

MINUTES
ZONING BOARD OF APPEALS
June 18, 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
Audrey Lupachino, Planning Assistant
Anne Marie Ambrose, Official Stenographer

This meeting was called to order at 7: 00 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>	
NEW ITEMS:		
BARBARA, MATTHEW 155 Brightwood Avenue Pearl River, New York 68.12 / 5 / 33; RG zone	CONTINUED TO JULY 16, 2025	ZBA#25-17
APICELLA/CACIOPPO-CRUZ 55 Meadows Street Pearl River, New York 69.09 / 3 / 28; R-15 zone	FLOOR AREA RATIO, FRONT YARD, MAX HEIGHT VARIANCES APPROVED	ZBA#25-18

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.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:00 P.M.

Dated: June 18, 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

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DECISION

**FLOOR AREA RATIO, FRONT YARD, AND SECTION 5.21 (e) MAX HEIGHT
VARIANCES APPROVED**

To: Allen Hicks(Apicella)
343 Springbrook Road
Shohola, Pennsylvania

ZBA #25-18
Date: June 18, 2025
Permit # BLDR-6533-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-18: Application of Christopher Apicella and Sammantha Cacioppo-Cruz, Owners, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Column 4(floor area ratio: 20% permitted, with 28% proposed), Column 8(front yard: 30' required, with 21.8'proposed), and section 5.21 (e) (max height: 20' permitted, with 23.5' proposed) section 5.21 undersized lot applies, for a front porch and rear addition at an existing single-family residence. The premises are located at 55 Meadows Street, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.09, Block 3, Lot 28 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 18, 2025 at which time the Board made the determination hereinafter set forth.

Allen Hicks, Representative and Contractor, Christopher Apicella and Sammantha Cacioppo-Cruz, homeowners, appeared and testified.

The following documents were presented:

1. Plot Plan for Apicella with the most recent revision date of April 26, 2025, signed and sealed by Paul Gidanski, P.E., P.L.L.C., (1 page).
2. Architectural Plans for Apicella residence, dated September 30, 2024 signed and sealed by Harry J. Goldstein, R.A., (3 pages).
3. A package of computer-generated pictures, of houses in the neighborhood, submitted May 14, 2025 by the Applicant.
4. A letter dated February 28, 2025 from Chris Apicella giving authorization to Allen Hicks to act as his Agent.

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

Allen Hicks, Representative, testified that the home has been in the Applicant's family for fifty years; that this house was purchased by their grandmother, and they would like to keep it in the family for the foreseeable future; that the home is very small, one of the smallest in the neighborhood; that the existing dwelling is eight-hundred and eight-six (886 S.F.) square feet with an attached single car garage that is two-hundred and forty-two (242 S.F.) square feet; that they would like to expand their family and this plan allows for that; that this would allow for a functional second story area; that the new porch will add to the living space as well as the curb appeal; that the neighbors have very similar work to what is being proposed; that what is being proposed is in scale with the neighborhood; that the neighbors to the left at the North, lot twenty-seven (27) are identical to the proposed plan; that the current space upstairs is not usable, it is storage, and it is included in the square footage calculated; that the measurement can be changed on the plans to measure from the property line to the steps which is twenty-four point four (24.4') feet, and is marked and signed on a set of plans for the record.

Christopher Apicella, homeowner, testified that the current kitchen is practically unusable; that they have their dining room table in the living room; that if they want to have children they will need to move out of their home when they come to the age of running around the home; that in order to live in the home they will need more room;

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) (1), (2),(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; Ms. Castelli, aye; Mr. Quinn, aye; Mr. Bonomolo, aye, and Mr. Valentine, aye.

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Public Comment:

No public comment.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, front yard, and § 5.21 (e) max height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is undersized. Similar homes and additions exist in the neighborhood.
2. The requested floor area ratio, front yard, and § 5.21 (e) max height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is undersized. Similar homes and 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 floor area ratio, front yard, and § 5.21 (e) max height 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 lot is undersized. Similar homes and 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. The lot is undersized. Similar homes and additions exist in the neighborhood.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio, front yard, and § 5.21 (e) max height variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested floor area ratio, front yard, and § 5.21 (e) max height variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Quinn, aye; Mr. Bonomolo, aye, and Mr. Valentine, aye.

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

DATED: June 18, 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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