

ZONING BOARD OF APPEALS

Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-8410 (ext. 4316)
Date: May 8, 2025

TO: OBAPAE
NYS Dept of Environmental Conservation
New York State Dept. of Transportation
Palisades Interstate Park Commission
NYS Thruway Authority
ACOE
CSX
Rockland County Drainage
Rockland County Health
Rockland County Planning
Rockland County Highway
Rockland County Swr Dstrt #1
Orange and Rockland Utilities
Veolia

This matter is scheduled for: June 4, 2025

Review of Plans: Carroll, 40 Cedar Street, Tappan, NY

Section 77.06 Block 3 Lot 19 R-15 zone

Chapter 43, R-15 District, Group M, Section 5.227 Pool (Side Yard: 20’ required, with 14’ proposed) for an above ground pool in the rear yard at an existing single-family residence. The premises are located at 40 Cedar Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 19 in the R-15 zoning district.

Please review the information enclosed and provide comments.
These comments may be mailed, or e-mailed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 26 Orangeburg Road, Orangeburg, NY 10962
- Email to Zoning Board: KBettmann@orangetown.com

Zoning Board Meeting Date: June 4, 2025

- () Comments attached
- () No Comments at this time. Please send future correspondence for review.
- () No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

This project is before the **Zoning Board** on **Wednesday, June 4, 2025**

Kindly forward your completed review to this office BEFORE June 4, 2025

Reviewing Agency_____

Name:_____Date:_____

Signature: _____

Thank you, **Katlyn Bettmann (EXT. 4316)**

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Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: _____

TOWN OF ORANGETOWN
LAND USE BOARDS

LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input checked="" type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: Pool R-6866-25
ASSIGNED
INSPECTOR: Glenn
Referred from Planning Board: YES / NO
If yes provide date of Planning Board meeting: _____

Project Name: ~~Above Ground Pool installation~~

Street Address: 40 Cedar Street Tappan, NY 10983

Tax Map Designation: Section: 77.06 Block: 3 Lot(s): 19
Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the North side of Cedar Street, approximately
217 feet west of the intersection of Summit Ave, in the
Town of ORANGETOWN in the hamlet/village of Tappan.

Acreage of Parcel .29
School District South Orangetown
Ambulance District SOAC
Water District Veolia

Zoning District R-15
Postal District Tappan
Fire District Tappan
Sewer District Municipal

Project Description: (If additional space required, please attach a narrative summary.)

Above Ground Pool

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 5/6/25 Applicant's Signature: [Signature]

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? yes
- 2) Is any open space being offered? ____ If so, what amount? ____
- 3) Is this a standard or average density subdivision? ____

If site plan:

- 1) Existing square footage ____
- 2) Total square footage ____
- 3) Number of dwelling units ____

If **special permit**, list special permit use and what the property will be used for.

Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area ____

Are there **streams** on the site? If yes, please provide the names. ____

Are there **wetlands** on the site? If yes, please provide the names and type: ____

Project History:

Has this project ever been reviewed before? NO

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

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TOWN OF ORANGETOWN
LAND USE BOARDS



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN

26 Orangeburg Road
Orangeburg, N.Y. 10962

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Jane Slavin, R.A.
Director

(845)359-8410

TOWN OF ORANGETOWN
LAND USE BOARDS

Fax: (845) 359-8526

REFERRAL TO THE ZONING BOARD OF APPEALS

Date: 3.26.25 Section: 77.06 Block: 3 Lot: 19

Applicant: Carroll

Address: 40 Cedar St, Tappan, NY

RE: Application Made at: same

Referred For:

Side 5/8/25
Chapter 43, Section 5.227 Pool Rear Yard Setback 20' with 14' proposed

1 variances required

Comments:

Above Ground Pool

Dear Carroll:

Please be advised that the Building Permit Application # 6866-25, which you submitted on 3.18.25, has been referred to the Town of Orangetown Zoning Board of Appeals. The Clerk to the Zoning Board of Appeals, Katlyn Bettmann can assist you in the preparation necessary to appear before the board. She can be reached at 845-359-8410 ext. 4316 or kbettmann@orangetown.com

Sincerely,

[Signature]
Richard Oliver
Deputy Building Inspector

3/26/25

[Signature]
Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
10-01-2024: emd

3/31/25

Date
CC: Katlyn Bettmann
Elizabeth Decort

SWIS	PRINT KEY	NAME	ADDRESS
392489	77.06-2-65	Sheryl J Palacio	104 Summit Ave, Tappan, NY 10983
392489	77.06-2-66	Frances R Panczyk	100 Summit Ave, Tappan, NY 10983-5021
392489	77.06-2-67	Jack A Zimmerman	96 Summit Ave, Tappan, NY 10983
392489	77.06-3-15	Helena Bardusco	8 Cedar St, Tappan, NY 10983
392489	77.06-3-16	Juan M Riveiro Jr	52 Whitman St, Carteret, NJ 07008
392489	77.06-3-17	Nicholas J Rivera	26 Cedar St, Tappan, NY 10983
392489	77.06-3-18	Matthew Panczyk Jr	30 Cedar St, Tappan, NY 10983
392489	77.06-3-19	Michael Carroll	40 Cedar St, Tappan, NY 10983
392489	77.06-3-20	Matthew Pringle	42 Cedar St, Tappan, NY 10983
392489	77.06-3-21	Joseph Mastropolo	48 Cedar St, Tappan, NY 10983
392489	77.06-3-22	Scott Sullivan	54 Cedar St, Tappan, NY 10983
392489	77.06-3-23	The Noble Ninth Inc	149-39 11th Ave, Whitestone, NY 11357
392489	77.10-1-12	Mark C Mac Donnell	84 Summit Av, Tappan, NY 10983
392489	77.10-2-1	Susan A Malagraph	79 Summit Ave, Tappan, NY 10983
392489	77.10-2-2	David Kopperman	49 Cedar St, Tappan, NY 10983
392489	77.10-2-3	Patience Appiah	47 Cedar St, Tappan, NY 10983
392489	77.10-2-4	Robert Blauvelt	70 Central Av, Tappan, NY 10983
392489	77.10-2-5	Margaret Maglione	75 Central Ave, Tappan, NY 10983
392489	77.10-2-73	John Foglia Jr	63 Central Ave, Tappan, NY 10983
392489	77.10-2-74	Rachel C Gittler-Moody	69 Central Ave, Tappan, NY 10983
392489	77.10-2-75	Robert H Blauvelt	70 Central Av, Tappan, NY 10983
392489	77.10-2-76	Thomas A Migge	60 Central Av, Tappan, NY 10983
392489	77.10-2-96	Peter Zinna	63 Summit Ave, Tappan, NY 10983
392489	77.10-2-97	Guy A Ardito	71 Summit Ave, Tappan, NY 10983

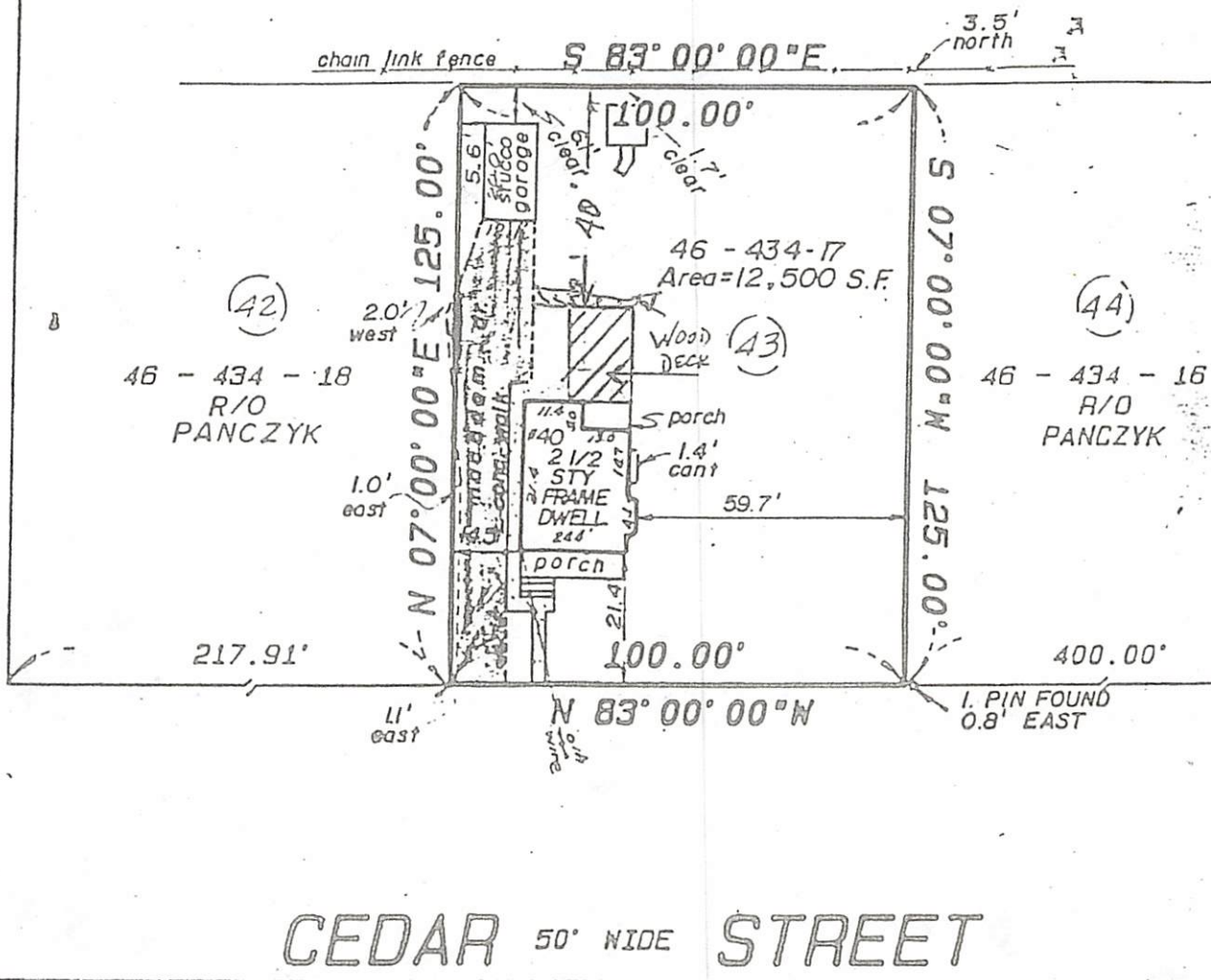
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TOWN OF ORANGETOWN
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SUMMIT 50' WIDE AVE.

46 - 434 - 11 R/O GERMAN MASONIC HOME



BASED ON A SURVEY BY ROBERT RAHNEFELD

SCALE 1" = 40'

4/21/86

OLD SURVEY BEFORE ADDITION



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JAN 12 2023

TOWN OF ORANGETOWN
BUILDING DEPARTMENT

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TOWN OF ORANGETOWN
LAND USE BOARDS

EXCLUSIVE POOLS BY WESTROCK

Beat The Rush This Season!
STAY-CATION THIS SUMMER!

PANACHE 52"



Specifications

- Height - 52"
- Top Ledge - Resin
- Upright - Resin
- Bottom Rail - Resin
- Stabilizer - Steel
- Bottom Plate - Resin
- Top Plate - Steel
- Ledger Cover - 2 pcs
- Oval System - Buttressless

Available Sizes

- 12' R | 12' x 17' OV
- 15' R | 12' x 24' OV
- 18' R | 15' x 26' OV
- 21' R | 15' x 30' OV
- 24' R | 18' x 33' OV
- 27' R
- 30' R

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INTEREST FREE Financing Available*

HARBOR MASTER 54"



Specifications

- Height - 54"
- Top Ledge - Resin
- Upright - Steel
- Bottom Rail - Resin
- Stabilizer - Steel
- Bottom Plate - Resin
- Top Plate - Steel
- Ledger Cover - 2 pcs
- Oval System - Buttressless

Available Sizes

- 12' R | 12' x 24' OV
- 15' R | 12' x 26' OV
- 18' R | 15' x 30' OV
- 21' R | 18' x 33' OV
- 24' R
- 27' R

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Rock. # H-00251-25 • New Jersey 13VH03130500

Westchester 14560-H03 • Putnam PC785-A



*See Store For Details

DECISION

FLOOR AREA RATIO VARIANCE APPROVED

To: Brian and Michelle Violetto
40 Cedar Street
Tappan, New York 10983

ZBA # 05-08
Date: 1 / 19 / 05

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 05-08: Application of Brian and Michelle Violetto for a variance from Chapter 43, R-15 District, Section 3.12, Group M, Column 4 (Floor Area Ratio: .20 permitted, .162 existing, .26 proposed) for an addition to an existing single family residence.. Premises are located at 40 Cedar Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 19; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 16, 2005 at which time the Board made no determination as hereinafter set forth.

Brian Violetto appeared and testified.

The following documents were presented:

1. Architectural Plans signed and sealed by Brian E. Aitchison, Architect, dated August 28, 2004 with the latest revision date of December 5, 2004.
2. A site plan based on a survey by Robert Rahnefeld, LS. dated 4/21/86.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Munno, aye; Ms. Castelli, aye; Mr. Mowerson, aye; and Mr. Duffy, aye.

Brian Violetto testified that he and his wife were before the Board in November requesting a higher floor area ratio variance; that the application failed to carry; that since that time the plans for the addition have been revised and the garden room and part of the covered porch were removed; that the shed should not have been calculated into the original floor area because it is under 10' x 10'; that the existing house is only 1250 sq. ft.; that the existing kitchen is 8' x 10' and that the original request was for a .289 floor area ratio and it has been reduced to .26.

TOWN CLERKS OFFICE

5 FEB -9 46

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LAND USE BOARDS

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday, January 16, 2004 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 the documents presented, the Board found and concluded that:

1. The requested floor area ratio variance would 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 variance would have no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

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

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LAND USE BOARD

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 these 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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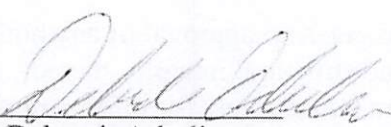
TOWN OF ORANGETOWN
LAND USE BOARD

The foregoing resolution to approve the application for the requested floor area ratio variance was moved by Ms. Castelli, seconded by Mr. Mowerson, and carried as follows: Ms. Castelli, aye; Mr. Munno, aye; Mr. Mowerson, aye; and Mr. Duffy, 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 19, 2005

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 - E.C.

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

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5 FEB - 9 AM 9:46

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LAND USE BOARDS

File

DECISION

RESOLUTIONS TO APPROVE AND TO DENY
FLOOR AREA RATIO VARIANCE EACH FAILED TO CARRY

To: Brian and Michelle Violetto
40 Cedar Street
Tappan, New York 10983

ZBA # 04-132
Date: 11 / 3 / 04

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 04-132: Application of Brian and Michelle Violetto for a variance from Chapter 43, R-15 District, Section 3.12, Group M, Column 4 (Floor Area Ratio: .20 permitted, .162 existing, .275' proposed) for an addition to an existing single-family residence. Premises are located at 40 Cedar Street, Tappan New York and are identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 19; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 3, 2004 at which time the Board made no determination as hereinafter set forth.

Brian and Michele Violetto and Brian Aitchison, Architect, appeared and testified.

The following documents were presented:

1. Architectural Plans signed and sealed by Brian E. Aitchison, Architect., dated August 28, 2004 with a revision date of September 20, 2004.
2. A site plan based on a survey by Robert Rahnefeld, LS. dated 4/21/86.
3. Four letters in support of the application.

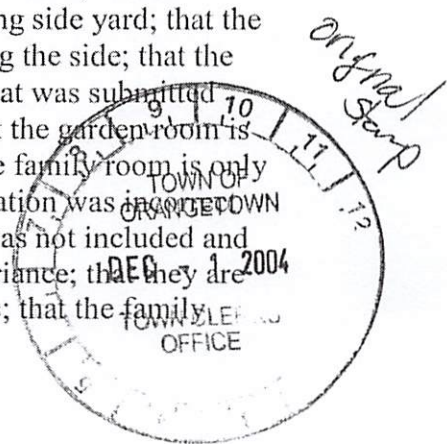
On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Mr. Munno, aye; Mr. Mowerson, aye; and Mr. Duffy, aye.

Brian Aitchison, Architect, testified that the house is currently a small beautiful colonial; that the first floor has a small kitchen and living room; that upstairs there are three bedrooms and a bathroom; that the applicant has owned the house for eight years; that the plan for the first floor is to add a family room, garden room and enlarge the small kitchen; that they are proposing to add a master bedroom and bath over the proposed family room; that the new addition to the kitchen would widen the room and add windows since there aren't any windows there now; that the existing house is placed to the west side of the property; that there is a very generous side yard to the east and even with the expansion there would still remain a generous side yard; the existing basement has water issues and is not useable space; that the family needs a family room on the first level; that the family loves the neighborhood and neighbors; that they do not want to move; that the design is in keeping with the character of the neighborhood; that the addition to the kitchen and the proposed deck would keep the existing side yard; that the covered porch is across the front of the house and proposed for along the side; that the garden room is 9.6' x 19'; that the shed is now shown on the plan that was submitted tonight; that the existing garage adds 1% to the floor area ratio; that the garden room is not necessary but convenient; that the porch is a visual item; that the family room is only 14' x 24' and not big enough for too much furniture; that the publication was incorrect stating that the existing floor area ratio was .162 because the shed was not included and with the shed included they are requesting a .289 floor area ratio variance; that they are willing to reduce the porch and bring the family room to be 6 inches; that the family

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TOWN OF ORANGETOWN
LAND USE BOARD



room size impacts the size of the proposed master bedroom above it; that they must build clear of the wall, sloping roof or the usable space would be reduced; that the existing small bedroom needs a closet; that taking 6" off the family room would not effect the placement of the furniture; and that the design of the front of the house had to be taken into account for the design.

Michele Violetto testified that they have three children; that they moved into the house eight years ago from Manhattan; that they have a small business in Blauvelt; that they love their neighborhood and neighbors; that the house is just too small for the family; that their daughter Amanda has asthma and cannot go out side for long periods of time; that the sunroom would be great for their daughter; that the house was built in 1917; that they are designing the proposed addition to match the existing house; that the only way they would move is if they cannot do this addition; that the kitchen is too small; that they are always bumping into each other in it; that their daughter has had pneumonia four times; that she wants to keep the family room in the front of the house and the garden room in the rear; that she does not want to change the style of the front of the house; that the side yard is larger than most in the neighborhood; that the ramp was there when they purchased the house; that the garden room is very important; that floor area ratio is a moot point without the garden room; that she would rather move than give that up; and she is not playing on the Board's sympathies.

Brian Violetto testified that his daughter Amanda cannot go out to play in August, September or October because it is cold season; that the garden room is not a luxury but a necessity for Amanda's health; that there is a lack of closet space in the house; and that they are not trying to build a huge structure but they are trying to make the house comfortable.

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Saturday, October 23, 2004 and found them to be properly posted and as generally described on the application.

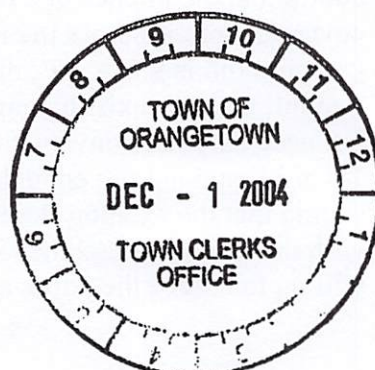
A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Following the completion of testimony and review of the submitted documents by the Board a resolution to approve the requested floor area ratio variance was introduced but failed to carry and a resolution to deny the requested floor area ratio variance was introduced but also failed to carry.

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TOWN OF ORANGETOWN
LAND USE BOARDS



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 these 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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LAND USE BOARDS

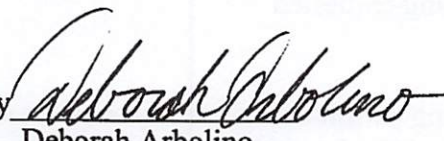
The foregoing resolution to approve the application for the requested floor area ratio variance and moved by Mr. Munno, seconded by Mr. Mowerson, and failed to carry as follows: Ms. Castelli, nay; Mr. Munno, aye; Mr. Mowerson, aye; and Mr. Duffy, nay.

The foregoing resolution to deny the application for the requested floor area ratio variance and moved by Ms. Castelli, seconded by Mr. Duffy, and failed to carry as follows: Ms. Castelli, aye; Mr. Munno, nay; Mr. Mowerson, nay; and Mr. Duffy, 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: November 3, 2004

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 - E.C.

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

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