

ORANGETOWN COMMERCE
CENTER EXTENSION OF TIME
SIGNS

ZBA#25-22

5 Greenbush Road
Orangeburg, New York
74.15 / 1 / 2; LI zone

EXTENSION OF TIME FOR SIGNS GRANTED.

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 8:30 P.M.

Dated: July 16, 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
2025 AUG 11 A 10:07
TOWN CLERK'S OFFICE

DECISION

SECTION 5.153 ACCESSORY VARIANCES APPROVED

To: John Angelis (Showplace Properties, Inc.)
86 Route 303
Tappan, New York

ZBA #25-10
Date: April 2, 2025 & July 16, 2025
Permit # BLDR-5813-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 25-10: Application of Showplace Properties, Inc., for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 5.153, Accessory Structures shall be no closer than 15’ from a principal building or any other accessory structure, with 4’ and 0’ respectively, for a rear floating deck at a single-family residence. The premises are located at 23 Schreiber Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 29 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 2, 2025 and July 16, 2025 at which time the Board made the determination hereinafter set forth.

At the April 2, 2025 meeting:

Members present: Michael Bosco, Chairman, Anthony DeRobertis, Rob Bonomolo, and Tom Quinn. Billy Valentine and Patricia Castelli were absent.

Also present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Administrative Aide.

John Angelis, Owner, appeared and testified.

The following documents were presented:

1. Survey dated March 26, 2024, signed and sealed by Jay A. Greenwell, P.L.S., L.S..
2. Computer generated pictures of deck details, (2 pages).
3. Page (3) from the permit application with the bulk table filled out.
4. A letter dated March 24, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated April 2, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
6. A letter stating “this project is out the jurisdiction of this agency and has no further comments” from Dyan Rajasingham, Rockland County Highway Department, dated January 19, 2023.
7. A letter stating “Comments attached” from Rockland County Planning Department signed by Jake Palant dated March 4, 2025.

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

At the April 2, 2025 meeting:

John Angelis, Owner, testified that he is building a deck which is not attached to the home; that on the side of the garage it is under code where previously designed for fire apparatus personnel to get through if need be; that his property backs up to the German Masonic property; that no one goes between the properties unless they were to take down a six (6’) foot privacy fence and a chain link fence with barbed wire; that this is a basic deck for family use; that he does not believe it will impose a negative impact; that this is not attached; that the deck is more like a platform on the ground; that he believes the accessory structure being referred to in the denial, is the garage; that there are stairs leading into the house, from the back; that the stairs were concrete and they covered them; that the carport is up against the deck; that off of the steps you can walk right onto the deck; that the slope when shot with his transit read two feet nine inches (2’9”); that after digging they brought the level down to thirty (30”) inches; that the shed listed is no longer existing; that he feels that is not an accessory structure, as this is not a permanent structure; that initially he was told he did not need a permit, and was later informed that he would need a permit; that he would like to ask for a continuance to provide the information requested.

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TOWN CLERK'S OFFICE

Chairman Bosco stated that he needs a document with all of the measurements; that he does not feel he can make a decision based on what has been supplied, and the way the denial is written. Chairman Bosco stated that a drawing with better numbers would be helpful; that the applicant could enlarge the drawing, and provide the measurement from the garage to the deck, the measurement from the house to the deck; that it can be hand written and drawn onto the enlarged drawing; and that he would also like to address the three-point eight (3.8') foot measurement upon the applicant's return.

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 July 16, 2025 meeting:

Members present: Michael Bosco, Chairman, Trish Castelli, Billy Valentine, and Tom Quinn. Rob Bonomolo and Anthony DeRobertis were absent.

Also present: Denise Sullivan Esq., Deputy town attorney, Patrizia Beers, Official stenographer, Audrey Lupachino, Planning Assistant.

ZBA# 25-10: Application of Showplace Properties, Inc., for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 5.153, Accessory Structures shall be no closer than 15' from a principal building or any other accessory structure, with 3'1" and 0' respectively, for a rear floating deck at a single-family residence. The premises are located at 23 Schreiber Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 29 in the R-15 zoning district.

John Angelis, Owner, appeared and testified.

The following documents were presented:

1. A narrative dated May 19, 2025 from Showplace Properties.
2. Survey dated March 26, 2024, signed and sealed by Jay A. Greenwell, P.L.S., L.S.. highlighted with different colors.
3. Computer generated picture enlarged and highlighted (1 page).
4. Survey dated March 26, 2024, signed and sealed by Jay A. Greenwell, P.L.S., L.S..

At the July 16, 2025 meeting:

John Angelis, Owner, testified that at the previous meeting the Board had asked for clarification of some of the measurements; that the Board wanted to the measurements to be made clear of the setback from the deck to the house, from the deck to the garage, and from the deck to the rear yard; that he has highlighted a survey and provided those measurements for the Board; that he has also submitted photographs as well.

The Board members agreed that none had received any photographs.

Denise Sullivan, Deputy Town Attorney, stated that in an email received by John Angelis, the Applicant, on May 19, 2025, the Applicant stated that the he could provide photographs at the next hearing should they be requested.

John Angelis stated that maybe then he did not submit the photographs.

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; Mr. Valentine, aye; Ms. Castelli, aye; and Mr. Quinn, Mr. Bonomolo and Mr. DeRobertis were absent.

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 Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested §5.153 accessory structure, 3'1" and 0' respectively, to principal building variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing deck, although substantial, cannot be achieved by any other means.
2. The requested §5.153 accessory structure, 3'1" and 0' respectively, to principal building variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The existing deck, although substantial, cannot be achieved by any other means.
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 §5.153 accessory structure, 3'1" and 0' respectively, to principal building 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 existing deck, although substantial, cannot be achieved by any other means.
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 §5.153 accessory structure, 3'1" and 0' respectively, to principal building 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.

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(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.

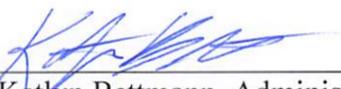
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 §5.153 accessory structure, 3'1" and 0' respectively, to principal building variances variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Chairman Bosco and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye.; Mr. Quinn, aye. Mr. Bonomolo and Mr. DeRobertis were 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: July 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 - Mike M.

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

TOWN CLERK'S OFFICE
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DECISION
FRONT YARD, REAR YARD, FLOOR AREA RATIO VARIANCES APPROVED, SIDE YARD AND TOTAL SIDE YARD VARIANCES ADDED AND APPROVED.

To: Matthew Barbara
155 Brightwood Avenue
Pearl River, New York

ZBA #25-17
Date: June 18, 2025 & July 16, 2025
Permit # BLDR-6952-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-17: Application of Matthew Barbara, Owner, for variances from Zoning Code (Chapter 43), RG District, Group Q, Column 4 (Floor Area Ratio: 30% permitted, 35% proposed), Column 8(Front yard: 25' required, with 23.6' proposed), and Column 11 (Rear yard 25' required, 24.3' proposed). Pre-existing non-conforming lot area & lot width, undersized lot applies, for an addition at an existing single-family residence. The premises are located at 155 Brightwood Ave, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 33 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 18, 2025 and July 16, 2025 at which time the Board made the determination hereinafter set forth.

At the June 18, 2025 meeting:

Members present: Michael Bosco, Chairman, Anthony DeRobertis, Rob Bonomolo, Tom Quinn, Billy Valentine, and Patricia Castelli.

Also present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Administrative Aide, Audrey Lupachino, Assistant Planner.

Michael Kalinowski, Engineer, appeared and testified.

The following documents were presented:

1. Proposed Addition plan with the most recent revision date of March 31, 2025, prepared by Robert E. Sorace, P.L.S., (1 page).
2. Architectural Plans dated December 12, 2024 signed and sealed by Harry J. Goldstein, R.A., (3 pages).
3. Survey dated May 9, 2024 signed and sealed by Robert E. Sorace, P.L.S.
4. A copy of the vicinity map.
5. A letter of Authorization from Mr. Barbara, giving Michael Kalinowski permission to act as the representative on this project.
6. A letter dated June 11, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. An email dated June 9, 2025 from Orange and Rockland Utilities, Inc., signed by Alfred Gaddi, P.E., Gas Engineering.

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

At the June 18, 2025 meeting:

Michael Kalinowski, Engineer, testified that he is the representative for Mr. Barbara on this project; that the home has been in their family since the 1940's, when it was first built; that his father was born in this home, and it has been passed down through the generations; that today Mr. Barbara resides in the home with his long term partner and children, who are high school and college aged; that the house as it stands is a two bedroom one bath structure; that all living space is on the first floor; that the second floor is essentially attic space with no plumbing or functional living area; that they are seeking approvals for a modest addition; that they are proposing renovations which include a rear one story addition, a partial second story above that; a small covered front entry, and full interior renovation which converts the home into a four bedroom, three bathroom residence; that the purpose of the master suite gives the Owner privacy on the second floor; that the additional bedroom and bathroom will be there for the college age son to return home to; that the additional space will make the home more livable for the family; that the renovation will make give the home a more modern and attractive appearance, creating better curb appeal;

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PLANNING & ZONING DEPARTMENT
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Ms. Castelli asked what the existing square footage of the home is?

Michael Kalinowski testified that the existing livable space of the home is one-thousand and twenty-six (1,026 S.F) square feet.

Ms. Castelli asked what the proposed square footage of the home will be, after the additions?

Michael Kalinowski testified that the proposed square footage of the home will be two-thousand two-hundred and seventy-five (2,275 S.F) square feet.

Ms. Castelli stated the proposed square footage is more than double of what is existing.

Michael Kalinowski testified that the existing second floor of the home is not calculated in the square footage because it is not living space, it is an attic only; that there are similar homes in the area; that multiples homes in the area have increased the back of the home up to the property line, specifically 149 Brightwood Avenue and 163 Brightwood Avenue; that although there are not many neighbors with front porches, there are some across the street with covered entrance ways; that this addition is including the covered entry way, the six (6') foot by eight (8') foot foyer with the portico in the front; that the rest of the addition is to the back of the great room and the kitchen; that the upstairs is being renovated into the master suite and extending out over the kitchen will be the bathroom; that this property is also short on width and depth due to it being an undersized lot;

Mr. Valentine stated that looking at the other .15 acre lots on this street, he did not see any other homes that are 2,200 square feet; that one house to the left and one home to the right looked to be approximately 1,536 square feet; that he did see other homes that were larger, however they were in a larger lot.

Mr. Valentine also asked why this is unable to remain in line with the footprint? Why is the addition expanding wider?

Michael Kalinowski testified that this was a design decision that was made with the homeowner and the Architect; that it would require a major redesign to shrink the addition because this integrates with the bathroom and the kitchen; that the kitchen is smaller than most that are being designed these days; that if they change the layout, it will change the usable space of the kitchen; that they did attempt multiple revisions of design, however this layout was the best option.

Mr. Valentine stated that he is not as concerned with the front yard, side yard, or rear yard variances; that the floor area ratio percentage is a significant amount; that he has not seen 2,100 S.F. and 2,200 S.F. homes in the area; that they have granted twenty percent in the past, however not usually with all of the other variances as well.

Public Comment:

Janice Ganley, 150 Forest Avenue, Pearl River, New York, testified that her home and the Applicants home have abutting back yards, which are separated by a chain fence; that on June 14, 2025 the Applicant removed thirty (30) or more trees, and did so without a permit; that she called the Police Department and filed a police report; that the Applicant has destroyed the solitude of her back yard; that there have been situations between their properties in the past, and that she would respectfully ask the Board to consider this and oppose the variances requested.

Matthew Barbara, homeowner at 155 Brightwood Avenue, Pearl River, New York, testified that his Father went to the neighbor's house over Father's Day weekend, she was not home; he went back to ask again and the neighbor gave him permission to cut down them down; that they were not trees, it was shrubbery and poison ivy; that he has gone through several designs of the home, however he would like to keep this design; that the design is extending approximately a foot on each side; that this home belonged to his Grandparents in the 1940's; that he has inherited the home throughout the years; that the home is quite small; that he would like to make this home more livable for his family.

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

The Board took a ten-minute break to seek legal counsel.

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

Michael Kalinowski testified that he wanted to be more clear about the square footage of the existing house; that there is an area of the home that is not currently livable space; that the overall square foot of the existing home is one-thousand six-hundred (1,600 S.F.) square feet; that this an existing two-story home; that he is actually looking to only add around six-hundred (600 S.F.) square feet, and make the spaces livable; that he would like to be continued to the July 16, 2025 ZBA meeting.

Chairman Bosco stated that the Applicant should do their do diligence on the surrounding properties; that they can come back with information, pictures; square footage, and things like that, to show the Board, so that they can better make their Decision.

Denise Sullivan, Deputy Town Attorney, suggested that they file a FOIL for this information to help the Applicant with the process.

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.

At the July 16, 2025 meeting:

Members present: Michael Bosco, Chairman, Trish Castelli, Billy Valentine, and Tom Quinn. Rob Bonomolo and Anthony DeRobertis were absent.

Also present: Denise Sullivan Esq., Deputy town attorney, Patrizia Beers, Official stenographer, Audrey Lupachino, Planning Assistant.

ZBA#25-17: Application of Matthew Barbara, Owner, for variances from Zoning Code (Chapter 43), RG District, Group Q, Column 4 (Floor Area Ratio: 30% permitted, 35% proposed), Column 8(Front yard: 25' required, with 23.6' proposed), and Column 11 (Rear yard 25' required, 24.3' proposed). Pre-existing non-conforming lot area & lot width, undersized lot applies, for an addition at an existing single-family residence. The premises are located at 155 Brightwood Ave, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 33 in the RG zoning district.

Michael Kalinowski, Engineer, appeared and testified.

The following documents were presented:

1. An email dated July 15, 2025 from Janice Ganley, 150 Forest Avenue, Pearl River, New York, with (6) computer generated pictures, and a copy of a Police Report, (12 pages).
2. A letter dated July 7, 2025, from 171 Brightwood Avenue, Pearl River.
3. A letter dated July 7, 2025, from 165 Brightwood Avenue, Pearl River.
4. A letter dated July 7, 2025, from 164 Brightwood Avenue, Pearl River.
5. A letter dated July 7, 2025, from 156 Brightwood Avenue, Pearl River.
6. A letter dated July 7, 2025, from 150 Brightwood Avenue, Pearl River.
7. A letter dated July 7, 2025, from 149 Brightwood Avenue, Pearl River.
8. A letter dated July 7, 2025, from 145 Brightwood Avenue, Pearl River.
9. A letter dated July 7, 2025, from 139 Brightwood Avenue, Pearl River.
10. A letter dated July 7, 2025, from 102 Brightwood Avenue, Pearl River.

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At the July 16, 2025 meeting:

Michael Kalinowski, Engineer, testified that down the road from Mr. Barbara's home, at 102 Brightwood Avenue, Pearl River New York, they were granted a .412 Floor Area Ratio variance in ZBA#07-83, dated September 5, 2007; that the homeowners for that application were Brian and Kate Burke, and they also required additional variance which were applicable to their project; that they required side yard and total side yard, all of which was granted; that overall the home that was built was larger in comparison to what the Applicant is currently proposing; that based on the Architectural plans, it seems that they had a 6,000 square foot lot and that they put up a 2,393 square foot home; that currently Mr. Barbara has a 6,500 square foot lot and is proposing a 2,266 square foot home; that he also wanted to clear up that the last time he was in front of the Board he misspoke and stated that the existing home was 1,000 square feet; that the existing home is actually 1,625 square feet; that other homes in the area that are similar, specifically 55 Bogert Avenue, Pearl River; that it is smaller than what the Applicant is proposing, however it went over the 30% floor area ratio; that this was ZBA#05-23 on March 2, 2005 for Dan and Marzena Curbello; that this was also a non-conforming 6,000 square foot lot; that additionally at 171 Brightwood Ave, Pearl River, New York, has a rear yard variance that he did not have the information for; that it is approximately 12' off the rear property line; that it also seems that the Architect for 102 Brightwood Avenue is the Architect for Mr. Barbara as well, so that would be the precedent set on the case; that also outlined into this is a civil matter, however he had letters of support from neighbors to submit for the record as well.

Chairman Bosco stated that the Board does not become involved in civil matters, nor do they make decision based on precedence.

Chairman Bosco then read in a copy of the form letter, and name and each address which signed the support letter for the project.

Mr. Valentine stated that this is why they asked for the Applicant to return; that this is why they needed additional information; that the variance in regards to floor area ratio is a large variance; that they have a Zoning Code for a reason, and they do try not to grant these variances, however on occasion there are similar properties in the areas and the Applicant have done everything that the Board has asked and an exception can be made.

Mr. Valentine also asked to go through the letter received from Ms. Ganley (the neighbor to the rear of the property) to see if there is anything that the Board should address; that she had asked about the distance from the pavers, there is no variance required for that; that the variance for the rear yard is to the one story addition, which is 7' from what is needed; in regards to the chain link fence in the rear of the property, he asked who's property this fence is on?

Michael Kalinowski, stated that he cannot speak on the fence, and he doesn't believe that Mr. Barbara can speak on this fence either;

Chairman Bosco asked if the fence in question is the fence that is listed on the property survey?

Michael Kalinowski stated that that is correct.

Chairman Bosco asked if this fence is being shown on another property?

Michael Kalinowski stated that that is correct.

Chairman Bosco asked if these are accurate depictions of Mr. Barbara's property lines?

Michael Kalinowski stated that he can only go by what the Surveyor certified.

Chairman Bosco stated that this is a certified survey, and it looks as though the chain link fence is outside of that property.

Mr. Valentine asked what is happening with the berm? That there was nothing provided by the Applicant in regards to a berm.

Michael Kalinowski stated that he has some photographs of the berm; that he cannot speak on the berm.

Mr. Valentine asked Mr. Barbara if he had the property survey and if the property was staked?

Mr. Barbara spoke from the audience and stated that the fence was the divider on the property for over 30 years; that he believed it was a rock wall there previously.

Denise Sullivan, Deputy Town Attorney, stated that if the Owner would like they can get sworn in and join at the table; that they are unable to take comments from the audience.

Mr. Valentine stated that it won't be necessary, as this is not being addressed as part of the variance; that lastly the removal of the trees is not applicable to the Zoning Board meeting; that this would be a civil matter;

Ms. Castelli asked whose property is the berm on?

Denise Sullivan, stated that the homeowners should all know where their respective property lines are; that they would each need to have their properties surveyed and marked.

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; Mr. Valentine, aye; Ms. Castelli, aye; and Mr. Quinn Mr. Bonomolo and Mr. DeRobertis were absent.

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 Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard, rear yard, floor area ratio variances approved, side yard and total side yard variances added and will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions exist in the neighborhood. The proposed addition will improve the overall quality of the home.
2. The requested front yard, rear yard, floor area ratio variances approved, side yard and total side yard variances added 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. The proposed addition will improve the overall quality of the home.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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TOWN CLERK'S OFFICE

4. The requested front yard, rear yard, floor area ratio variances approved, side yard and total side yard variances added 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. The proposed addition will improve the overall quality of the home.
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, rear yard, floor area ratio variances approved, side yard and total side yard variances added are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

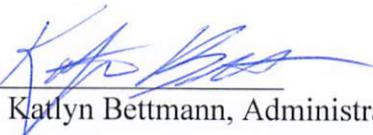
The foregoing resolution to approve the application for the requested front yard, rear yard, side yard, and total side yard variances variance are APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine. Mr. DeRobertis and Mr. Bonomolo were absent.

TOWN OF ORANGETOWN
2025 AUG 14 10:08 AM
TOWN CLERK'S OFFICE

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: July 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- Ken L.

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

TOWN OF ORANGETOWN
2025 AUG 11 A 10:08
TOWN CLERK'S OFFICE

DECISION
FRONT YARD, REAR YARD, AND § 9.34 EXPANSION OF NON-CONFORMING
BULK VARIANCES APPROVED

To: Jan Degenshein(Pierce)
407 Newtown Avenue
Norwalk, Connecticut

ZBA #25-20
Date: July 16, 2025
Permit # BLDR-5465-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-20: Application of Chad and Amanda Pierce, Owners, for variances from Zoning Code (Chapter 43), R-22 District, the addition of second floor over the existing/proposed porch location is an expansion of non-conforming bulk as the front yard is only 16.1' with 40' required. Per 9.34, "Extension or enlargement... To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use." Group I, Section 3.12 bulk variances are required, Column 8 (Front Yard: 40' required, 16.1' proposed), Column 11 (Rear yard 45' required, 14.19' proposed) for a two-story addition, replacement of a lower deck, new upper deck, and interior renovations at an existing single-family residence. The premises are located at 76 Old Mountain Road, Upper Grandview, New York and identified on the Orangetown Tax Map as Section 71.05, Block 1, Lot 26 in the R-22 zoning district.

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

Jan Degenshein, Architect, Stephen Honan, Attorney, and Chad Pierce, Owner, appeared and testified.

The following documents were presented:

1. Land Survey dated March 18, 2024 prepared by Robert E, Sorace, P.L.S.
2. Site plan with the most recent revision date of March 18, 2024 (1 page).
3. with the most recent revision date of March 21, 2025 with the most recent revision date of March 18, 2024, signed and sealed by Jan Degenshein, R.A., (11 pages).
4. An email clarifying the measurements, dated April 24, 2025, from Jan Degenshein, R.A..
5. A project narrative, with the most recent revision date of March 21, 2025, Jan Degenshein, R.A. (7 pages).
6. Computer generated pictures of the existing house and neighboring properties, dated October 30, 2024, (7 pages).
7. A short environmental form, signed by Chad Pierce, re-dated April 7, 2025.
8. Planning Board decision PB#25-01 for Pierce Residence Site plans Preliminary Site Plan, dated January 8, 2025.
9. A letter dated May 30, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
10. A letter dated June 18, 2025 from Rockland County Dept. Sewer Dist. No. 1 signed by Nicholas King, Engineer II.
11. An email dated May 16, 2025 from the Palisades Interstate Park Commission, signed by Matthew Shook, Chief of Staff.
12. An email dated June 9, 2025 from Orange and Rockland Utilities, Inc., signed by Alfred Gaddi, P.E.

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

Jan Degenshein, Architect, testified that he had a number of conversations with the Acting Director, Rick Oliver, and came to the conclusion that this particular property is land locked; that there is no proximity to a street; that then there was a question for what should be the Front yard; that there was a previous application to the Zoning Board of Appeals by the previous Owner of a far more extensive modification to the site, and that variance was granted; that in that variance the front yard was designated as the yard in which the front elevation of the house appeared; that that elevation of the house is not nearly as close to a street; that they determined or they believed that the appropriate street and therefore the appropriate yard for the front yard would be Old Mountain Road South; that this is the mailing address; that is the location of where the right-of-way (R.O.W.) entrance and exit to the property exists; that it is also closest to the site and the building; that they would be pushing the restart button as far as the yards are concerned; that they endeavor to make those modifications;

that they would like to bring that to the Board first for their affirmation that these would be the correct yards; that secondly the definitions can be joined as there does not seem to be a definition of a front yard that addresses a landlocked building; that if there is a front yard, the definition in the Zoning Code says that the measurement should be taken from the designated street line, which in this case would be approximately two-hundred and seventy-three (273') feet; that this would be far in excess of what would be needed; that if the Zoning Board determines that they feel the front yard should be measured from the adjoining Rear yard of the neighboring property to the North; that then they would not be increasing or decreasing the measurement of the front yard; that they are using the same space, but they are adding a second story; that the interpretation of the Building Inspector is that if they are adding a second story, then they are increasing the variance; that the side yards which were problematic previously, based on the interpretation of what the previous front yard was, would no longer require a variance, as they would now conform; that the rear yard, which was originally a side yard, would now require a variance, which they are asking for as well; that they believe the modifications to the house are minimum; that it would be into conformity with what might be expected of a contemporary lifestyle; that they left some design features quite modest;

Chairman Bosco asked when was the most recent Zoning Board Approval for this property was?

Denise Sullivan, Deputy Town Attorney, stated that ZBA#19-107.

Jan Degenshein testified that the decisions were a part of the package online.

Denise Sullivan stated that this was in the R-22 Zoning District, and required a variance for floor area ratio; that this was an undersized lot with zero street frontage. That this required front yard as 40', required side yard is 25' however this is an undersized lot so 5.21(a) permits a 20' side yard; that the front yard in that decision was 37.9' on the North side.

Mr. Valentine stated that he agrees that this should be based on the street. Ms. Castelli agreed. Mr. Valentine stated that he does not believe that it should be deemed two-hundred and forty (240') feet, as that would allow them to build right up to the property line; Chairman Bosco stated that since they were to enter the property from the R.O.W., that would be the front yard to the property, in his opinion. The Board agreed.

Chad Pierce confirmed that the Front yard that they are referring to is the North elevation of the house.

Chairman Bosco stated that if the front yard is facing the North; that it is sixteen point one (16.1') feet to the porch; he also asked if they are building over the porch? That the measurement remains however they are building on top of that; that the rear yard would be sixteen point four (16.4') feet.

Chairman Bosco also asked, where is the house on the Survey with the name "Rosen" from Old Mountain Road, which is an adjacent property?

Chad Pierce stated that the home is roughly fifty (50') feet away off of Old Mountain Road; that there is a fairly decent amount of space between them and all of their neighbors; that they all also all provided letters of support as well.

The Board stated that they do not have any letters of support for this application.

Chad Pierce stated that he misspoke, that the letters of support were from the previous application to the Planning Board.

Chairman Bosco asked if there is a height variance required?

Jan Degenshein stated that this is a pre-existing non-conforming; that they will not be exceeding the existing height.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved

TOWN OF ORANGE TOWN CLERK'S OFFICE
2025 AUG 11 A 10:08

Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on January 8, 2025 (as set forth in PB #25-01) in Preliminary Site Plan approval Site Plan approval subject to Conditions, rendered an environmental determinations that no significant adverse environmental impacts would result from the proposed land use actions (i.e. a “Negative Declarations” of “Neg Dec.”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review. The motion was seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye, Mr. Valentine, aye; Mr. Quinn, aye. Bonomolo and Mr. DeRobertis were absent.

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 Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard 16.1’, rear yard 14.19’, and § 9.34 expansion of non-conforming bulk variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The front yard is designated as the area facing the North. The 16.1’ expansion on non-conforming bulk variance is the existing distance. This lot is land locked and remains a difficult lot.
2. The requested front yard 16.1’, rear yard 14.19’, and § 9.34 expansion of non-conforming bulk variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The front yard is designated as the area facing the North. The 16.1’ expansion on non-conforming bulk variance is the existing distance. This lot is land locked and remains a difficult lot.
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 16.1’, rear yard 14.19’, and § 9.34 expansion of non-conforming bulk variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The front yard is designated as the area facing the North. The 16.1’ expansion on non-conforming bulk variance is the existing distance. This lot is land locked and remains a difficult lot.
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 16.1’, rear yard 14.19’ and § 9.34 expansion of non-conforming bulk variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN OF ORANGETOWN
2025 JUN 11 11:08 AM
TOWN CLERK'S OFFICE

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 16.1', rear yard 14.19', and § 9.34 expansion of non-conforming bulk variances are APPROVED; was presented and moved by Chairman Bosco, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Mr. Bonomolo and Mr. DeRobertis were 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: July 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- Dom M.

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

TOWN CLERK'S OFFICE
2025 AUG 11 A 10:08
TOWN OF ORANGETOWN

DECISION

EXTENSION OF TIME FOR BUILDING HEIGHT GRANTED WITH A CONDITION.

To: Geraldine Tortorella(Orangetown Commerce Center)
One North Broadway
Suite 400
White Plains, New York

ZBA #25-21
Date: July 16, 2025
Permit # 45127

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-21: Application of Orangetown Commerce Center for an extension of time to implement variances that were granted in ZBA#16-63 and extended once in ZBA#18-07 and again in ZBA# 20-11, 21-44, and ZBA#23-14: variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 3.12, Column 12 (Building Height) for a new commerce center. The premises are located at 5 Greenbush Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2; in the LI zoning district.

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

Geraldine Tortorella, Attorney, appeared and testified.

The following documents were presented:

1. Orangetown Commerce Center Sign Plan, prepared by Allied Environmental Signage, last revised May 25, 2016, (1 page).
2. Layout Plan for Orangetown Commerce Center, prepared by Leonard Jackson Associates, last revised January 3, 2019, (1 page).
3. Existing Conditions Survey, last revised March 27, 2017, (2 pages).
4. Landscape Plan for Orangetown Commerce Center last revised May 8, 2018, (3 pages).
5. Plan Rendering for Orangetown Commerce Center dated May 23, 2016, (3 pages).
6. Plans labeled "proposed overall floor plan & proposed overall elevations" last revised May 8, 2018, (3 pages).
7. A cover letter dated May 8, 2025 from Hocherman Tortorella & Wekstein LLP signed by Geraldine N. Tortorella, Esq., (3 pages).
8. ZBA# 23-15 (dated June 7, 2023) Resolution Extending the Sign Variances.
9. A letter of Authorization from Richard Birdoff, Manager, giving Hocherman Tortorella & Wekstein, LLP authorization to appear in front of the Zoning Board on this project.
10. List of additional plans submitted in support of the application, (1 page).
11. Project history/Prior Approvals, (2 pages).
12. Separate document listed as #4 of the application review form attachment 2, "no state officer, etc.", (1 page).
13. An email exchange in regards to the project, from the Applicant, the Director of O.B.Z.P.A.E., and the Attorneys.
14. Short Environment Assessment Form and Addendum #19 & #20, with the most recent signature of May 4, 2025, (6 pages).
15. A letter dated June 25, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
16. An email from the New York State Department of Transportation signed by Jason Brenner dated June 11, 2025.
17. An email from the Palisades Interstate Park Commission signed by Matthew Shook, Chief of Staff dated June 10, 2025.
18. A letter dated June 16, 2025 from Rockland County Sewer District No.1 signed by Nicholas King, Engineer II.

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

Geraldine Tortorella, Attorney, testified that they are returning to the Board for the same reasons as they previously appeared; That their clients philosophy in construction is that they want to make sure they have an end user prior to beginning construction, so that they can build the buildings in completion; that also this area was part of the Orangeburg Pipe facility, so they have contamination on the site in the ground water and the soil; that the site has been through a rigorous review with the New York State D.E.C. for their clean up; that their remedial action work plan has been approved; that they did have some work done to remove some trees, since their last appearance; that they are hoping to move forward, and begin cleaning up the site;

that there are a lot of contributing factors that affect this clean up; that the factors would include finances, the economy, the lack of demand for the space that they are proposing all have made it difficult to make the decision to go forward with breaking ground; that they have a bond that has been posted since the beginning of this project with the Town of Orangetown Planning Board; that this bond does remain in place; that they have invested quite a bit in terms of re-approvals, and they are very committed to completing this project; that the timing has not been right;

Chairman Bosco stated that he understands the financial aspect having placed restraints on the project.

Geraldine Tortorella testified that what has been submitted to the Board is the equivalent to a full application; that even if the Board had not granted this variance previously, she is asking the Board to ask themselves if they would grant this if it were a new application? And if not, what wouldn't be the reason? That even putting together the packages for the application to the Board is an exercise in its own;

Chairman Bosco stated that the bond is granted for two years by the Planning Board, and asked if that is what the applicant is seeking again?

Geraldine Tortorella stated that she is in fact seeking that because it expires if you don't substantially complete the project by the end of the approval, not commencement of the project;

Chairman Bosco stated that it does not seem as though the Applicant is near the commencement of this project.

Geraldine Tortorella stated that she does not believe so; that she believes the construction will take approx. 18 months, however they will need to do the cleanup first.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on November 14, 2018 (as set forth in PB #18-44 for ORANGETOWN COMMERCE CENTER SITE PLAN AMENDMENT – Final Site Plan Approval subject to Conditions) reaffirmed an environmental determination that no significant adverse environmental determinations that no significant adverse environmental impacts would result from the proposed land use actions (i.e. a “Negative Declarations” of “Neg Dec.”), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review. The motion was seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye, Mr. Valentine, aye; Mr. Quinn, aye. Bonomolo and Mr. DeRobertis were absent.

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. Quinn and carried unanimously.

TOWN OF ORANGETOWN
2025 AUG 11 A 10:09
TOWN CLERK'S OFFICE

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:

No significant change in circumstances has occurred since the prior approved variances were granted in ZBA # 16-62 and extended once in ZBA# 18-07, and again in ZBA#20-11 and ZBA # 21-44 and ZBA#23-14 that would warrant Board reconsideration of its approval.

Applicants stated that they are planning to start construction after the environmental remediation is completed and that finances, the economy, the lack of demand for the space has made progression of this project difficult.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested extension of time to implement the variances granted in ZBA# 16-63 and with extensions of time granted in ZBA #18-07, ZBA# 20-11, and ZBA#21-44, and ZBA#23-14 for height variances are APPROVED WITH A SPECIFIC CONDITION; (1) A traffic study shall be prepared and submitted to NYSDOT for further review and comments, this review will include the submission of the synchro files for review by the NYSDOT; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

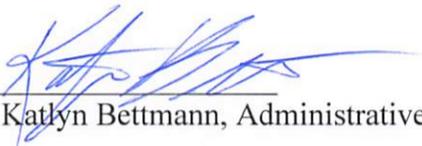
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown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

The foregoing resolution to approve the application for the requested extension of time to implement the variances granted in ZBA#16-63, and with extensions of time granted in ZBA#18-07, ZBA# 20-11, and ZBA#21-44, and ZBA#23-14 for height variances are APPROVED WITH A SPECIFIC CONDITION; (1) A traffic study shall be prepared and submitted to NYSDOT for further review and comments, this review will include the submission of the synchro files for review by the NYSDOT; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye, Mr. Valentine, aye; Mr. Quinn, aye. Bonomolo and Mr. DeRobertis were 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: July 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- T.B.D.

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

TOWN OF ORANGETOWN
2025 AUG 11 A 10:09
TOWN CLERK'S OFFICE

DECISION

EXTENSION OF TIME FOR SIGNS GRANTED.

To: Geraldine Tortorella(Orangetown Commerce Center)
One North Broadway
Suite 400
White Plains, New York

ZBA #25-22
Date: July 16, 2025
Permit # **45232**

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-22: Application of Orangetown Commerce Center for an extension of time to implement variances that were granted in ZBA #16-62 and extended once in ZBA#18-06 and again in ZBA#20-10, ZBA#21-43, and ZBA#23-15: variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 3.11, Column 5 #7 (Total Sign Area) and #8 c (sign setback) for two (2) internally lit freestanding signs) at a new commerce center. The premises are located at 5 Greenbush Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2; in the LI zoning district

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

Geraldine Tortorella, Attorney, appeared and testified.

The following documents were presented:

1. Orangetown Commerce Center Sign Plan, prepared by Allied Environmental Signage, last revised May 25, 2016, (1 page).
2. Layout Plan for Orangetown Commerce Center, prepared by Leonard Jackson Associates, last revised January 3, 2019, (1 page).
3. Existing Conditions Survey, last revised March 27, 2017, (2 pages).
4. Landscape Plan for Orangetown Commerce Center last revised May 8, 2018, (3 pages).
5. Plan Rendering for Orangetown Commerce Center dated May 23, 2016, (3 pages).
6. Plans labeled “proposed overall floor plan & proposed overall elevations” last revised May 8, 2018, (3 pages).
7. A cover letter dated May 8, 2025 from Hocherman Tortorella & Wekstein LLP signed by Geraldine N. Tortorella, Esq., (3 pages).
8. ZBA# 23-15 (dated June 7, 2023) Resolution Extending the Sign Variances.
9. A letter of Authorization from Richard Birdoff, Manager, giving Hocherman Tortorella & Wekstein , LLP authorization to appear in front of the Zoning Board on this project.
10. List of additional plans submitted in support of the application, (1 page).
11. Project history/Prior Approvals, (2 pages).
12. Separate document listed as #4 of the application review form attachment 2, “no state officer, etc.”, (1 page).
13. An email exchange in regards to the project, from the Applicant, the Director of O.B.Z.P.A.E., and the Attorneys.
14. Short Environment Assessment Form and Addendum #19 & #20, with the most recent signature of May 4, 2025, (6 pages).
15. A letter dated June 25, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
16. A “ No comments at this time, please send future correspondence for review” from New York State Department of Transportation signed by Jason Brenner dated June 11, 2025.
17. A letter dated June 16, 2025 from Rockland County Sewer District No.1 signed by Nicholas King, Engineer II.

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

Geraldine Tortorella, testified that they are returning to the Board for the same reasons as they previously appeared; That their clients philosophy in construction is that they want to make sure they have an end user prior to beginning construction, so that they can build the buildings in completion; that also this area was part of the Orangeburg Pipe facility, so they have contamination on the site in the ground water and the soil; that the site has been through a rigorous review with the New York State D.E.C. for their clean up; that their remedial action work plan has been approved; that they did have some work done to remove some trees, since their last appearance; that they are hoping to move forward, and begin cleaning up the site;

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that there are a lot of contributing factors that affect this clean up; that the factors would include finances, the economy, the lack of demand for the space that they are proposing all have made it difficult to make the decision to go forward with breaking ground; that they have a bond that has been posted since the beginning of this project with the Town of Orangetown Planning Board; that this bond does remain in place; that they have invested quite a bit in terms of re-approvals, and they are very committed to completing this project; that the timing has not been right;

Chairman Bosco stated that he understands the financial aspect having placed restraints on the project.

Geraldine Tortorella testified that what has been submitted to the Board is the equivalent to a full application; that even if the Board had not granted this variance previously, she is asking the Board to ask themselves if they would grant this if it were a new application? And if not, what wouldn't be the reason? That even putting together the packages for the application to the Board is an exercise in its own;

Chairman Bosco stated that the bond is granted for two years by the Planning Board, and asked if that is what the applicant is seeking again?

Geraldine Tortorella testified that she is in fact seeking that because it expires if you don't substantially complete the project by the end of the approval, not commencement of the project;

Chairman Bosco stated that it does not seem as though the Applicant is near the commencement of this project.

Geraldine Tortorella testified that she does not believe so; that she believes the construction will take approx. 18 months, however they will need to do the cleanup first.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on November 14, 2018 (as set forth in PB #18-44 for ORANGETOWN COMMERCE CENTER SITE PLAN AMENDMENT – Final Site Plan Approval subject to Conditions) reaffirmed an environmental determination that no significant adverse environmental determinations that no significant adverse environmental impacts would result from the proposed land use actions (i.e. a “Negative Declarations” of “Neg Dec.”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review. The motion was seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye, Mr. Valentine, aye; Mr. Quinn, aye. Bonomolo and Mr. DeRobertis were absent.

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. Quinn and carried unanimously.

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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. No significant change in circumstances has occurred since the prior approved variances were granted in ZBA # 16-62 and extended once in ZBA# 18-06, and again in ZBA#20-10 and ZBA # 21-43 and ZBA#23-15 that would warrant Board reconsideration of its approval.
2. Applicants stated that they are planning to start construction after the environmental remediation is completed and that finances, the economy, the lack of demand for the space has made progression of this project difficult.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested extension of time to implement the variances granted in once in ZBA# 18-06, and again in ZBA#18-06 and again in, ZBA #20-10, and ZBA#21-43 for Signs are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested extension of time to implement the variances granted in ZBA#16-62 and extended once in ZBA# 18-06 and again in ZBA#20-10, ZBA #21-43 for Sign variances are APPROVED; was presented and moved by

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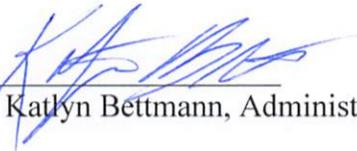
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Mr. Quinn, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo and Mr. Valentine were absent.

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: July 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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