

MINUTES  
ZONING BOARD OF APPEALS  
July 30, 2025

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN  
BILLY VALENTINE  
THOMAS QUINN  
ANTHONY DEROBERTIS, ALTERNATE

ABSENT: PATRICIA CASTELLI  
ROBERT BONOMOLO, JR.

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney  
Katlyn Bettmann, Administrative Aide  
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:

PUBLISHED ITEMS  
DECISIONS

APPLICANTS

CONTINUED ITEMS:

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| BEDROCK WHITTIER LLC /<br>25 WHITTIER ROAD SUBDIVISION<br>25 Whittier Road<br>Blauvelt, New York<br>65.18 / 1 / 13; LO & R-40 zones | 280-A STREET FRONT<br>AND FRONT YARD<br>VARIANCES APPROVED | ZBA#24-62 |
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NEW ITEMS:

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| ANNUNZIATA<br>730 Western Highway<br>Blauvelt, New York<br>70.05 / 1 / 9; R-40 zone | SIDE YARD & TOTAL SIDE YARD<br>VARIANCES APPROVED<br>WITH CONDITIONS | ZBA#25-23 |
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| DeRISO<br>10 Iroquois Avenue<br>Palisades, New York<br>78.17 / 1 / 54; R-15 zone | TOTAL SIDE YARD<br>VARIANCES APPROVED | ZBA#25-24 |
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| DUTAN<br>61 Villa Road<br>Pearl River, New York<br>69.10 / 1 / 68; R-15 zone | CONTINUED | ZBA#25-25 |
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| LILY & OUR TOWN, LLC.<br>522 Route 303<br>Orangeburg, New York<br>74.07 / 1 / 1; CC zone | SECTION 3.11 CHANGE IN<br>OFF-STREET PARKING VARIANCES<br>APPROVED WITH AN OVERRIDE<br>AND CONDITIONS. | ZBA#25-26 |
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| LIDL US, LLC.<br>37 Route 303<br>Tappan, New York<br>77.15 / 1 / 36; CS zone | TOTAL ILLUMINATED SIGN<br>SQUARE FOOTAGE VARIANCES<br>APPROVED WITH A CONDITION | ZBA#25-27 |
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THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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TOWN OF ORANGE TOWN

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 8:45 P.M.

Dated: July 30, 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 9:58  
TOWN CLERK'S OFFICE

**DECISION**

**280-A STREET FRONT AND FRONT YARD VARIANCES APPROVED**

To: Jesse Cokeley (Bedrock Whittier, LLC.)  
300 Tice Boulevard, Suite 101,  
Woodcliff Lake, New Jersey 07677

ZBA #24-62  
Date: December 4, 2024 & July 30, 2025  
Permit # N/A

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-62: Application of Bedrock Whittier LLC, for variances from Zoning Code (Chapter 43), R-40 & LO District, for a variance from New York State Law Section 280-a (Street Frontage), and existing non-conforming (front yard: 50' required, with 43.56' existing at Bradley Hill Road, and 47.31' at Whittier Road), for (3) lot subdivision, at a single-family residential lot. The premises are located at 25 Whittier Road, Blauvelt, New York and identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 13 in the LO & R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, December 4, 2024 & July 30, 2025 at which time the Board made the determination hereinafter set forth.

**At the December 4, 2024 meeting:**

Members Present: Chairman Bosco, Billy Valentine, Tom Quinn, Anthony DeRobertis, Rob Bonomolo and Trish Castelli.

Also Present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Senior Clerk Typist.

Jesse Cokeley, Engineer, appeared and testified.

The following documents were presented:

1. Preliminary plot plans, 25 Whittier Road proposed 3 lot subdivision date June 4, 2024 signed and sealed by Jesse Barrett Cokeley, L.P.E., (1 page).
2. Survey dated October 19, 2023 signed and sealed by Edward T. Gannon, L.L.S.
3. A letter dated December 2, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated December 4, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
5. An email dated November 21, 2024, from Orange and Rockland Utilities, Inc. signed by Alfred Gaddi, P.E.
6. An email dated November 26, 2024 from Deanna Lamhut.
7. A package of computer-generated pictures with note cards attached, dropped off by Deanna Lamhut, November 27, 2024, (9 pages).
8. An email dated December 3, 2024 from Mark Hovsepian.

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

**At the December 4, 2024 meeting:**

Jesse Cokeley, Engineer, testified that this project appeared in front of the Town of Orangetown Planning Board on September 25, 2024, and received a decision of Preliminary Minor Subdivision approval; that they were also referred to the Zoning Board at that time; that this is an existing lot approximately three point three (3.3) acres in size; that this property exists mostly in the R-40 zone; that there is also small triangle piece of land in the North West corner of the property that is in the LO zoning district; that what the Applicant is looking to do is Subdivide the property into three bulk conforming lots; that the presented map does achieve this; that there was another map submitted to the Zoning Board, and to the Planning Board, as an Exhibit, which is simply showing how the houses could potentially be constructed; that this application before the Planning Board and before the Zoning Board, is not for any construction; that this application is for the Minor Subdivision only; that the Director of O.B.Z.P.A.E., Jane Slavin, correctly identified that the new lot that is being created, on the North side of the property, will have the driveway come out onto Whittier Road; that Whittier Road is a private Roadway, and being so requires a variance underneath the New York State Law 280-A; that the Rockland County Department of Planning letter references that the plans identify a front yard variance for the existing house, at the South East corner of the property;

that included in the letter provided by Director Slavin, and again indicated at the time of the Planning Board meeting, this was not to be considered a variance, as it is an existing condition; that this house is existing and will remain there;

The Board stated that in standard circumstances, they would state that this is an existing non-conforming variance;

Chairman Bosco stated that it is shown on the Applicant bulk table as requiring a variance.

Denise Sullivan, Deputy Town Attorney, stated that they would require an additional variance because this Application is for a Subdivision; that there is three lots at this time; that maybe prior this setback existed with one house on one lot, however the Applicant is now proposing three separate lots; that it should also be noted that this may have two front yards.

Chairman Bosco questioned Route 303 being one of the front yards, in the overlay.

Ms. Castelli stated that this would mean that the property has three front yards.

Jesse Cokeley testified that this has Preliminary approval, and that the variance he is seeking is for the access to the private Road; that the Rockland County Health Department letter referenced by Ms. Castelli as not being received, that is due to this being a letter that was sent to the planning board not the Zoning Board; that the letter was stating the Subdivision application is to be made to their office and that if they are to install Stormwater Management Systems for the lots than they would require their typical review for compliance with the County Mosquito Code; that at this time they are not doing this; that they are not proposing any construction; that the plans were only provided to show that the new lots will not require any variances; that the intent by the applicant is to get the approvals required for the subdivision and then potentially sell the additional lots; that one of the notes required from the Planning Board is that these maps need to have noted on them that when construction is set to begin on the subdivided lots, they will need to return to the Planning Board for Site plan approval for those lots individually; that one of the main topics of discussion at the Planning Board meeting, had to do with the neighbors desire to not widen Whittier Road, which was in response to a Fire Prevention letter at the Planning Board meeting; that they do not think it is necessarily required for a single family home; that this is an R-40 zone mostly around the property, with the industrial property to the North;

Chairman Bosco asked if Route 303 will be considered a front yard for lots one and three?

Mr. Valentine asked about this being in two different zones.

Mr. DeRobertis asked if there was an easement on the property for overhead wires, or is it private?

Jesse Cokeley testified that he has another application that is split zoned in the Town of Orangetown, and that when a small piece of the lot is in another zone that part only is what is abides to that zone; that he doesn't believe they have any intentions of using Route 303 as a front yard, but he understands this is for documentation purposes; that these are private for the house.

Denise Sullivan asked about a property across the street that was once owner by Mr. and Mrs. Finn, she believes it was lot # 11, went through a litigation and there was a lot of discussion on the topic; that this was approximately twenty-four years ago, but she wasn't able to find the documentation on this; that per the planning board decision of September 25, 2024 #6 DEME stated that Whittier Road is a gravel Road and the Road improvements shall include but not limited to Widening the Road twenty-four (24') feet minimum, but they only have a twenty (20') foot right of way (R.O.W.) on the road; that the Planning Board will need to Amend the decision, and that she is unsure if they are able to add another lot to this R.O.W.; who has the rights to the road, everyone on the road? What was the big lawsuit for twenty-four years ago? The lawsuit determines the road; did that come up in your search? The rights of the road, owners, etc..

Jesse Cokeley testified that the lawsuit did not come up in his search; that this is not a Town Road so Mr. Peters in DEME does not have the jurisdiction to state that; that they are also proposing a minor subdivision, which includes no improvements.

TOWN OF ORANGE TOWN  
2025 AUG 11 9:58 AM  
TOWN CLERK'S OFFICE

Denise Sullivan asked if they are not proposing any improvements to the site, then why is there conditions to approval stating as such?

Jesse Cokeley testified that he has to respond to these comments prior to Final Approval.

Denise Sullivan stated that this Planning Board approval is Final Approval.

Jesse Cokeley testified that he has to submit a revised plan in response to DEME's comments. Denise Sullivan stated that then you would need to have the decision amended and come back in front of the Zoning Board.

Jesse Cokeley testified that these are conditions to satisfy the comments that DEME has; that it was pointed out at the meeting, and the Director of O.B.Z.P.A.E. agreed, that it is incorrect to require these improvements because they are not making any improvements to the site; that DEME asked them to install drywells for each lot, however they are not proposing any construction at this time; that they are currently in front of the Boards to put lines on the maps; that he intends to address the DEME comments with Engineering;

Chairman Bosco asked if the road is not a Town of Orangetown road, how can the Zoning Board make a decision on things of this nature? that this is already existing, and was don't under the Subdivision, which would not be in the purview of this Board

Denise Sullivan stated that in 1999 there was a Whittier Road improvement plan that was disapproved by the Planning Board followed by litigation; that it then went in front of the ZBA, and the ZBA made a very big determination, which was more about the single house that they were building; that it was for one new house and it was an undersized lot. Denise read a line of the decision that stated "the Planning Board had no jurisdiction regarding a private road not to be dedicated to the Town of Orangetown and the Ownership was in question", and stated that this is why she is asking who owns the road, as it unclear from this decision; that she is aware that the deed states that they have rights to twenty feet Easterly one half of Whittier Road, however Easterly is the other side of the road, so they should have deeded rights to the Westerly side of Whittier Road; that there are a lot of questions on in regards to the Road, and now we have more; that there are three front yards, three lots with two front yards, and a private road.

Jesse Cokeley testified that the existing lot with the circular driveway leads out onto Whittier Road; that that lot is the existing tax lot, number 13, and has the deed access to Whittier Road; that they are subdividing it so that it would be transferred to the second new lot, which would then have access there; that this is not a Town road; that they have no intentions of widening the road at all; that the neighbors are in agreement with them not widening this road; that if need be they will denote a second front yard along Route 303 for those two lots;

Denise Sullivan stated that this would be in the Route 303 Overlay, and they don't want residential lots coming out onto Route 303; that they should be coming out on to private roads or town roads; that we still are unsure of the rights to the road based on the deed provided; that the prior litigation outcome information would be very helpful; that the deed is very misleading, it says Easterly side of the road, and the property is on the Westerly side of the road, they may not have rights to come out on that road at all; that it is still a private a road so he would still have two front yards, however proposed lot one would not be able to come out onto Whittier Road.

Jesse Cokeley testified that the 280-A states that you can't have a use except to a public right of way, and as this is onto a private road, we would require that variance; that they did try other configurations, however they could not divide this into three conforming lots if they all went out on Bradley Hill Road, they would then require other variances; that they would not be able to achieve this by any other means.

Chairman Bosco stated that they don't know if that can legally be a front yard for lot one or if a front yard variance can legally be granted; that this is one lot that is now being subdivided, which makes it a new lot with another front yard; that as of now they don't know if they have the rights to do that; that they do need to be informed of this information, so they can determine if the variances can or cannot be granted.

TOWN OF ORANGETOWN  
2024 MAY 11 9:58 AM  
TOWN CLERK'S OFFICE

Jesse Cokeley testified that they will need to get the deed clarified.

Public Comment:

Deanna Lamhut, 29 Whittier Road, Blauvelt, testified that she has been in her home for 52 years; that the judgement in the case in 2000, the 1999 issue, was that the builder was supposed to widen and pave that road, but he got a variance ZBA#00-44 there is precedent for them not having to widen or pave the road; that number fifteen states “ it appears from the Boards inspection of the road that there is currently adequate room for access by emergency vehicles to protect personal and structural safety”; that number twenty-three states “adequate room exists on Whittier Road for access by emergency vehicles to protect personal and structural safety on abutting properties” ; that there is a precedent for the fact that this road was already given a variance so that they did not have to do any road improvements, paving and widening; that she advocates for this being a gravel road; that she has a well and has no access to Town water; that she advocates for less pavement and more natural drainage and more natural road; that she loves the road and would like for it to remain as is; that she would like to know who makes the decision on what happens to this road;

Mr. Valentine stated that the Planning Board has made road improvements a condition of their approval.

Denise Sullivan stated that the application in front of the Zoning Board is for the access to Whittier Road, to then get out onto Bradley Hill Road, by building a house on proposed lot number one; that they are adding another home to the street, which is a private road.

Deanna Lamhut, testified that this is one house; that it is not a development with traffic; that it is one house that will not impact that road at all; that she would like to know who is going to address the road issue because that was a condition; and that they all have rights to egress and ingress.

Jesse Cokeley testified that there are a few other comments that also need to be addressed before the chairman would sign the plan; that as part of the process they would go through the conditions to see how the conditions were addressed; that it is his intention to say we are not widening the road and provide the reasons as to why; that if they continue to object, then at that point they will have to go back to another public meeting;

Mark Hovespian, 28 Whittier Road, Blauvelt testified that the feel of their street, the authenticity of our street which to them is very important would change if the road were widened and improved; that if the road were to be built there are no specs on how that would be built; that they would need to do Shoulder stone, 6” blacktop binder, then 3” of stake top, which is 9” higher above the road; that there’s no drainage which will impact the properties at number twenty-eight and twenty-six; that these properties are in two different zoning districts an R-40 and LO zone, what size house is allowed or going to be built; that he was in an LO and did previously did an addition; that the maximum allowance of the addition was to increase the home by fifty percent.

Chairman Bosco stated that they would have to abide by R-40 zoning regulations; that these are proposed as of now, however they should be reflecting the R-40 zone regulations on the plans.

Mark Hovespian, testified that what’s proposed and what’s approved are different things; that he has been there twenty-nine years and cares about what happens to his neighbors; that a lot of trees are going to come down and the feel of the block will change significantly.

Denise Sullivan stated that the Board needs additional information in reference to Whittier Road. Is it a private road on a map? Is there a recording map with the Rockland County Clerk that has Whittier Road on it? What happened in that 2000 decision that gave everyone rights to the road?

2025 AUG 11 A 9:58  
TOWN OF ORANGETOWN

Jesse Cokeley testified that he believes that it is not on a town map as a designated road.

Chairman Bosco stated that the existing driveway comes off of Whittier Road; that then this is where their rights would be; that they do not have the rights for the second property; that they have the right as one large property and now there is a lot being added; that they have to give a 280-A based on the drawings provided and he does not feel that they can without having that knowledge clarified; that everyone is in agreeance that they do not want to pave the road; that he is unsure if Route 303 can be designated as a front yard; that these aren't deeded properties yet, this would have to be added to the deeds that they have right to Whittier Road;

Denise Sullivan stated that in 2000 when Steven Finn made his application, he had to provide evidence, that any resident of a house to be built on lot eleven would have unrestricted use of Whittier Road for access out to Bradley Parkway; that she unsure if it is in their deed; that they will also need to look for Lou Kaiser's memo and do further research;

Jesse Cokeley stated that he would imagine that this would transfer similarly to an easement or something of that nature that runs with history; that he understands the point of these being new lots, so if the current deed is vague in any way they will need to sort this out so that when the transfer does become a new lot it can be a clean and smooth transaction; that there are four houses at this time that access road including this lot; that when he returns to the Board he will answer the necessary questions and determine if they should designate Route 303 as a frontage; that conservatively it does make sense; that they would have two front yard and show the variance needed; and that they would like to ask for continuance.

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 30, 2025 meeting:**

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

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

ZBA# 24-62: Application of Bedrock Whittier LLC, for variances from Zoning Code (Chapter 43), R-40 & LO District, for a variance from New York State Law Section 280-a (Street Frontage), and existing non-conforming (front yard: 50' required, with 43.56' existing at Bradley Hill Road, and 47.31' at Whittier Road), for (3) lot subdivision, at a single-family residential lot. The premises are located at 25 Whittier Road, Blauvelt, New York and identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 13 in the LO & R-40 zoning district.

**At the July 30, 2025 meeting:**

Jesse Cokeley, Engineer, and Joseph Churgin, Esq., Attorney, appeared and testified.

The following documents were presented:

9. Preliminary plot plans, 25 Whittier Road proposed 3 lot subdivision with the most recent revision date of May 21, 2025 signed and sealed by Jesse Barrett Cokeley, L.P.E., (1 page).
10. A letter dated May 22, 2025 from Colliers Engineering & Design, signed by Jesse Cokeley, P.E., (1 page).
11. A letter dated May 1, 2025 from Joseph Churgin, Esq., Attorney, with attached documents, (54 pages).

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

TOWN CLERK'S OFFICE  
2025 AUG 11 A 9:58  
TOWN OF ORANGETOWN

**At the July 30, 2025 meeting:**

Jesse Cokeley, Engineer, testified that this project appeared at the Planning Board and received a Preliminary Minor Subdivision approval in September of 2024; that they are in need of a New York State variance for a 280A street frontage; that the property has frontage and current access to the private Road, Whittier Road; that also one of the new lots being created will also have frontage on Whittier Road, which is why the variance is required; that at the previous appearance, on December 4, 2024, the Zoning Board pointed out that the plan has an existing residence on the corner of Whittier Road and Bradley Hill Road which does not comply with front yard setbacks for either road; that they had previously listed this as existing non-conforming measurement, based on the Zoning officers determination at the time; that it was also pointed out by the Zoning Board that they should obtain variances for this because they are going to be newly created lots; that there were also some questions as to the access rights for Whittier Road; that the Client enlisted Mr. Churgin to look into the history of the project; that Mr. Churgin prepared a letter dated May 1, 2025 to Ms. Sullivan with attachments, confirming and establishing the access for the property to Whittier Road; that the plans have been updated to reflect those variances; that they also updated the fire district, which was erroneously labeled and the updated application was re-submitted as well; that also they added a note that the portion of the newly created Lot #1 does have the Light Industrial Zone, however the lot area calculations were solely based on the residential zone; that note was added to the plans for clarification purposes; that the concerns with any of the residences having any driveway onto Route 303 has been put to rest as well.

Denise Sullivan, Deputy Town Attorney, stated, in response to the public comment, that the public is welcome to review the deed attached to the letter received, exhibit A shows that they will still have one half of Whittier Road, twenty feet running along, according to the description. Also, that on the original filed map, of 1924, the Road is forty feet wide, according to what was filed with the Rockland County Clerk; that the applicants would have rights to the center of the street, as what is in the title.

Chairman Bosco stated that the drawing shows Whittier Road as being forty feet wide; and that is also shows the designated lots twenty-five feet to the designated street line, and twenty feet from the property line, into the road, is part of those deeds.

Joseph Churgin, Esq., Attorney, testified that the deed language states “if any”, that no one would be excluded from the use of the Road

**Public Comment:**

Deanna Lamhut, 29 Whittier Road, Blauvelt, testified that she does not object to anything in regard to Whittier Road and the driveway leading into Whittier Road; that she is seeking clarification, both deeds for that property, number 13, have egress, right of way(R.O.W.) to Whittier Road; that the property is bounded by Whittier Road, it does not include Whittier Road; that this property does not own Whittier Road; that in the letter to Denise Sullivan, Deputy Town Attorney, the statement says that the deed to the Applicant and the deed to Finn include all right, title, and interests, if any, of the seller to any streets and roads abutting the property; that not being a lawyer she is not sure where the word title comes in because they don't have titles to the road, they have access to the road; that she wants to clarify that nothing can be done with that road unilaterally by this property because all of the Owners have egress rights; that the road does not belong to that property; that the road was not deeded to them; that in its original form the Road may have been twenty feet; that now as it stands the Road is probably ten feet; that according to the plan, the boundary of lot #13, abuts Whittier Road, as it exists now; that the statement being Whittier Road now or then, says title to what does that mean, that the road as it exists now would be the same, and the Road is not owned by them;

TOWN CLERK'S OFFICE  
2025 AUG 11 7:58  
TOWN OF ORANGETOWN

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 September 25, 2024 (as set forth in PB#24-41) in FINAL Subdivision Approval Subject to Conditions, rendered an environmental determination that no significant adverse environmental impacts to 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 pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Valentine, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo and Ms. Castelli were absent.

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.

**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 280-a street frontage and front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicants revised their plans to reflect that the lot calculations will abide by the R-40 Zoning district. The neighbors are in support of the road remaining as is. All conditions of the Board approvals need to be satisfied in order to have their plans stamped.
2. The requested 280-a street frontage and front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicants revised their plans to reflect that the lot calculations will abide by the R-40 Zoning district. The neighbors are in support of the road remaining as is. All conditions of the Board approvals need to be satisfied in order to have their plans stamped
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 280-a street frontage and front yard 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 revised their plans to reflect that the lot calculations will abide by the R-40 Zoning district. The neighbors are in support of the road remaining as is. All conditions of the Board approvals need to be satisfied in order to have their plans stamped
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.

2025 AUG 11 A 9:58  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested 280-a street frontage and front yard 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.

(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.

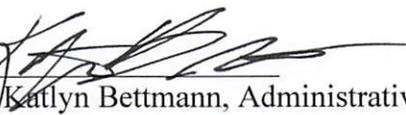
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 280-a street frontage and front yard variances are APPROVED; was presented and moved by Chairman Bosco, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Valentine, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo and Ms. Castelli 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 30, 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 CLERK'S OFFICE  
2025 AUG 11 A 9:58  
TOWN OF ORANGETOWN

**DECISION**

**SIDE YARD & TOTAL SIDE YARD VARIANCES APPROVED WITH CONDITIONS**

To: Vincent Annunziata  
93 Buckberg Road  
Tomkins Cove, New York

ZBA #25-23  
Date: July 30, 2025  
Permit # BLDR-70.15-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-23: Application of Vincent Annunziata, Owner, for variances from Zoning Code (Chapter 43), R-40 District, Group E, Section 3.12, Column 9(side yard: 30' required, with 28' proposed), Column 10(total side yard: 80' required, with 29' proposed) for the legalization of additions at an existing single-family residence. The premises are located at 730 Western Highway, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.05, Block 1, Lot 9 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, July 30, 2025 at which time the Board made the determination hereinafter set forth.

Vincent Annunziata, homeowner, and Robert Palmerini, Architect, appeared and testified.

The following documents were presented:

1. Architecture plans, Annunziata Residence with the most recent revision date of May 30, 2025 signed and sealed by Robert Palmerini, R.A., (2 pages).
2. Survey dated March 1, 2025 signed and sealed by Anthony R. Celentano, P.L.S.
3. A letter dated June 26, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated July 28, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
5. An email dated July 30, 2025 from Jeff Johnston.

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

Vincent Annunziata, homeowner, testified that the home belonged to his parents, who are now deceased; that his father built the addition in 1978 or 1979; that his father has never obtained the necessary permits for the work performed;

Mr. Valentine asked if there would be any variances required for the other structures on the property, that are one (1') foot and two (2') feet away from the property line?

Vincent Annunziata, homeowner, testified that these structures were built in the 1920's; that his Survey says that this struct is not over the property line, but that the fence is over the property line in one of the corners; that his parents are from Italy and has a very large garden; that they had the fence around the garden, and the previous neighbor never had any issues with the fence; that they were unaware of this being over the property line; that the garden no longer exists, half of the fence has already been removed, and they are in the process of removing the rest of the fence;

Denise Sullivan, Deputy Town Attorney, stated that in checking with the Tax Assessor's office this was listed as being built around 1935 and calling the building a bungalow; that she is unaware if this was a barn.

Mr. Quinn stated that this pre-exists the Zoning Code.

Mr. Valentine stated that ultimately the Board is not reviewing these other structures; the application in front of them, and what they are voting on, is the presentation of the main dwelling addition, which is no closer to the side yards than the existing two story structure that exists; that if they were reviewing and approving this application and had to take into consideration the additional unknown structures, he would have concerns, however he does not feel that this is what the Board is reviewing and addressing at this time.

Denise Sullivan stated that there recently was a similar project in front of the Board with a bungalow on the property, which was an expansion of non-conforming use; that the drawing they have is the Assessor card that she obtained from the Town Assessor's office has a diagram from September 5, 1967 and maybe the bump out has been there since that time.

TOWN CLERK'S OFFICE  
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TOWN OF ORANGETOWN

Chairman Bosco stated that the bump out was not there on the drawing from 1967; that the addition was not there at the time; that he can't be sure of when the addition was added if there is no record; he asked if there are any records that the owners may have?

Denise Sullivan asked if there are any inspections required at this time? Or an Electrical Underwriter Certificate?

Vincent Annunziata, testified that they have not gotten to that point as of yet.

Robert Palmieri, Architect, testified that the application was submitted to the Building Department; that the project was then referred to the Zoning Board; that this is a one-story structure and a covered porch built in 1978;

Mr. Valentine asked how this came about, and what made this come up?

Vincent Annunziata, testified that his parents passed away; that him and his brothers are in discussion of what to do with the house; that they realized that their father never got a permit for the addition; that they decided to legalize this work and proceed from here; that they haven't decided yet what they will be doing with the property; however they wanted to start the process with this; that the other structures have been there as long as the house has existed, before they were there; that they got there around 1973;

Mr. Quinn asked what the three-piece structure on the North side of the property to be used for?

Vincent Annunziata, testified that it is a cottage with a two-car garage and a shed attached.

Robert Palmieri, testified that the one story structure to the right, if your are looking at the building from the driveway, that is a two car garage and a shed; the one and a half story and one story structure, they are all one structure just the one and a half story is dormered out; that it has a second floor on it; that the two on the left are the dwelling; that the right side are garages

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

Public Comment:

Jessica Johnston, residing at:790 Bradley Parkway, Blauvelt, New York, and also Owner of: 740 Western highway, Blauvelt, New York, testified that she received a notice in the mail about this Zoning Board Meeting; that the addition in the back that was made with stone that is attached to the main house is not an issue; that they believed that was all that was being presented at this meeting; that she wanted to be clear if there was something being presented of the other two buildings; that her husband purchased 740 Western Highway in 1999; that in 2011 they were having a fence installed; that they need to have a survey done in order to do so and received documents from the Town of Orangetown; that is when they learned that the garage is not on the property line, that it is into their property; that she is unsure of what can be done about this; that the other property, the bungalow right next to it is also into the property, according to the Surveyor by a couple of feet; that the garage was less than a foot; that the fence was over the property line by approximately four feet; that they wanted to attend the meeting to be clear on what was happening; that the way that they the documents are written and the drawings are it was not clear if there were to be any buildings knocked down or any structures constructed;

Denise Sullivan stated that the two properties would need to discuss the surveys between the two of them; that there are boundary line agreements; that however this would not be handled by the Zoning Board, this would be a civil matter; she also asked about the shed being one (1) foot off of the property line?

TOWN CLERK'S OFFICE  
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TOWN OF ORANGETOWN

Chairman Bosco asked when the application was submitted? He also stated that it would need to be stated for the record how big the shed is.

Mr. DeRobertis asked if the applicant is aware of how close the shed is to the property line?

Vincent Annunziata, testified that in the 1970's this shed was a chicken coop; that it is now half collapsed; that this will also be removed

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.

#### 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 side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The addition is no closer to the side yard than the principal structure. The Owner had agreed to take down the chain link fence, which is on or near the property line, as well as the shed, which previously was used a chicken coop.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Owner had agreed to take down the chain link fence, which is on or near the property line, as well as the shed, which previously was used a chicken coop.
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 side yard and total side yard 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 Owner had agreed to take down the chain link fence, which is on or near the property line, as well as the shed, which previously was used a chicken coop.
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 side yard and total side yard variances are APPROVED; and FURTHER RESOLVED, with the Specific Condition (1)Owner is to remove the existing shed/chicken coop located at the rear property corner;(2)Owner is to remove chain link fence which exists on/near their North property line, 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  
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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 side yard and total side yard variances are APPROVED; and FURTHER RESOLVED, with the Specific Condition (1)Owner is to remove the existing shed/chicken coop located at the rear property corner;(2)Owner is to remove chain link fence which exists on/near their North property line; was presented and moved by Mr. Valentine, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Mr. DeRobertis. Ms. Castelli and Mr. Bonomolo 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 30, 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 CLERK'S OFFICE  
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TOWN OF ORANGETOWN

**DECISION**

**TOTAL SIDE YARD VARIANCES APPROVED**

To: Patrick DeRiso  
10 Iroquois Avenue  
Palisades, New York

ZBA #25-24  
Date: July 30, 2025  
Permit # BLDR-7259-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-24: Application of Patrick DeRiso, Owner, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Column 10(total side yard: 50' required, with 40.8' proposed) for a single-story addition and a new front porch at an existing single-family residence. The premises are located at 10 Iroquois Avenue, Palisades, New York and identified on the Orangetown Tax Map as Section 78.17, Block 1, Lot 54 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, July 30, 2025 at which time the Board made the determination hereinafter set forth.

Patrick DeRiso, homeowner, Chris Blake, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans, DeRiso Residence dated May 16, 2025 signed and sealed by Chris Allen Blake, R.A., (4 pages).
2. Survey dated May 1, 2025 signed and sealed by John Robert Nelting, P.L.L.C.

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

Patrick DeRiso homeowner, testified that he would like to do a single-story addition; that he would also like to turn the one- car garage into a two-car garage; that they would also like to add a small addition on the back for living space; that most of the other properties in the neighborhood are single story homes, ranch style; that he lives in a very modest neighborhood; that there are quite a few homes in the neighborhood with two car garages; that the road curves and then straightens out parallel to his home, where the addition is going is the backyard of the house to his left; that there are trees existing between the properties currently, so this will not be an eyesore for the neighbor.

Chris Blake, Architect, testified that this is an existing single-story house; that the property is fifteen thousand six-hundred (15,600 S.F.) square feet; that they are proposing to keep the single story single-family residence and add the addition to left hand side; that this would expand the one car garage into a two car garage and would add a bedroom behind it; that they would reconfigure some of the interior space that is already there reducing the number of bedrooms from four to three; that currently there are one and a half bathrooms and they are proposing to have up to two bathrooms; that they are still looking at a modest single family single story ranch style house; that the current house is fifteen hundred and eighty three (1,583 S.F.) square feet; that they are adding six hundred and forty five (645 S.F.) square feet; that this will bring the house to twenty two hundred and twenty eight (2,228 S.F) square feet; that the variance needed is the combined side yard setbacks; that required is a twenty (20') foot setback, and they have twenty point one (20.1') feet and twenty nine point seven (29.7') feet; they are proposing to keep the twenty point one (20.1') feet and reduce the twenty nine point seven (29.7') feet to twenty point seven (20.7') feet ; that this maintains the twenty (20') feet side yard setback required; that they will not be maintaining the fifty (50') feet of the combined setbacks; that the project is working with the existing house where it is; that they are expanding the one car into the two car garage which is standard these days, and adding more square footage for bedrooms and living space; that they are working with a modest house and keeping a modest project; that while still maintaining a large rear yard and the street front the way that it exists they are adding a front porch to give the home a bit of character; that this is a relatively minor request for exceeding the side yard setback; that they are required to have fifty (50') feet and they are proposing to have forty point eight (40.8') feet for the combined side yard setbacks; that the two car garage is a driving factor, however they are mainly trying to keep the single story house and not add a second level and create a McMansion; that this is a good approach for the layout of the property, and the layout of the existing house and garage; that at least half of the homes in the neighborhood have two car garages; that there is a distance between the neighbor, at least twenty five or thirty (25' - 30') feet from the other house to the property lines; that there is more than fifty (50') feet between the structures and mature landscaping in between.

TOWN OF ORANGETOWN  
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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 Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Valentine, aye; and Mr. Quinn, aye. Mr. Bonomolo and Ms. Castelli were absent.

Public Comment:

No public comments

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. DeRiso 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 total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions exist in the neighborhood.
2. The requested total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions exist in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested total side yard variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions exist in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested total side yard 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 CLERK'S OFFICE  
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TOWN OF ORANGETOWN

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 total side yard variances are APPROVED; was presented and moved by Mr. DeRobertis, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Valentine, aye; and Mr. Quinn, aye. Mr. Bonomolo and Ms. Castelli 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 30, 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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TOWN OF ORANGETOWN

**DECISION**

**SECTION 3.11 CHANGE IN OFF-STREET PARKING VARIANCES APPROVED WITH AN OVERRIDE AND CONDITIONS.**

To: Bart Rodi (lily & Our Town, LLC)  
234 S. Grant Avenue  
Congers, New York

ZBA #25-26  
Date: July 30, 2025  
Permit # BLDC-6757-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-26: Application of Lily & Our Town, LLC, Owner, for variances from Zoning Code (Chapter 43), CC District, Section 3.11, A change in off-street parking requirements for a use as specified in Chapter 43, Section 3.11. Table of General Use Regulations, for an addition, canopy, portico, dumpster area, alignment machine (below grade), revised parking, and minor site improvements. The premises are located at 522 Route 303, Orangeburg, New York and identified on the Orangetown Tax Map as Section 74.07, Block 1, Lot 1 in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, July 30, 2025 at which time the Board made the determination hereinafter set forth.

Bart Rodi, Engineer, Baldemar Nolasco, manager, appeared and testified.

The following documents were presented:

1. Plans, LC & Our Town with the most recent revision date of May 23, 2025 signed and sealed by Bart M. Rodi, P.E., (3 pages).
2. Survey dated December 20, 2024 signed and sealed by Earl B. Lovell, L.L.S.
3. A copy of Final Planning Board decision PB#25-29 from the meeting held on May 14, 2025.
4. A short environmental assessment form, signed by Bart Rodi, Engineer, March 18, 2025.
5. A letter dated March 13, 2025 from Inho Park, giving Bart Rodi & Baldemar Nolasco authorization to represent this project on their behalf.
6. A letter dated June 26, 2026 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter dated July 28, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
8. A letter dated July 3, 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 Mr. Quinn and carried unanimously.

Bart Rodi, Engineer, testified that this application is for a small addition to the North side of the building; that they will be doing tire sales and replacements at the entrance to the car wash; that they will also be making their detail area permanent, which usually is present nine months out of the year; that the lot exists with twelve parking spaces, and will be increasing to fifteen; that they exist as is as a non-conforming use, however they will not require any additional spaces; that this type of business does not have customers parking at the facility, except to vacuum and leave; that there will be between two to six employees parking in the lot, depending on how busy they are; that they have employees at the front of the car wash, and the end of the car wash, and people at the oil center; that they have adequate parking and will not need a parking study, but that the CC zoning district does not have an exception; that the comments in the Rockland County letter pertaining to the property to the South, is not their property; that they are not affiliated with this property, they do not own this property; that the sand bags also mentioned in their letter are not to be permanent, they are to prevent discharge, they are strictly to prevent discharge for erosion control; that they removed four spots and added seven; that according to the Acting Director of the O.B.Z.P.A.E. the two spots under the canopy count in the parking calculations.

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);

TOWN OF ORANGETOWN  
2025 AUG 11 4:59 PM  
TOWN CLERK'S OFFICE

and since the Planning conducted SEQRA reviews and, on May 14, 2025 (as set forth in PB#25-29) in Final Site Plan approval subject to Conditions, rendered an environmental determination that no significant adverse environmental impacts to 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 pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Valentine, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Bonomolo and Ms. Castelli were absent.

Public Comment:

No public comments

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.

**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 Section 3.11 change in off-street parking variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing number of parking spaces has been increased. A carwash does not require the amount of parking that a business would typically require.
2. The Board voted to override comment #1 of the letter dated June 26, 2026 from Rockland County Department of Planning at the applicant’s request because the existing number of parking spaces has been increased. A carwash does not require the amount of parking that a business would typically require.
3. The requested Section 3.11 change in off-street parking variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The existing number of parking spaces has been increased. A carwash does not require the amount of parking that a business would typically require.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested Section 3.11 change in off-street parking variance 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 number of parking spaces has been increased. A carwash does not require the amount of parking that a business would typically require.
6. 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.

TOWN OF ORANGETOWN  
2025 AUG 11 A 9:59  
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Section 3.11 change in off-street parking variance is APPROVED; and FURTHER RESOLVED, with the Specific Condition (1)The Sewer District owns and maintains a 30-inch interceptor sewer in an easement through tax lot 74.07-1-1 along Route 303; a) No permanent structures may be built within our easements; b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, they must be notified forty-eight hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses; c) To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. Their office must approve any construction to be done within their easements; d) Contractors must obtain the required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within their easements; (2) Based on the drawings provided, there may be gas conflicts with the proposed work if regrading or digging is involved. Please contact O&R's new business department for disconnects/reconnects. Please note all gas facilities must be located prior to work and all code 753 rules must be followed; 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.

TOWN OF ORANGETOWN  
CLERK'S OFFICE  
MAY 14 10:00 AM '25

The foregoing resolution to approve the application for the requested Section 3.11 change in off-street parking variance is APPROVED; and FURTHER RESOLVED, with the Specific Condition (1) The Sewer District owns and maintains a 30-inch interceptor sewer in an easement through tax lot 74.07-1-1 along Route 303; a) No permanent structures may be built within our easements; b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, they must be notified forty-eight hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses; c) To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. Their office must approve any construction to be done within their easements; d) Contractors must obtain the required insurance and sign a waiver to defend, indemnify, save and hold harmless both the **County of Rockland and Rockland County Sewer District No. 1** from any claims arising from work performed within their easements; (2) Based on the drawings provided, there may be gas conflicts with the proposed work if regrading or digging is involved. Please contact O&R's new business department for disconnects/reconnects. Please note all gas facilities must be located prior to work and all code 753 rules must be followed; was presented and moved by Mr. Valentine, seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Bonomolo 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 30, 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

TOWN OF ORANGETOWN  
2025 AUG 11 A 10:00  
TOWN CLERK'S OFFICE

**DECISION**

**TOTAL ILLUMINATED SIGN SQUARE FOOTAGE VARIANCES APPROVED WITH AN OVERRIDE AND A CONDITION**

To: Donald Brenner (Lidl US, LLC.)  
4 Independence Avenue  
Tappan, New York

ZBA #25-27  
Date: July 30, 2025  
Permit # SIGN-6542-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-27: Application of Lidl US, LLC, Owner, for variances from Zoning Code (Chapter 43), CS District, Section 3.11, Column 5, paragraph 6(a)(total signage allowed: 40 sf permitted, 252.8 proposed) for (2) internally illuminated wall signs totaling 65.3 sf and (2) internally illuminated channel letters totaling 122.2 sf.). The premises are located at 37 Route 303, Tappan, New York and identified on the Orangetown Tax Map as Section 77.15, Block 1, Lot 36 in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, July 30, 2025 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Robert Jinez, Architect appeared and testified.

The following documents were presented:

1. Site and Sign plans, Lidl pylon sign with the most recent revision date of November 12, 2024, drawn by Virgo S. Aragone / JK, (2 pages).
2. Site and Sign plans, Lidl store signs with the most recent revision date of November 12, 2024, drawn by Virgo S. Aragone / JK, (6 pages).
3. A letter dated July 22, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated July 28, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
5. An email dated June 20, 2025 from the Palisades Interstate Park Commission signed by Matthew Shook, Chief of Staff.
6. An email dated July 3, 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 Mr. Quinn and carried unanimously.

Donald Brenner, Attorney, testified that this is a standard company and these are the standard signs that they need for this kind of operation and the entrance to the facility; that the County writes a standard letter for these signs because they don't like the Town's sign code.

Robert Jinez, Architect, testified that there are other stores that have the same sign in the same size at other locations, including Paramus, New Jersey and Yonkers, New York.

Denise Sullivan, Deputy Town Attorney, stated that the Entity Disclosure form requested has still not been received.

Donald Brenner testified that the document will be submitted; that he will also need an override on the Rockland County Planning Board letter comment #1.

Chairman Bosco stated that this document will need to be a condition if approved.

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 seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9); which does not require SEQRA environmental review. The motion was seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Mr. DeRobertis. Mr. Bonomolo and Ms. Castelli.

TOWN OF ORANGETOWN  
2025 AUG 11 7:00 AM  
TOWN CLERK'S OFFICE

Public Comment:

No public comments

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. DeRobertis 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 total illuminated sign square footage variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The signage requested is standard signage used by the company in their locations, and is consistent with other signage in the area.
2. The Board voted to override comment #1 of the letter dated June 26, 2026 from Rockland County Department of Planning at the signage requested is standard signage used by the company in their locations, and is consistent with other signage in the area.
3. The requested total illuminated sign square footage variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The signage requested is standard signage used by the company in their locations, and is consistent with other signage in the area.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested total illuminated sign square footage 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 signage requested is standard signage used by the company in their locations, and is consistent with other signage in the area.
6. 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 total illuminated sign square footage variances are APPROVED; and FURTHER RESOLVED, with the Specific Condition (1) The Applicant is required to file the Town of Orangetown Approved Entity Disclosure Forms for the Owner and Tenant for this project; 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.

TOWN CLERK'S OFFICE  
AUG 11 2 10 31 PM  
TOWN OF ORANGETOWN

(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 total illuminated sign square footage variances are APPROVED; with the Specific Condition (1) The Applicant is required to file the Town of Orangetown Approved Entity Disclosure Forms for the Owner and Tenant for this project; was presented and moved by Mr. Quinn, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Quinn, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Bonomolo and Ms. Castelli 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 30, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlynn 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  
2025 AUG 11 A 10:00  
TOWN OF ORANGETOWN