called to order at 7: 05 P.M. by Chairman Bosco.  
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

<u>APPLICANTS</u>	<u>PUBLISHED ITEMS</u>
	<u>DECISIONS</u>

CONTINUED ITEM:

PAUL MESIBOV TRUST	ZBA#24-58
168 Washington Street	
Tappan, New York	FRONT YARD & § 9.2 EXPANSION
77.11 / 1 / 50; R-15 – zone	VARIANCES APPROVED AS MODIFIED

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

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


OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQR Regulations § 617.6 (b)(3) the following applications: Skae Training Site Plan-Conditional Use, 337-339 Blaisdell Road, Orangeburg, New York 70.19 / 1 / 46; LIO zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 7:30 P.M.

Dated: January 29, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann, 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

**DECISION**  
**FRONT YARD(STORAGE) FRONT YARD (SECOND STORY) AND § 9.2 EXPANSION**  
**OF NON-CONFORMING BULK VARIANCES APPROVED AS MODIFIED.**  
**UNDERSIZED LOT AKNOWLED**

To: Paul Mesibov (Paul Mesibov Trust)  
168 Washington Street  
Tappan, New York

ZBA #24-58  
Date: November 20, 2024 & January 29, 2025  
Permit # BLDR-5840-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-58: Application of Paul Mesibov Trust, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 8 (front yard: 30', with 9.5'(storage) & 26.5' (second story) proposed), and from Section 9.2 (Expansion of non-conforming bulk) for a second story bathroom addition and a new roof over part of an existing deck, at a single-family dwelling. The premises are located at 168 Washington Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.11, Block 1, Lot 50 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, November 20, 2024 and January 29, 2025 at which time the Board made the determination hereinafter set forth.

**At the November 20, 2024 meeting:**

Paul Mesibov, and Lenora Mesibov, homeowners, appeared and testified.

The following documents were presented:

1. Architectural Plan, Mesibov Residence with the most recent revision date of September 19, 2024 signed and sealed Roberto M. Palmerini, R.A. (7 pages).
2. Site Plan, dated August 29, 2000 signed and sealed by John J. Deans, R.A. (1 page).
3. A letter dated November 6, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated November 20, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
5. A letter dated October 29, 2024 from Rockland County Drainage Agency signed by Liron Derguti, Engineer I.
6. A letter dated October 24, 2024 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.

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

**At the November 20, 2024 meeting:**

Paul Mesibov testified that the house existed prior to the side street (Conklin Ave) being a Road; that in the past they have had additions built on the home, with permits, but did not require variances; that they have a single-story structure and would like to add on a second story; that the addition would include a bathroom and a small storage closet; that there is no work to be done on the Conklin Avenue side of the property; that there seems to be some confusion on the front yards therefore he would like to ask for a continuance.

Lenora Mesibov testified that their laundry room has existing plumbing; that this addition is being proposed onto the back-right corner of the house; that there was living space and upstairs room added onto the house twenty-five years ago; that they still have the original plans from when they did the additions on the house.

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**At the November 20, 2024 meeting:**

The Board asked the Applicants if the front yard or side yard had previously been designated, and for the Applicants to show the history. The Board also asked the Applicants to come back with the floor area ratio updated with existing calculations, and calculations from each previous build done to the home, and for the bulk table to be updated accordingly. The Board also asked for copies of the previously built plans to review. To which the Applicant agreed to provide.

**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.

**At the January 29, 2025 meeting:**

ZBA# 24-58: Application of Paul Mesibov Trust, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column 8 (front yard: 30', with 9.5'(storage) & 26.5' (second story) proposed), and from Section 9.2 (Expansion of non-conforming bulk) for a second story bathroom addition and a new roof over part of an existing deck, at a single-family dwelling. The premises are located at 168 Washington Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.11, Block 1, Lot 50 in the R-15 zoning district.

Paul Mesibov, Lenora Mesibov, homeowners, appeared and Robert Palmerini, Architect appeared and testified.

The following documents were presented:

7. Architectural Plan cover page, Mesibov Residence with the most recent revision date of December 11, 2024 signed and sealed Roberto M. Palmerini, R.A. (A-0).
8. Architectural and Site Plans, dated June 1, 2001 signed and sealed by John J. Deans, R.A. (3 pages).
9. Architectural and Site Plans, dated August 29, 2000 signed and sealed by John J. Deans, R.A. (4 pages).
10. A letter dated December 17, 2024 from ROAM Architecture (2 pages).
11. Copies of prior Certificate of Occupancies including a letter from John J. Deans, Architect (6 pages).
12. Survey, dated May 14, 1986 by William A. Yuda, L.S. (1 page).

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

**At the January 29, 2025 meeting:**

Robert Palmerini, Architect testified that there was some confusion or clarification needed from the previous meeting for the setbacks; that the revised drawings dated December 11, 2024 is what is being reviewed at this time; that this design shows the side setback as the North side property and the rear setback as the East side property; that to clarify, Conklin Avenue is the Front yard to the Side yard to the North and Washington Avenue is the Front yard to the Rear yard to the East;

that they are creating an addition on one side and a closed in storage area at the side of the existing porch; that the storage area will not be heated and is for Christmas decorations and things of that nature; that they are proposing a master bathroom over an existing structure; that they will be putting a roofed over area in line with the existing deck and will not be extending out past what is existing; that as this is already existing non-conforming that is why the variance is increasing the non-conforming; that where this addition is to be located, in the corner, should not impact the neighborhood and keeps within the character of the neighborhood; that there are five riser to the existing front porch; that the measurement from the property line to the existing front porch is nine point five (9.5') feet.

Chairman Bosco asked the Applicants: "How many steps are there on the existing front porch?" The Chairman also stated that this porch has existed at the home for a very long time.

The Board asked Robert Palmieri, Architect for the Applicants. to mark up and submit for record, the front yard distance of seven point five (7.5') feet to the second step of the existing front porch, at the Washington Avenue side of the property. The Architect agreed and did so. Chairman Bosco stated that this will be filed for the record.

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

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.

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

Chairman 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 front yard(storage) as modified, front yard (second story), 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. Similar additions exist in the neighborhood.

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TOWN ENGINEER



2. The requested front yard(storage) as modified, front yard (second story), 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. Similar additions exist in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard(storage) as modified, front yard (second story), 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. Similar additions exist in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, 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 front yard(storage) as modified, front yard (second story), and § 9.2 expansion of non-conforming bulk variances are APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) A road work permit shall be obtained from the Rockland County Highway Department prior to starting construction work in the site, 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 front yard(storage) as modified, front yard (second story), and § 9.2 expansion of non-conforming bulk variances are APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) A road work permit shall be obtained from the Rockland County Highway Department prior to starting construction work in the site, was presented and moved by Chairman Bosco, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye; and Mr. DeRobertis, aye.

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

DATED: January 29, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann  
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

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