

AWAL

Historical Areas Board of Review(HABR)

Town of Orangetown Building Department
20 Greenbush Road, Orangeburg, New York 10962

PROPERTY ADDRESS: 50 Woodc Road Section/Block/Lot: 78.18-1-37

- 1. Provide a narrative summary explaining the project and including any facts pertaining to this project which applicant feels would be of interest to the Board;
- 2. Architectural Plans;
- 3. It is preferable to the HABR if the Architect would appear at the meeting with the Applicant.
- 4. Please bring SAMPLES of building materials to the meeting.
- 5. Materials checklist: (please provide the brand name, type, style, model and color numbers):

	COLOR	MATERIAL	MANUFACTURER
Roof:	GRAY	ASPHALT SHINGLES	
Siding:	CREAM	WOOD	
Decorative Siding:	CREAM	STUCCO BACK WOOD	
Soffits & Fascia:	GRAY	"	
Gutters & Leaders:	CREAM	METAL	
Windows:	GRAY	WOOD	
Trim:	GRAY	WOOD	
Shutters:	NONE	NONE	
Front Door:	BURGUNDY	WOOD	
Back Door:	GRAY	WOOD	
Garage Door(s):	GRAY	WOOD	
Other Door(s):	GRAY	WOOD	
Lighting:	GRAY	METAL	
Lighting:	GRAY	METAL	
Stone or Rock being used on Structure:	NONE	NONE	
Stone or Rock being used on walkway(s):	BLUE STONE	STONE	
Other:	FENCE	METAL	JAN FENCE
	BLACK	MESH	
	"	ALUMINUM	

RECEIVED
OCT 7 2024
TOWN OF ORANGETOWN
LAND USE BOARD

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: 10/7/2024

LAND USE BOARD APPLICATION

Please check all that apply:

☐ Commercial

☐ Planning Board

☐ Zoning Board of Appeals

☐ Subdivision

☐ Number of Lots

☐ Site Plan

☐ Conditional Use

☐ Special Permit

☐ Variance

☐ Performance Standards Review

☐ Use Variance

☐ Other (specify): _____

☒ Residential

☒ Historical Board

☐ Architectural Board

☐ Consultation

☐ Pre-Preliminary/Sketch

☐ Preliminary

☐ Final

☐ Interpretation

PERMIT#: BLDR-5849-24

ASSIGNED

INSPECTOR: Glenn

Referred from Planning Board: YES / NO

If yes provide date of Planning Board meeting: _____

Project Name: AWAL
Street Address: 50 Woods Road Palisades NY 10964

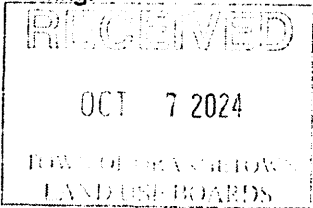
Tax Map Designation:
Section: 78.18 Block: 1 Lot(s): 37
Section: _____ Block: _____ Lot(s): _____

Directional Location:
On the North side of Woods Road, approximately 500 feet West of the intersection of Washington Street in the Town of Orangetown in the hamlet/village of Palisades

Acreage of Parcel <u>1.9 acres</u>	Zoning District <u>R-80</u>
School District <u>SOCS</u>	Postal District <u>Palisades</u>
Ambulance District <u>SOAC</u>	Fire District <u>Palisades Sparkill</u>
Water District <u>VEOLIA</u>	Sewer District <u>SEPTIC</u>

Project Description: (If additional space required, please attach a narrative summary.)
METAL MESH FENCE 6 feet and 8 feet

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.
Date: 10/7/24 Applicant's 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? _____
- 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:

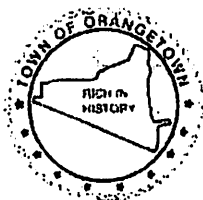
Has this project ever been reviewed before? yes _____

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.

ZBA presently _____

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

RECEIVED
OCT 7 2024
TOWN OF ORANGETOWN
LAND USE BOARD



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

REFERRAL TO THE HISTORICAL AREAS BOARD OF REVIEW

Date: 9.13.24 Section: 78.18 Block: 1 Lot: 37

Applicant: Awal

Address: 50 Woods Rd. Palisades, NY

RE: Application Made at: same

Referred For: Chapter 12, Section 12-4(E) Requires HABR approval

Comments:

6' and 8' fence in front yard

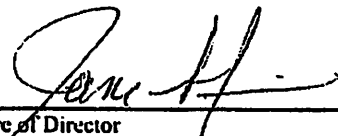
Dear Awal:

Please be advised that the Building Permit Application # 5849-24, which you submitted on 9.10.24, has been referred to the Historical Areas Board of Review. The Clerk to the Historical Areas Board of Review, 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,


Richard Oliver
Deputy Building Inspector

9/13/24


Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
1-30-2023 JSA

9/16/24
Date
CC: Liz DeCon
Debbie Arbolino

*** MUST OBTAIN ZONING BOARD APPROVAL FIRST

RECEIVED
OCT 7 2024
TOWN OF ORANGETOWN
LAND USE BOARD



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

REFERRAL TO THE ZONING BOARD OF APPEALS

Date: 9.13.24 Section: 78.18 Block: 1 Lot: 37

Applicant: Awal

Address: 50 Woods Rd, Palsades, NY

RE: Application Made at: same

Referred For:

Chapter 43, Section 5.226 Fence not over 4-1/2' in height allowed in front yard with 6' and 8' fences proposed.

Comments:

Fence in front yard

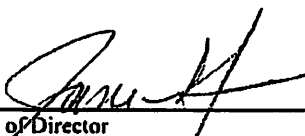
Dear Awal:

Please be advised that the Building Permit Application # 5849-24, which you submitted on 9.10.24, has been referred to the Town of Orangetown Zoning Board of Appeals. The Clerk to the Zoning Board of Appeals, Katlyn Beltmann can assist you in the preparation necessary to appear before the board. She can be reached at 845-359-8410 ext. 4318 or kbeltmann@orangetown.com.

Sincerely,


Richard Oliver
Deputy Building Inspector

9/13/24


Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
1-30-2023

CC:

9/16/24
Date
Liz DeCort
Debbie Arbolino

DECISION

EXTERIOR COSMETIC CHANGES APPROVED WITH CONDITIONS

TO: Paul Goldman
50 Woods Road
Palisades, New York 10964

HABR # 05-18
November 7, 2005

FROM: HISTORIC AREAS BOARD OF REVIEW, TOWN OF ORANGETOWN

HABR#05-18: Application of Paul Goldman for review of cosmetic alterations to include the removal of three skylights, addition of windows, and replacement of doors at an existing single-family residence. Premises are located at 50 Woods Road in the Town of Orangetown, Hamlet of Palisades, New York. Chapter 12, Section 12-4 (A), Historic Areas Board of Review.

Tax Numbers: 78.18 / 1 / 37; R-80 zoning district.

Heard by the HISTORIC AREAS BOARD OF REVIEW at a meeting held on **Monday** November 7, 2005 at which time the Board made the following determination:

Kate Platt, Architect, appeared and testified.

The applicant presented the following:

1. A notarized letter from the property owner advising that Kate Platt, Platt Dana Architects, may act as their representative to the Board.
2. Architectural plans dated 10/3/05 with the latest revision date of 11/8/05 signed and sealed by Kate Platt, Architect.

Kate Platt, Architect, stated that Alice and Paul Goldman were sorry that they could not attend the meeting but they are in England presently; that most of the work on the house is interior; that on the outside of the house three skylights are being removed; that larger windows are being installed; that the barn style front door is being replaced with an English style front door; that the front porch area is post and beam construction; that they are proposing to fill it in and make it a more usable space; that the wood siding would match the existing wood siding; that the existing brick will be painted a lighter value of the existing house paint color; that the sliding glass doors in the rear of the house are being replaced with French doors; that the roof will be patched with roof shingles to match the existing; that the family is not planning to move in until the Spring; and that they will be overseeing the plantings at that time.

TOWN CLERKS OFFICE

NOV -9 PM 3:33

TOWN OF ORANGETOWN

PUBLIC COMMENT:

No public comment.

FINDINGS OF FACT:

The Board, after personal observation of the property, hearing all the testimony and reviewing same, found as fact, that:

1. The application as presented in detail would not adversely affect the Historic District and the surrounding area. The design and materials for the proposed renovations are complimentary to the District.

DECISION: In view of the foregoing and the testimony before the Board, the application is **APPROVED** as submitted and presented with the following conditions:

1. All asphalt shingles that need to be replaced will be light brown to match the existing.
2. All siding that needs to be replaced shall be 6" ship lapped horizontal plank painted to match existing @ new porch enclosure.
3. Patching of existing siding to match existing 1" x 4" vertical cedar painted Benjamin Moore Sandy Hook Gray HC-108.
4. The brick surfaces will be painted Benjamin Moore Sail Cloth, Exterior Ready Mix.
5. Windows shall Marvin French Casemaster (WFCM 4840).
6. Marvin French Doors (WOFD 8068) shall be installed in the kitchen.

TOWN CLERKS OFFICE

NOV -9 PM 3:33


TOWN OF GRANBURY

The foregoing resolution was presented and moved by Ronald Krumm, seconded by Margaret Raso; and carried as follows; Caroline Tapley, aye; Margaret Raso, aye; William Walther, aye; Scott Wheatley, aye and Ronald Krumm, aye. Thano Schoppel and Ralph Delorenzo were absent.

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

Dated: November 7, 2005

HISTORIC AREAS BOARD OF REVIEW
TOWN OF ORANGETOWN

BY: 
Deborah Arbolino, Administrative Aide

DISTRIBUTION:

APPLICANT
TOWN BOARD MEMBERS
HABR MEMBERS
SUPERVISOR
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-B.VW.

TOWN CLERK
HIGHWAY DEPARTMENT
TOWN HISTORIAN
DEPT. OF ENVIRONMENTAL
ENGINEERING
HABR, PB, FILE
PB, ZBA, ACABOR CHAIRMAN

TOWN CLERKS OFFICE

5 NOV -9 PM 12:33

TOWN OF ORANGETOWN

DECISION

HABR # 98-06

TO: Antonio and Ronnie Estadella
50 Woods Road, P.O. Box 659
Palisades, New York, 10964

FROM: **HISTORIC AREAS BOARD OF REVIEW, TOWN OF ORANGETOWN**

RE: An appeal from denial by building inspector. Application of Antonio and Ronnie Estadella for an existing deck and gazebo.

LOCAL LAW #5 Application must be reviewed and approved by
the Historic Areas Board of Review.

Premises involved are situated on the north side of Woods Road approximately 1000 feet north of the intersection of Woods Road and Washington Spring Road in the hamlet of Palisades, Rockland County, New York. Section 78.18, Block 1, Lot 37. This is a R-80 Zoning District.

Heard by the HISTORIC AREAS BOARD OF REVIEW at a meeting held Tuesday evening, June 9, 1998 at which time the Board made the following determination:

Antonio and Ronnie Estadella appeared and testified.

The applicant presented the following:

1. Plans of deck by Gaudy and Hadley Associates, to scale, not dated.

The applicant testified that this was an existing deck and gazebo; that the original plans were submitted without dimensions but was now submitting corrected drawings with all the necessary dimensions; that they constructed the house in 1979, the deck in 1985 and the gazebo in 1986; that they were submitting drawings showing the elevation of the gazebo, a brochure of the gazebo and photographs of the deck and gazebo area.

FINDINGS OF FACT:

The Board, after personal observation of the property, hearing all the testimony and reviewing same, found as fact that:

1. The proposed project, while not minor in nature, will not adversely affect the Historic District as the deck has existed since 1985 and the gazebo has existed since 1986.
2. That the material used matched the existing construction as closely as possible.

DECISION: In View of the foregoing and the testimony before the Board, the application is APPROVED:

The foregoing approval is granted in accordance with the plans submitted and subject to the applicant obtaining the necessary permits from the Building Department. Approval of the Board is limited to the specific approval granted by this Decision.

A building permit must be obtained prior to undertaking the construction approved in this decision.

TOWN OF ORANGETOWN
JUL -7 P 1:11
TOWN CLERKS OFFICE

HABR #98-06 pg. 2.

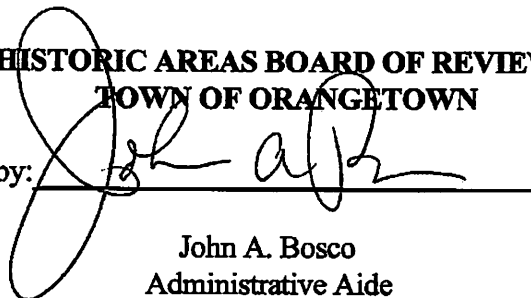
The foregoing resolution was presented and moved by Thano Schoppel, seconded by Ronald Krumm and carried as follows: William Walther, absent; Margaret Raso, aye; Ralph Delorenzo, aye; Ronald Krumm, aye; Thano Schoppel, aye; Larry Bucciarelli, aye and Donald Tapley, absent.

The Administrative Aid to the Board is hear by authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town clerk.

Dated: May 12, 1998

**HISTORIC AREAS BOARD OF REVIEW
TOWN OF ORANGETOWN**

by:



John A. Bosco
Administrative Aide

DISTRIBUTION:

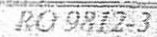
Applicant
Town Board Members
HABR Members
Supervisor
Town Attorney
Deputy Town Attorney
OBZPAE
Building Department

Town Clerk
Highway Department
Town Historian
Dept. of Environmental
Engineering
Supervising Clerk
PB, ZBA, ACABOR Chairmen

TOWN CLERKS OFFICE

'98 JUL -7 P 1:11

TOWN OF ORANGETOWN

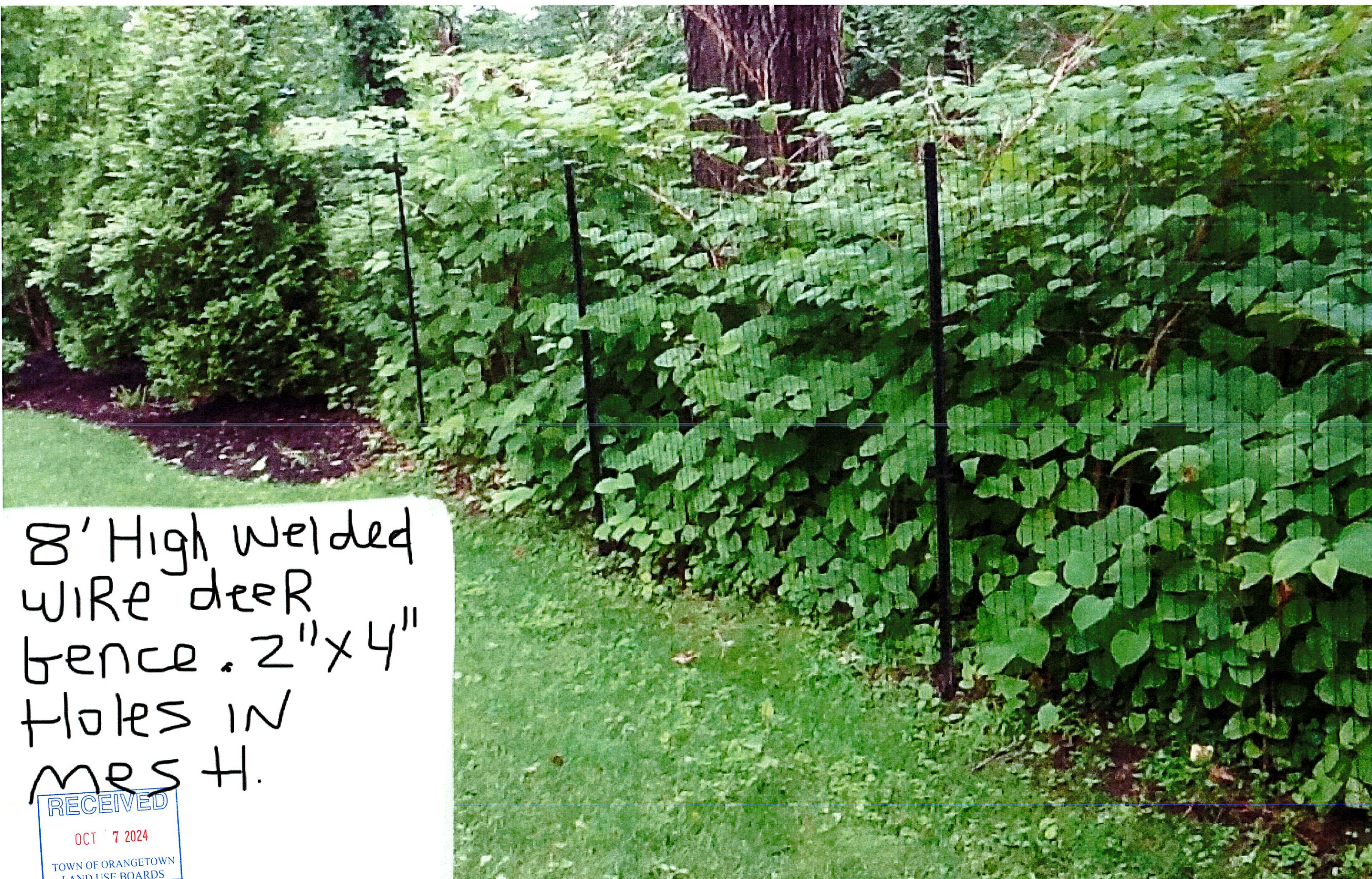
HISTORICAL AREAS
BOARD OF REVIEW

RECEIVED
OCT 7 2024
TOWN OF ORANGETOWN
LAND USE BOARDS





RECEIVED
OCT 7 2024
TOWN OF ORANGETOWN
LAND USE BOARD



8' High welded
wire deer
fence. 2"x4"
holes in
mesh.



RECEIVED

OCT 7 2024

TOWN OF ORANGETOWN
LAND USE BOARDS



--- = EXISTING fence
 [red line] = NEW 8' high deer fence
 [blue line] = NEW 6' high Aluminum fence

RECEIVED

OCT 7 2024

TOWN OF ORANGETOWN
LAND USE BOARD

Title # DLS-6246-0

Land Survey
For

GOLDMAN & BUCHANAN

Palisades

Town of Orangetown

Rockland County, NY

Scale: 1" = 50'

Area = 1.90 Ac.

May 15, 2005

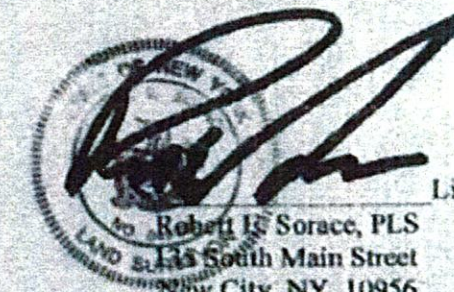
Tax Lot Designation Sect. 78.18 Blk. 1 Lot 37

Reference: Map entitled "Peet Farm, Subdivision of Property for Francois T. Hyde" filed in the Rockland County Clerk's Office April 4, 1968 in book 75 page 7 as map #3695.

Certified to:

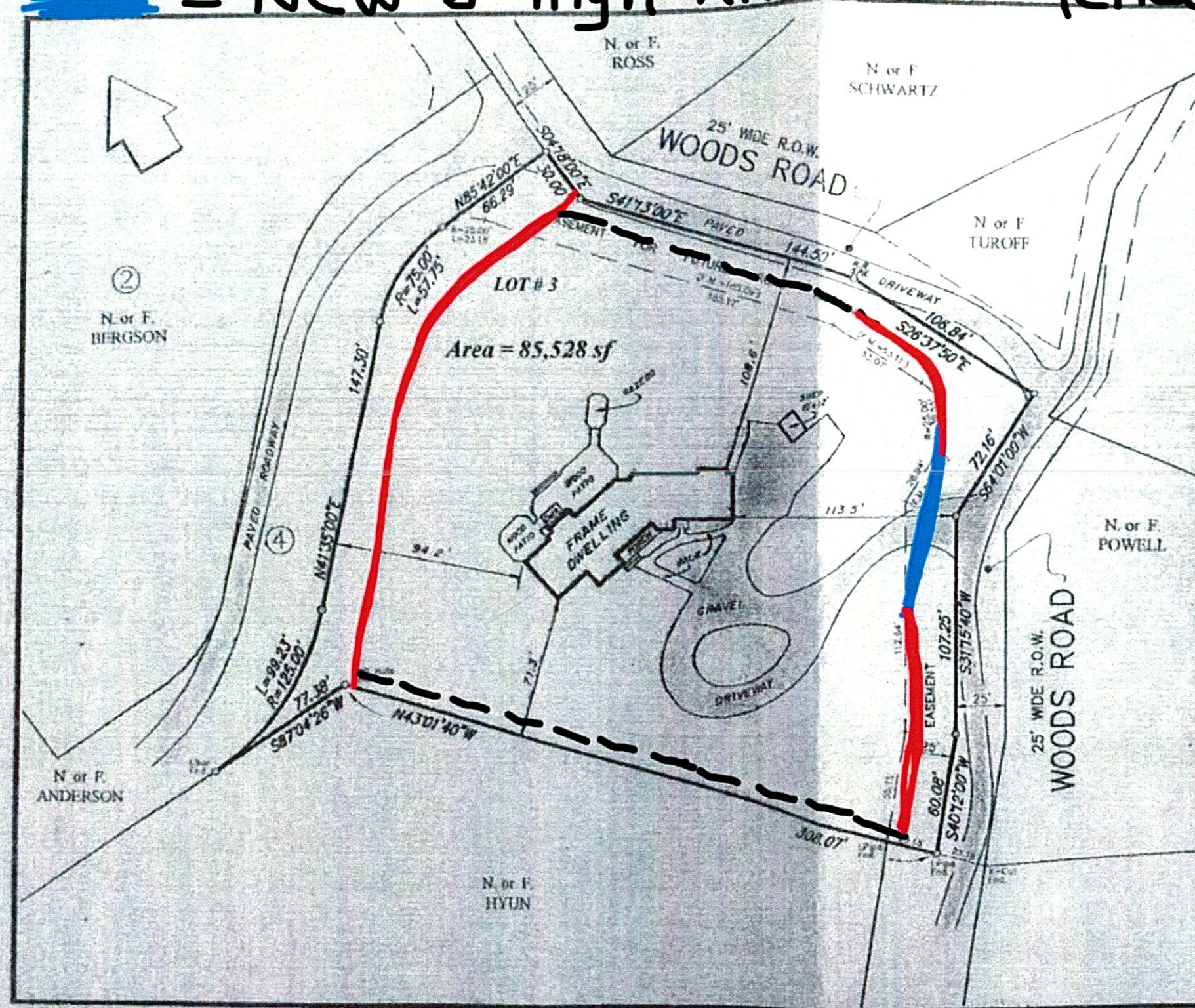
- Paul Goldman.
- Alice Buchanan.
- Old Republic National Title Insurance Company.
- Sterling National Mortgage Company, its successors and/or assigns.

Certifications indicated hereon signify that this survey was prepared in accordance with the existing code of practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.



Lic. 049162

Robert L. Sorace, PLS
133 South Main Street
New City, NY 10956
845-638-1498



RO 9812-3

AWAL

Sun 5/11/2025 5:46 PM Anthony Squeglia Anthony@janfence.com This is a black aluminum double gate. The aluminum fence on both sides of the gate is 6 feet high. The double gate starts at 6 feet high on the ends and arches up to 7-foot-high in the middle. Any questions please respond. Thanks, Anthony.



DECISION

APPROVED AS PRESENTED

TO: Ashok Awal
129 Washington Spring Road
Palisades, New York

HABR#24-13
December 10, 2024
Permit # BLDR-5849-24

FROM: HISTORICAL AREAS BOARD OF REVIEW, TOWN OF ORANGETOWN

HABR#24-13: Application of Ashok Awal for a review of a 6' and 8' fence in the front yard at an existing single-family dwelling located at 50 Woods Road, Palisades, New York. Chapter 12 of the Code of the Town of Orangetown, Section 12-4 (E), Historical Areas Board of Review. Tax Map Designation: 78.18 / 1 / 37; R-80 zone

Heard by the HISTORICAL AREAS BOARD OF REVIEW at a meeting held on Tuesday, December 10, 2024 at which time the Board made the following determination:

Roopa and Ashok Awal, Homeowners, appeared.

The following documents were presented:

1. Copy of a plot plan with the fence and gate drawn on it.
2. Survey dated May 15, 2005.
3. Computer generated pictures of the existing wood fence.
4. Computer generated pictures of the 6' high black aluminum fencing, for the gate.
5. Computer generated pictures of an example of what the gate will look like.
6. Computer generated pictures of the 8' high deer mesh fence.
7. Computer generated pictures of black aluminum fencing, with no height noted.
8. HABR Decision #05-18 for exterior cosmetic changes.

Ashok Awal stated that they have owned the home for a few years; that they have had a problem with deer coming in and eating their plants; that they have tried to deter the deer and manage with spraying every now and then; that they want to put up a fence for a more permanent solution; that at the Zoning Board meeting on December 4, 2024, they were asked to have the fence setback 6' from the easement noted on the survey; that the existing wood fence is to remain; that the front gate is 6' high black aluminum; that the fencing attached to either side of the gates is 8' high black aluminum; that in the back will be 8' high deer mesh fencing; and that they have invested a lot of time and money over the last 60 days at the nursery and putting in plants.

Roopa Awal stated that she is a retired physician; that she loves gardening, it's her passion; that they put trees in and they will be all around and blend in; that you won't see the neighbor's home, it won't be visible; that it will be very beautiful, the garden is like central park.

Thano Schoppel asked if the height of the gate is sufficient at six (6') feet, as deer jump very high.

Loren Plotkin asked which fences are which height and what is it going to look like when it's complete with all the different heights?

William Walther asked if the fences will all be in same line continuously and cohesively. Chairwoman Raso asked if any trees or bushes will be placed up against the fence to hide it?

Katlyn Bettmann, Clerk, explained to the Historical Board what was discussed at the Zoning Board meeting, the week prior.

PUBLIC COMMENT:

No public comment.

TOWN OF ORANGETOWN
2024 DEC 20 P 2:53
TOWN CLERK'S OFFICE

FINDINGS OF FACT:

The Board, after personal observation of the property, hearing all the testimony and reviewing all drawings and plans, and other submissions, correspondence and reports (if any), found as fact, that: The application as presented, would not adversely affect the Historical Areas and the surrounding area. The design and materials for the proposed fence and gate:

1. The existing wood fence shall remain.
2. The front gate shall be 6' black aluminum fence.
3. There shall be an 8' high black aluminum fence at each side of the front gate, running cohesively to the existing fencing.
4. There shall be an 8' high deer fence at the back of the property, running cohesively to the existing fencing.
5. The location of the fencing, and gate, shall be determined by the Town of Orangetown Zoning Board of Appeals.

THIS APPROVAL/DECISION, INCLUDING THE BOARD'S REQUIRED MODIFICATIONS TO THE APPLICANT'S DRAWINGS AND /OR PLANS, OR CONDITIONS SET FORTH HEREIN, IF ANY, IS GRANTED BY THE HISTORICAL AREAS BOARD OF REVIEW SUBJECT TO ANY SUCH CONDITIONS AND/OR MODIFICATIONS, AND IS LIMITED TO THE SPECIFIC RELIEF REQUESTED HEREIN.

***** PRE-1918 CONSTRUCTION: PLEASE BE ADVISED: IN THE HISTORIC AREA, ALL CONSTRUCTION REQUIRING A BUILDING PERMIT OR ANY EXTERIOR CHANGES (INCLUDING PAINT COLOR) TO BUILDINGS CONSTRUCTED PRIOR TO 1918, REQUIRES APPROVAL FROM THE HISTORICAL AREAS BOARD OF REVIEW.***

PRIOR APPROVAL OF THE HISTORICAL AREA BOARD OF REVIEW IS REQUIRED PRIOR TO ANY CHANGE OR MODIFICATION OF THE REQUIREMENTS AND/OR CONDITIONS SET FORTH IN THIS DECISION, INCLUDING, BUT NOT LIMITED TO:

- ROOFING SHINGLES (IF CHANGING COLOR)
- SIDING
- DECORATIVE SIDING
- SOFFITS & FASCIA
- GUTTERS AND LEADERS
- WINDOWS
- TRIM
- SHUTTERS
- DOORS
- LIGHTING
- LOCATION OF AIR CONDITIONING UNITS
- WALKWAYS, PATIOS
- POOLS, SPAS AND FENCES
- SIGNS
- ANY CHANGE IN THE ABOVE LIST INCLUDING COLOR, MATERIAL AND/OR MANUFACTURER

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT CLERK TO THE HISTORICAL AREAS BOARD OF REVIEW AT (845) 359-8410.

2024 DEC 20 P 2:53
TOWN OF ORANGETOWN

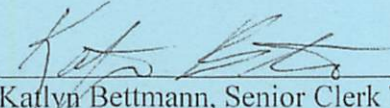
DECISION: In view of the foregoing, and after personal observation of the property, hearing all the testimony before the Board, and reviewing all drawings and plans, and other submissions, correspondence and reports (if any), Plans labeled "Copy of a plot plan with the fence and gate drawn on it, survey dated May 15, 2005, computer generated pictures of the existing wood fence, computer generated pictures of the 6' high black aluminum fencing, for the gate, computer generated pictures of an example of what the gate will look like, computer generated pictures of the 8' high deer mesh fence, computer generated pictures of black aluminum fencing, with no height noted, HABR Decision #05-18 for exterior cosmetic changes; is APPROVED AS PRESENTED.

The foregoing resolution to approve the Plans labeled "Copy of a plot plan with the fence and gate drawn on it, survey dated May 15, 2005, computer generated pictures of the existing wood fence, computer generated pictures of the 6' high black aluminum fencing, for the gate, computer generated pictures of an example of what the gate will look like, computer generated pictures of the 8' high deer mesh fence, computer generated pictures of black aluminum fencing, with no height noted, HABR Decision #05-18 for exterior cosmetic changes, as presented, with the following condition: prior approval of the Historical Area Board of Review is required prior to any change or modification or the requirements and/or conditions set forth in this Decision; was presented and moved by William Walther, seconded by Thano Schoppel and carried as follows: Thano Schoppel, aye; Margaret Raso, aye; Loren Plotkin, aye; William Walter, aye; and Scott Wheatley, aye.

The Senior Clerk Typist 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: December 10, 2024

HISTORICAL AREAS BOARD OF REVIEW
TOWN OF ORANGETOWN

BY: 
Katlyn Bettmann, Senior Clerk Typist

DISTRIBUTION:

APPLICANT
TOWN BOARD MEMBERS
HABR MEMBERS
SUPERVISOR
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR- Glenn M.

TOWN CLERK
HIGHWAY DEPARTMENT
TOWN HISTORIAN
DEPT. OF ENVIRONMENTAL
ENGINEERING
HABR, PB, FILE
PB, ZBA, ACABOR CHAIRMAN

TOWN OF ORANGETOWN
2024 DEC 20 P 2: 54
TOWN CLERK'S OFFICE

DECISION

SECTION 5.226 FENCE HEIGHT & SECTION 5.226 FENCE SETBACK VARIANCES APPROVED WITH CONDITION

To: Roopa & Ashook Awal
50 Woods Road
Palisades, New York

ZBA #25-54
Date: December 4, 2024 & April 16, 2025
Permit # BLDR-5849-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-54: Application of Ashok and Roopa Awal, , for variances from Zoning Code (Chapter 43), R-80 District, Group A, Section 5.226 (fence height: 4-1/2' permitted in front yard, with 6' and 8' proposed), and Section 5.226 (fences over six-foot set-back from property lot line a distance equal to 2/3 its height, with the on the property line proposed), for a fence at an existing single-family dwelling. The premises are located at 50 Woods Road, Palisades, New York and identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 37 in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, December 4, 2024 & April 16, 2025 at which time the Board made the determination hereinafter set forth.

At the December 4, 2024 meeting:

Roopa & Ashook Awal, homeowners, appeared and testified.

The following documents were presented:

1. Survey dated May 13, 2005, signed and sealed by Robert E. Sorace, P.L.S. (1 page)
2. Fence Site plan based on Survey dated May 13, 2005, signed and sealed by Robert E. Sorace, P.L.S. (1 page)
3. Computer generated pictures of the similar fences (5 pages).
4. Email dated November 5, 2025 from OBZPAE regarding Section 5.225 (3 pages).
5. A letter dated October 22, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated December 2, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter dated December 4, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
8. Letter from Rick Cook, 34 Woods Road, Palisades, New York

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

At the December 4, 2024 meeting:

Roopa Awal, homeowner, testified that they would like to have a deer fence put in behind the house, as well as fencing along the sides, and in the front of the house that will be eight (8') feet high; that they have put a lot of money into their garden, but there have been a lot of deer in the area getting into the garden; that the six(6') foot fence around the property would not be high enough to stop the deer from coming into the yard; that the gate at the driveway in the front yard will be six (6') feet high and motorized; that the proposed aluminum fencing will only be the sections attached to the gate; that there is an wood fence along the North side which existed when they purchased the home; that Woods Road is the front of the house; that the fence can be set back further if it needs to be;

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that they purchased the home two and half years ago and were not aware of any easements on their property, as pointed out by the Board; that their best choice would be to push back the fence and keep the eight (8') foot height, but they had no intentions of touching the existing wood fence; that they are willing to place the fence six (6') feet back from the easement noted on their survey in order to protect themselves and be able to have the higher fence; that they will provide the distances from the property line to the fences; that they would like to have a continuance to the January 15th meeting.

Ashook Awal, homeowner, testified that most of the front fence is eight (8') feet high, that the only area which is six (6') high is the gate and the two pieces connected to the fence; that there are other fences in the neighborhood which are eight (8') feet high including their neighbors; that the deer jump over the six (6') foot high fence; that he would be willing to put the fence six (6') feet back from the easement if they can keep the eight (8') fence, and he will ask his fence installer to verify the measurements of the fence setbacks;

Public Comment:

Fred Little, 71 Woods Road, Palisades, New York, testified that he has researched his own deed; that he is the next to the last house on the road; that he has been a resident here since 1986; that his wife's family has lived here since 1941; that he built 71 Woods Road in 1990/1992; that the deeds show we had a deeded Right Of Way(R.O.W.) in perpetuity on our property for ingress and egress on Washington Spring Road; that he has examined their multiple Deeds and maps in the County office regarding this; that the first R.O.W. is documented on the 1947 Polhemus survey; that it shows a twenty-five (25') foot wide R.O.W. from Washington Spring Road all the way to the front gate, of what was then, Katherine Cornell's mansion; that at the corner where the Awal's lot is located, that map shows the boundary of the twenty-five (25') foot R.O.W. marked by iron pegs; that his visual inspection was unable to locate those iron pegs, but there has been some build up on the berm and he believes they do still exist; that also the Deeds reference an additional 1965 grant of R.O.W. Subdivision Hyde; that he has not managed to find those documents or map; that he believes that this was the time at which certain sections of the road expanded to a fifty (50') foot R.O.W. as is currently shown on Towns maps; that the town maps show at the corner a twenty-five (25') foot R.O.W.; that the road is only twelve (12') feet wide at its narrowest point and eighteen (18') feet wide at its widest; that he can't tell in the twenty-five (25') foot or fifty (50') foot R.O.W. that twelve (12') foot to eighteen (18') foot band of asphalt is actually located; that the boundary defining the mandated setback is unclear; that the Buchanan survey also acknowledge the twenty-five (25') foot easement on the second front of the property; that the proposed fence, which he is aware the gate will fully enclose the property, is shown on the plans as encroaching on the easement as well as on the smaller twenty-five (25') foot easement that is adjacent to Eastern side of Woods Road; that the proposal does include additional encroachments and on the Eastern side in particular if there is a fence on the easement on the pavement it will reduce the available space for vehicular traffic at the corner; that there are rocks on the two sides of the road; that there is also a transformer at the end of the road. This is private property which has to be accessed by a firetruck and an ambulance, and with a transformer in the way at the same time it will be a problem. He stated that he is not a Lawyer but will refer the Board to Chapter 8 Article 5 The Rules of Governing Adverse Possession. The request before you will substantially enclose the property; that he is concerned that the request for approval in front of the Board can be used to establish a future adverse possession claim under Section 5.22, and speaking as a diligent owner, he is obligated to register his formal objection; that it is the view of himself and well as Mr. Cook that any setbacks should be made from the edge of the R.O.W. not from the edge of the property line and no further encroachment on any existing Deeded R.O.W. to any property owners are appropriate to be granted by this Board; that it is an intrusion on their purchased or received property rights; that there is no house on Woods Road that has a fence directly adjacent to the road, it's not a law or a rule, it's a norm. He stated that allowing one property to fence up to edge of the property at extra height would be a most unfortunate precedent and violates the norms that already exist today where they're encroaching on the R.O.W. boundary should be the edge of the setback; that it's his easement in his Deed which he will supply to Denise Sullivan.

Chairman Bosco stated that he believes there is an easement alongside the property, and that the Applicants will need to obtain a hold harmless agreement to move forward; he would also like to know the distances that the fences need to be set from the property lines.

Denise Sullivan, Deputy Town Attorney, asked who the easement belongs to? That the subject easement is for a possible road widening for lots two and three and states a possible easement and nothing else is recorded after 1977, unless the Title search shows something else. Denise also suggested Robert Sorace, PLS, may be of help, as he created the map.

Chairman Bosco asked Fred Little how this fence proposal will affect him if they were to put the fence in, what will that do to him?

Fred Little responded that Chairman Bosco was asking him whether or not he should seed his deeded right of a R.O.W. for another individual; that what's in it for him is the protection of his legal rights as a property owner (A), (B) is insuring that the corner does not become more unsafe than it already is because fences cut sight lines.

Chairman Bosco stated that there is already an existing fence, and that they want to add to meet up with what exists.

Fred Little responded that there are no fences at this corner.

Denise Sullivan stated that this is well within their property boundaries.

Chairman Bosco stated that the other corner is much further back from the edge, and that there are eight (8') foot high fences installed in this area setback six (6') feet from the property lines.

The Board was polled in consideration of approving the fence at the shown heights, with the understanding that it would be placed six (6') feet back from the easement.

However due to there being more involved than just the fence setbacks, it was decided that the Awal's would request a continuance to provide their fence setbacks and look for a copy of their property title.

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 April 16, 2025 meeting:

ZBA#24-54: Application of Ashok and Roopa Awal, Owners, for variances from Zoning Code (Chapter 43), R-80 District, Group A, Section 5.226 (fence height: 4-1/2' permitted in front yard, with 6' and 8' proposed), and Section 5.226 (fences over six-foot set-back from property lot line a distance equal to 2/3 its height, with the on the property line proposed), for a fence at an existing single-family dwelling. The premises are located at 50 Woods Road, Palisades, New York and identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 37 in the R-80 zoning district.

Roopa & Ashook Awal, homeowners, and Robert Lewis, Attorney, appeared and testified.

The following documents were presented:

1. A letter dated March 31, 2025 from Roopa & Ashok Awal.
2. A letter dated February 13, 2025, from Jade Abstract signed by Lucy Dosch, with two maps included for back up (3 pages).
3. Email from Fred Little dated April 16, 2025 (2 pages).
4. Letter dated March 5, 2025, from Robert Lewis, Attorney (1 page).

5. Letter dated March 7, 2025 from Robert Lewis, Attorney, with Jade Abstract letter and 2 maps backups (5 pages).
6. Email from Mrs. Gerard dated April 7, 2025 (1 page).
7. Letter dated December 4, 2024 from Rick Cook, 34 Woods Road, Palisades, New York.

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

At the April 16, 2025 meeting:

Robert Lewis, Attorney, testified that this "future road widening easement" is an unrecorded easement; that other properties deeds have easements recorded for a property that isn't there and an easement that is not recorded; that this easement issue is a non-starter; that the homeowners have no notice of this easement not is it in their deed; that he is unsure of where the thirteen other children and speeding vehicles are coming from, however if there are unsafe vehicles on the roadway that would be a police matter;

Ashook Awal, homeowner, testified that the fence from the road is at least ten (10') feet.

Chairman Bosco stated that as one member of the Board his concern was the easement, and that after speaking with the Town of Orangetown Highway superintendent, he has no issue with where they were putting the fence initially. He also stated while visiting the neighborhood it became apparent that all the other properties were the same way - with their gates at the front of their driveways, which is where the Applicants would like theirs to be. He noticed that many other properties abut and encroach on the easement (the non-existent easement) as well, along that property line. Mr. Bosco stated that he previously wanted the information, and has now done a thorough evaluation. He feels that there is no way that road widening easement will ever become a road, that everyone's property will be ripped up fifty (50') feet in from where it exists today. And that the concerns that were brought up in regards to the turn on the corner, there is one car coming out, in his opinion, so they would not be valid concerns. Where the Applicants were initially seeking to put the fence and the height of the fence he has no issue with. He also stated that the properties across the road have metal fence and deer fencing and the gate. He also stated that the property right after this one comes out the same way.

Billy Valentine stated that the Applicants have done their due diligence to try and uncover the easement owners, and he does not feel that it is fair to hold that against them, he is agreeance with Chairman Bosco.

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 Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye. Mr. DeRobertis was absent.

Public Comment:

Fred Little, 71 Woods Road, Palisades, New York, testified that it was not clear to him which one of the (3) fence plans is the final plan; that one the one thing I doesn't see is the dimension between the fence and the road and it is difficult to tell with a fat marker line like that on a 1:50 scale map or if it's been reduced to someplace else, exactly where that line is;

that his second point is while you may see one vehicle coming out they see a large number of heavy vehicles coming in and out of that corner every day; that it is quite frequent for two Ford F-250's hauling something to meet things going the other way; that adding any type of police emergency, fire emergency, or health emergency can be a problem; that in regards to the easement the term easement is unfortunate because what they have is a property right to the other owners on the road which was built into the original deed; that what those deeds said was that any subsequent right that were granted would also inure to those owners; that he understood that the Town of Orangetown was not going to take over responsibility for the road or widen it, however he feels that the right of the property owners beyond that point to walk unimpeded and travel unimpeded on the R.O.W. which was granted in 1968 is a property right on a private road that he feel this Board does not have the authority to take; that he feels this could constitute a public taking on behalf of one person against other owners, he's not sure that is where the Board wants to go; and that he feels the Board is applying public road law to a private road law.

Chairman Bosco responded to Fred Little and does not feel that this is what the Board is doing, as an easement states that if something were to be done then you would have to give up the R.O.W. Also, this easement stated that it was for a potential roadway, and it is not documented anywhere legally.

Andrew Coon, 139 Washington Spring Road, Palisades, New York, testified that he used to live at 50 Woods Road, he was their tenant; that he can speak to the traffic and people flying there on the corner; that it's before the road is private and it keeps going to the right at the corner there's a number of parcel vehicles that all drive very fast.

Tess Wallace, 139 Washington Spring Road, Palisades, New York, testified that she is a former tenant of 50 Woods Road; that there are about fifteen children, in the area where she lives, under the age of 5; that everyone in the neighborhood walks daily or rides their bikes or scooter; that six kids go to school at Lamont, and others walk to school at Red Owl on Oak Tree Road; that they walk and they hike at the state park; that the private residence there is actually not private you can walk through; that her concern is that they will no longer be able to do that safely; that the cars kind of pull over to make room coming through the truck traffic; that they want to have the space to walk on the other side of the road; that she feels the Applicants have the space to get back further based on where the stakes are at the road; that she would still like to have the space to step in out of the way off the road.

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.

Chairman Bosco made a motion to close the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

1. The requested § 5.226 fence height & § 5.226 fence setback variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Applicants have spent a lot of money on their landscaping, and the deer are eating the landscaping. The higher fence is to help keep deer out of the property. Other properties in the neighborhood have very similar fences and gates.
2. The requested § 5.226 fence height & § 5.226 fence setback variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Applicants have spent a lot of money on their landscaping, and the deer are eating the landscaping. The higher fence is to help keep deer out of the property. Other properties in the neighborhood have very similar fences and gates.

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 § 5.226 fence height & § 5.226 fence setback 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 Applicants have spent a lot of money on their landscaping, and the deer are eating the landscaping. The higher fence is to help keep deer out of the property. Other properties in the neighborhood have very similar fences and gates.
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 § 5.226 fence height & § 5.226 fence setback variances are APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) Applicant will provide the Town of Orangetown with a Hold Harmless Agreement, subject to review and approval of the Town Attorney's Office; (2) Any NEW fence will installed eight (8') feet from the property line, existing fence to remain; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested § 5.226 fence height & § 5.226 fence setback variances are APPROVED; and FURTHER RESOLVED, with the Specific Conditions (1) Applicant will provide the Town of Orangetown with a Hold Harmless Agreement, subject to review and approval of the Town Attorney's Office; (2) Any NEW fence will installed eight (8') feet from the property line, existing fence to remain; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye. Mr. Quinn, aye. Mr. DeRobertis was absent.

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

DATED: April 16, 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- Glenn M.

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

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