



OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: Hegarty Homes Major Subdivision, 676 & 682 Western Highway & 38 Ellsworth Drive, Blauvelt, New York, 70.05 / 1 / 14.1, 14.2 & 17.1; R-15 zone; Kuppachi Residence Site plan – Critical Environmental Area, 81 Tweed Blvd, Nyack, New York, 71.17 / 1 / 27; R-22 zone; 44 Franklin Avenue Site Plan, 44 Franklin Avenue, Pearl River, New York, 68.20 / 2 / 80; CS zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:15 P.M.

Dated: September 3, 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 CLERK'S OFFICE  
2025 SEP 17 P 12:48  
TOWN OF ORANGETOWN

**DECISION**  
**FRONT YARD 21.5' AND TOTAL SIDE YARD 26'9" VARIANCES APPROVED**

To: Karl Ackermann(Bottini/Lange)  
159 E Central Avenue  
Pearl River, New York

ZBA #25-34  
Date: September 3, 2025  
Permit # BLDR-7413-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-34: Application of Kristen Lange & Kevin Bottini, Owners, for variances from Zoning Code (Chapter 43), RG District, Group Q, Section 3.12, Column 8(front yard: 25' required, with 22'-2" and 21'-6" proposed), and Column 10(total side yard: 30' required, with 26'-9" proposed) for a single-story addition and a roof over an existing porch at an existing single-family residence. The premises are located at 16 Dove Street, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 3, Lot 10 in the R-RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 3, 2025 at which time the Board made the determination hereinafter set forth.

Karl Ackermann, Architect, Kevin Bottini and Kristen Lange, Owners, appeared and testified.

The following documents were presented:

1. Architectural plans, Bottini Residence with the most recent revision date of May 1, 2025 signed and sealed by Karl E. Ackermann, AIA, PLLC, (4 pages).
2. Survey dated August 22, 2023 signed by Anthony R. Celentano, P.L.S.
3. A letter dated August 15, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A "Comments attached" from Rockland County Department of Planning signed by Jake Palant dated July 29, 2025.
5. A letter dated August 27, 2025 from Rockland County Health signed by Elizabeth Mello, P.E.

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

Karl Ackermann, Architect, testified that the Applicants have been a local family for a long time; that the builder who had built this home is actually present at this meeting this evening; that they would like to keep their family in the family in community which is important; that they are raising their family here and currently they have three children; that the existing layout of the home has three bedrooms only, which is the reason for this addition; that currently this is a small house and this addition is desperately needed; that the variances being requested are not significant in nature; that the front yard variance is for existing items, they are adding two columns and a small roof; that to the face of the house they will not be making any increases; that the addition on the right of the house is set back and is not a significant increase; that this will not require and variances as they are within code compliance; that on the Southern side, there is a triangle shape that is going over the line of compliance; that they are being very cognizant and minimizing the minor reconfiguration in the house; that they are adding a master suite and living room, and a home office for his clients wife who works from home; that the front yard elevation is the shape of a box, so he is trying to make this more aesthetically pleasing; that they will also be keeping the shed in the same corner and pulling it away from the property line, and into code compliance.

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

Public Comment:

No public comment.

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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 and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The addition is minor in nature. The porch is existing, the homeowners are adding columns and a roof only.
2. The requested front yard and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The addition is minor in nature. The porch is existing, the homeowners are adding columns and a roof only.
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 and 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 addition is minor in nature. The porch is existing, the homeowners are adding columns and a roof only.
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 21.5' and total side yard 26'9" 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.

TOWN CLERK'S OFFICE  
2025 SEP 17 12:49  
TOWN OF ORANGETOWN

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

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

DATED: September 3, 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  
2025 SEP 17 P 12:49  
TOWN OF ORANGETOWN

DECISION

§ 3.11 OVERNIGHT TRUCK MOVEMENT § 3.11 OUTDOOR LOADING BERTHS AND § 3.12 BUILDING HEIGHT VARIANCE APPROVED WITH CONDITIONS AND OVERRIDES

To: Lino Sciaretta(Al Foxie Way)  
One North Lexington Avenue  
White Plains, New York

ZBA #25-35  
Date: September 3, 2025  
Permit # BLDC-2891-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-35: Application of Al Foxie Way / 622 Route 303, LLC., Owner, for variances from Zoning Code (Chapter 43), LI & LIO Districts, Section 3.11, Column #7,(Additional Use Regulations, #1, same as R-80; R-80 #1 ; “no trucking movement of any kind shall be permitted in any district between the hours of 11:00pm and 6:00am, unless permission has been granted by the ZBA”), Column #7, #2, same as CS #6; (“no outdoor loading berths are permitted except by permission of the ZBA or Planning Board. This permission may be given at the time of the site review...or at the time of approval of a commercial subdivision.”), and from Section 3.12, Column #12,(maximum building height). The premises are located at 622 Route 303, Blauvelt, New York and identified on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11.2 & 11.3 in the LI & LIO zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 3, 2025 at which time the Board made the determination hereinafter set forth.

Lino Sciaretta, Attorney, Justin Ferrazzano, Engineer, and Sean O’Connell, Architect, appeared and testified.

The following documents were presented:

1. Site plans, Preliminary site plan 622 Route 303 LLC Project Al Foxie with the most recent revision date of January 22, 2025 signed and sealed by Jesse Barrett Cokeley, L.P.E., (23 pages).
2. Architectural Plans dated August 31, 2023 signed and sealed by Jason T. Anderson, L.S., (9 pages).
3. A Full Environmental Assessment Form dated November 12, 2024 signed by Justin Ferrazzano, Project Manager.
4. A memorandum dated September 10, 2024 from AKRF, (9 pages).
5. Planning Board Preliminary Decision PB#23-34, from the meeting held on March 26, 2025.
6. An Entity Disclosure Form for 622 Rt 303 LLC, notarized on <au 28, 2025.
7. A letter dated August 26, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
8. A “Comments attached” from Rockland County Department of Planning signed by Jake Palant dated July 28, 2025.
9. A letter dated August 27, 2025 from Rockland County Health signed by Elizabeth, Mello, P.E.

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

The Board took a fifteen-minute break from 8:05om – 8:20pm to seek legal counsel.

Lino Sciaretta, Attorney, testified that they are proposing a warehouse at this site, which is the old driving range on Route 303; that the property is mostly in the LI zoning district, however there is a small portion in the LIO zoning district; that they spent time working with the Planning board and he does not feel, based on their letter, that the Rockland County Planning Department realizes that they received a negative declaration; that when they received their Preliminary approval at the Planning Board they had gone through the traffic reports and such; that currently they are in front of the Board seeking the required variances; that the property slopes down significantly from Route 303; that from Route 303 only twenty-one (21 ) feet of the building height will be visible, due to the sunken nature of the lot; that this property is narrow, and the building is strategically located due to the existing wetlands; that in addition to the height variance they will also need an additional variance for operating hours,

that next door to this facility is the FedEx warehouse, which operates on a twenty-four/seven (24/7) basis; that they would like to operate likewise and also operate on a twenty-four (24) hour basis;

that at one of the Planning Board meetings a comment made that if any site is ideal for a warehouse it is this one; that due the setback nature of the property it can't be seen; that the final variance they are seeking is loading berth; that they are requesting outdoor loading berths; that he will also be asking for an override to the Rockland County Planning letter for comments #1 and #5; that they're restricted because of the wetland restraints that exist at the property; that every applicant stands on their own and that fact that they grant this variance here those same variances may not work with some other applications; that AKRF(the Town's consultant to the Planning Board) went through the traffic reports with the Planning Board prior to granting this project a preliminary approval; that Clarkstown was not happy with the traffic, however he was under the impression that they did not realize that he had already received his negative declaration for this project; that it was noted at that time that FedEx is the adjacent property and that this property will not increase any issues as this subdivision was designed for two side by side warehouses; that all of the comments that AKRF had were addressed at the Planning Board; that this is the preferred site for this type of facility because the adjacent facility is also a twenty-four hour operating facility; that they had no public comments with respect to this project at the Planning Board either; that they comply with the parking regulations and location; and that the traffic study was calculated based on industry standards.

Justin Ferrazzano, Engineer, testified that the site is perfect for a warehouse; that originally this road and property were all one property; that they were intended to be split into two warehouses; that FedEx has been in existence for many years, and this would be the phase two development; that there is a note in reference to residential properties, however this is incorrect information; that all of the properties surrounding the lot are industrial or corporate development; that in reference to the height variance, instead of being a height of forty (40') to sixty (60') feet, which would be the allowance in this zoning district depending on how far back you are building; that they are bringing the building forward, and being conservative to the wetlands; that in reality the reason for the variance is due to the wetlands; that they don't want to build something that will just sit; that this is why they are trying to use the industry standards, and this building is the smallest they have ever been; that at the opposite side of this lot is the same exact regulations however the FedEx is setback; that they are consistent with the area and not outlandish; that the biggest thing to touch on is that the forty-nine point five (49.5') foot height is the slab to highest point measurement; that when you turn onto Al Foxie Road you are not seeing a fifty (50') foot tall building, you are seeing a twenty (20') foot tall building; that after approximately five years the trees we're planting will likely completely cover the building and will make it so that you will likely not even see it from the street at all; that the difference in the grade to the top of the roof is twenty-one (21') feet; that every warehouse has outdoor loading berths, and asked if his Board does not approve them; that none of the development will be in the overlay zone; that they are leaving the overlay zone as landscaping and increasing the vegetation and buffer; that none of their development is in the overlay zone; that they are also not a distribution center; that they are a warehouse facility; that they would like to appeal to as many tenants as possible so that is why they have written seeking flexibility for use as manufacturing; that often times when they are doing these types of projects these are near residents that don't belong in the zone; that in this case this type of facility is existing directly adjacent to the residences; that they are not bringing any new uses into the neighborhood; that this is the same size building and also with outdoor loading berths; that they could have less racks, however the pool of tenants is far less; that they usually use a height of fifty-five (55') feet; that in this case they have gone through the exercise to see what the shortest they could go is; that the height proposed for forty-nine point five (49.5') feet is the shortest; that they wouldn't be able to make the building any smaller as the lot is already narrow, two-hundred and forty (240') feet deep; that they could pull it back ten (10') feet and it would lower it five (5') feet, but it won't catch up to the restrictions; that people aren't walking down Al Foxie Way, this was build for FedEx and this property; that all warehouses are looking for twenty-four hour operations now; that they would like to make it clear that they want to be use compliant; that this is to be a general warehousing use; that they have had several iterations to their plans; that FedEx may have an expansion and due to this they had to include this in their calculations; that he believes there may have been one member of the public who spoke a year or two ago at the Planning Board meeting; and that they have no issues removing the distribution from all of their documents.

Sean O'Connell, Architect, testified that that this building height is what they are proposing for this building due to standard racking systems as well as space for the fire suppression system and the space required per the code for said system, which is three (3') feet from the storage; that there are then six (6') foot light structures, a two (2') foot slope, and a three and a half (3.5') foot parapet to cover any sort of visualization; that using the standard racking, in order for them to be below the point of a variance, to some degree, they would almost not have a warehouse; that to refer back to what Justin Ferrazzano was speaking about, the building has to be placed closer to the road due to the wetlands at the back of the property; that this automatically lowered the building height

Chairman Bosco asked if they could construct the building using thirty (30') feet of racks, or having less racks, instead of planning to stack these six racks high, only stack them four or five racks high; that they could bring the height down of the building as they're requesting almost 100%; that he understands that what they are stating is that these are industry standards, however they are asking for substantial height variances, which is not standard; that the Board does not typically approve projects of this size as a spec; that they have no tenants and they are asking for us to approve substantial variances that go along with that property; that he is not comfortable with the substantial height; that he has concerns with approving the hours of operation without an end user; that he would like clarity as to what "seeking flexibility use as manufacturing" means in this projects documents; that the Board does not typically have these types of projects located near residences; that there are three residential homes in this area; that there was in face some public comment at the Planning Board; that if this is approved this will be made clear not to be a Distribution center; that it needs to also be stated that there are still single family residences in this zone;

Mr. Valentine stated that this property is in the overlay district, while the FedEx property they are comparing to is not; also, that this application is putting in a distribution center which in not a permitted use in the overlay zone, this would require a use variance; that he would like to hear about the increase in traffic and Route 303; that if the Board were to grant a different lower height, how would this affect the marketability of this site; that if they were to leave the height could they make the building smaller.

Ms. Castelli stated that approving twenty-four-hour operations without knowing the end user is a concern for her; that most of your parking and loading, and berths are in the rear; that she would like to know how a traffic study is calculated without knowing what is going in there; that also there was someone from the public who spoke at the Planning Board meeting in 2025.

Denise Sullivan, Deputy Town Attorney, stated that this project is in the overlay zone; that the application says warehouse/distribution and that it is even on the full environmental assessment form as well as on the report done by AKRF; that she would like to confirm that all of the comments from AKRF were addressed; and would like to know why this needs twenty-four-hour operations and what they based their traffic study on.

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 March 26, 2025 (as set forth in PB#23-34) in Preliminary 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 Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. DeRobertis was 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 § 3.11 overnight truck movement § 3.11 outdoor loading berths and § 3.12 building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The entire building will not be visible from Route 303 due to slope. This subdivision was created with the intent of the properties being allocated for two warehouses. FedEx, which operates adjacent to this property, has outdoor loading berth, and twenty-four-hour operations.
2. The Board voted to override comments #1, and #5 of the letter dated August 26, 2025 from Rockland County Department of Planning at the applicant's request because the Applicants have reviewed their traffic study, diligently with the AKRF, the traffic consultant, addressing all comments prior to Planning Board issuing their Preliminary decision and Negative Declaration. Also, the Application will remove "distribution center" from ALL documentation regarding this project, and it is to be noted on the plans that there are single family residences located on Birchwood Drive, to the Northeast of this property.
3. The requested § 3.11 overnight truck movement § 3.11 outdoor loading berths and § 3.12 building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The entire building will not be visible from Route 303 due to slope. This subdivision was created with the intent of the properties being allocated for two warehouses. FedEx, which operates adjacent to this property, has outdoor loading berth, and twenty-four-hour operations.
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 § 3.11 overnight truck movement § 3.11 outdoor loading berths and § 3.12 building height variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The entire building will not be visible from Route 303 due to slope. This subdivision was created with the intent of the properties being allocated for two warehouses. FedEx, which operates adjacent to this property, has outdoor loading berth, and twenty-four-hour operations.

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TOWN CLERK'S OFFICE

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 § 3.11 overnight truck movement § 3.11 outdoor loading berths and § 3.12 building height variances are APPROVED; with the following SPECIFIC CONDITIONS:(1) the Application will remove "distribution center" from ALL documentation regarding this project; (2) it is to be noted on the plans that there are single family residences located on Birchwood Drive, to the Northeast of this property; 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.

TOWN CLERK'S OFFICE  
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The foregoing resolution to approve the application for the requested § 3.11 overnight truck movement § 3.11 outdoor loading berths and § 3.12 building height variances are APPROVED; with the following SPECIFIC CONDITIONS:(1) the Application will remove “distribution center” from ALL documentation regarding this project; (2) it is to be noted on the plans that there are single family residences located on Birchwood Drive, to the Northeast of this property; was presented and moved by Chairman Bosco, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. DeRobertis was absent.

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

DATED: September 3, 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 CLERK'S OFFICE  
2025 SEP 17 P 12:49  
TOWN OF ORANGETOWN

**DECISION**  
**FLOOR AREA RATIO, FRONT YARD, TOTAL SIDE YARD, AND REAR YARD**  
**VARIANCES APPROVED WITH A CONDITION.**

To: John Perkins(Kushner)  
P.O. Box 271  
Tomkins Cove, New York

ZBA #25-36  
Date: September 3, 2025  
Permit # BLDR-7460-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-36: Application of Kathleen and Bruce Kushner, Owners, for variances from Zoning Code (Chapter 43), R--15 District, Group M, Section 3.12, Column 4(floor area ratio), Column 8(front yard), Column 10(total side yard), and from Column 11(rear yard) for a single-story and second story addition and a roof over an existing porch at an existing single-family residence. The premises are located at 140 S Naurashaun Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.18, Block 4, Lot 26 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 3, 2025 at which time the Board made the determination hereinafter set forth.

Kathleen Kushner, Owner, and Peter Glickley, Son in-law, appeared and testified.

The following documents were presented:

1. Architectural plans, Kushner Residence with the most recent revision date of June 9, 2025 signed and sealed by John Perkins, R.A., N.C.A.R.B., (3 pages).
2. Survey dated October 26, 2024 signed and sealed by Anthony R. Celentano, P.L.S..
3. A letter dated May 16, 2025 from Bruck and Kathleen Kushner giving authorization for John Perkins, Architect, to act as their Agent for this project.
4. A letter dated August 15, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A "Comments attached" from Rockland County Department of Planning signed by Jake Palant dated July 30, 2025.
6. A letter dated July 20, 2025 from Mary P. and Jimmy McMorrow, 48 Mapleshade Avenue, Pearl River, New York.
7. A letter dated July 22, 2025 from Barbara and Charles White, 36 Haven Terrace, Pearl River, New York.
8. A letter dated July 18, 2025 from Kathleen Aris, 137 S. Naurashaun Road, Pearl River, New York.
9. A letter dated July 17, 2025 from Maureen and Patrick Toal, 638 Gilbert Avenue, Pearl River, New York.
10. A letter dated July 18, 2025 from Teresa Nilsen, 132 Naurashaun Road, Pearl River, New York.
11. A letter dated July 18, 2025 from Eric Miller, 118 South Naurashaun Road, Pearl River, New York.
12. A letter dated July 18, 2025 from James Handreas, 123 S Naurashaun Road, Pearl River, New York.
13. A letter dated July 19, 2025 from James Solesky, 19 Sickletown Road, Pearl River, New York.
14. A letter dated July 27, 2025 from Caryn and Robert Davis, 657 Gilbert Avenue, Pearl River, New York.
15. A letter dated September 3, 2025, from John Perkins, R.A., NCARB, submitted by that Applicant at the Zoning Board meeting of September 3, 2025.

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

Kathleen Kushner, Owner, testified that she has been residing in the home for twenty-four years; that she has raised all her children in this home; that currently residing in the home is her and her husband; she would like to add a bedroom and bathroom onto her home for herself; that she would like to also add a room upstairs with a closet; that she helps watch her Grandchildren several times a week; that this room will be for her home office and where she will also be keeping the children's toys; that the existing family room downstairs will be her living room; that she will also be adding a garage so that her husband can have his dream car someday, with a storage space above; that additionally she would like to put a roof over her existing front porch;

that she has had to replace her front door several times due to sun and snow damage; that there are homes in the neighborhood that are similar in size, and submitted a document listing these addresses; that the study was to have a washer and dryer in it but that she was confused why the Architect has this listed as a study; that the main house is existing; that on the plans where it says kitchen/study is actually her family room; that this would not be the main kitchen: that this would be where the kitchen goes if she decides to add a kitchen; that she is going to be putting in a second kitchen in the home; that the existing kitchen is to remain; that she needs to have her own kitchen because her daughter is a vegan; that this will not be a big kitchen; that the kitchen will be on a wall and consist of an oven and refrigerator; that she was unaware she could not have a second kitchen; that there are no doors in between spaces: that the only thing closing off the spaces is her bedroom; that where the plans say living room, there are doors that come in from the garage from outside to the bedroom to the bathroom.

Peter Glickley, Son-in-law, testified that there would not be a second kitchen in the home; that if they were to remove the oven would this be acceptable.

Chairman Bosco asked if the kitchen was being relocated to the new living area; and stated that if the Applicant agrees to remove the oven, the rest of the proposal can remain; that there doesn't look to be anything between the spaces separating the kitchens.

Ms. Castelli asked the Applicant if this was not her kitchen, and asked if the Applicant is putting in another kitchen; and stated that having the oven in the home makes it a kitchen, which is allowed; that it says on the plans all fixtures as per code, so maybe that meant no over.

Mr. Valentine stated that when he first reviewed this application the floor area ratio calculated was point two eight nine (.289) which comes out to forty-five (45%) percent; that this seemed like a tremendous variance; that however when you look at the fact that this is an undersized lot under and calculate this based on a fifteen-thousand (15,000S.F.) square foot lot at point two three six (.236) it comes out to less than twenty (20%) percent, which is closer to what the Board typically approves; that it is so big because it is an undersized lot.

Denise Sullivan, Deputy Town Attorney, asked the applicant about the kitchen proposed near the study; that the plans say study and kitchen next to it, and that on the other side of the floor plan there shows another dining room and kitchen; and asked the Applicant if there is going to be two kitchens; and asked if she is putting in a new kitchen, will she be taking out the kitchen existing near the dining room and turning this into one dining room; that she believed this to be a typo, not a second kitchen; that one of the kitchens will need to have the oven removed.

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

TOWN CLERK'S OFFICE  
2025 SEP 17 P 12:49  
TOWN OF ORANGETOWN

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio, front yard, total side yard, and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar size homes exist in the area. The porch exists; the homeowners are adding a roof to protect them from the weather. The homeowner has agreed to remove the second oven.
2. The requested floor area ratio, front yard, total side yard, and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar size homes exist in the area. The porch exists; the homeowners are adding a roof to protect them from the weather. The homeowner has agreed to remove the second oven.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, front yard, total side yard, and rear 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 size homes exist in the area. The porch exists; the homeowners are adding a roof to protect them from the weather. The homeowner has agreed to remove the second oven.
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 floor area ratio, front yard, total side yard, and rear yard variances are APPROVED WITH THE SPECIFIC CONDITION;(1)there is to be ONE oven only in the residence; 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.

TOWN OF ORANGETOWN  
JUL 25 11 12 AM '25

(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.

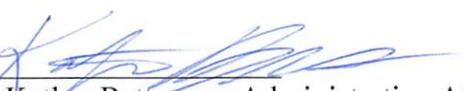
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 floor area ratio, front yard, total side yard, and rear yard variances APPROVED WITH THE SPECIFIC CONDITION;(1)there is to be ONE oven only in the residence; was presented and moved by Ms. Castelli, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. DeRobertis was absent.

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

DATED: September 3, 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  
2025 SEP 17 P 12:50  
TOWN OF ORANGETOWN

**DECISION**

**§ 5.226 FENCE HEIGHT AND § 5.227 ACCESSORY STRUCTURE VARIANCES  
APPROVED**

To: Matthew Goldfarb  
28 Bradl Lane  
Nanuet, New York

ZBA #25-37  
Date: September 3, 2025  
Permit# BLDR-7527-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-37: Application of Janis and Matthew Goldfarb, Owners, for variances from Zoning Code (Chapter 43), R-22 District, Group E, Section 5.227, Accessory buildings in required rear or side yard. A building or structure, except a swimming pool, accessory to a single family or two-family dwelling in any district, except R-80 and R-40, may be located in any required rear or side yard. Section 5.226, fences and walls. Except as provided in section 5-225, a fence or freestanding wall not more than 4 ½ feet in height is permitted within a required front yard. A fence over the six-foot height is permitted in the side and rear yards, provided that it is set back from the lot line a distance equal to 2/3 its height. Fence height shall be measured from average finished grade in the height regulations of Section 3.12. A building permit is required for all fences and walls, except fences six feet high or less for a residential lot for a single family or two-family dwelling, for a six-foot tall fence in the front yard and an accessory structure in the front yard at an existing single-family residence. The premises are located at 28 Bradl Lane, Nanuet, New York and identified on the Orangetown Tax Map as Section 63.19, Block 1, Lot 1 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 3, 2025 at which time the Board made the determination hereinafter set forth.

Matthew Goldfarb, Owner, appeared and testified.

The following documents were presented:

1. Plot plan, Goldfarb Residence with the most recent revision date of November 7, 2024 signed and sealed by Paul Gidanski, P.E., PLLC, (1 page).
2. Survey dated April 24, 2025 signed and sealed by Robert E. Sorace, PLS.
3. A letter dated August 15, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A "Comments attached" from Rockland County Department of Planning signed by Jake Palant dated July 30, 2025.

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

Matthew Goldfarb, Owner, testified that he owns a one acre piece of property; that the back half of his property however is in a conservation easement that he is responsible for; that his property has two corners, which he has come to learn means that he has three front yards; that this past summer he began the process of putting in a pool; that the project is almost complete at this point; that he would like to fence in the back yard for the pool to be properly fenced; that he is asking for the taller height of the fence because it will go along with the existing fence that abuts his property on his neighbor's property line; that he also has three large dogs that are jumpers, and he does not want to risk them jumping over the lower height fence; that the portion that will run along the roadway is filled with fifteen (15) to twenty (20) mature full size pine trees; that the fence would run along from what he considers his front yard where his driveway is and start about a hundred (100') feet back from his property line, so there would be no issues with any line of sight for drivers; that when he moved into the house in 2012 the shed was existing on the property, a fourteen (14') foot by ten (10') foot shed; that the shed is located where the easement meets; that during the process of having the pool permitted it came to his attention that the shed is actually five (5') feet into the easement; that this did not come up when he purchased the house; that what he would like to do is pull the shed in off of the easement; that he would then be able to run the fence along the easement line; that he cannot move the shed any further in off the street because that's where he runs into the retaining walls and the pool; that at this point there is no other location for the shed to be placed; that over the past few years he has done a lot of renovations to the shed, including new siding, a new roof; that he had not realized any of these were issues before spending the money to make these renovations to the shed or he would have taken the shed down; that the shed is located in the rear side of the lot; that he moved in to the home in September of 2012 and the shed was existing at that time;

that the shed has been existing and he doesn't believe anyone can tell it exists; that with the mature line of trees as they exist he doesn't believe anyone would have any objection to the fence in this area; that the fence on the right side of the yard is a privacy fence; that the neighbor had one on their side and he added one on his side; that no trees will be cut down to pull the shed in.

Mr. Valentine asked how long the shed has been existing at this property for; that although this is a corner lot, had this been a standard lot, would the shed be considered to be in the rear side yard; and asked if there are any neighbors that have any issues with the fence or the shed.

Mr. Quinn asked about the fence on the right side of the property which abuts the neighbor, who's fence is it and if it is on the property line.

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. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. DeRobertis was 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. Bonomolo and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested § 5.226 fence height and § 5.227 accessory structure variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is unique in that this is a corner lot with three front yards. The shed existed prior to the Applicant purchasing the home, and is restricted on location of the shed due to a conservation easement on his property. The fence will properly enclose the pool, match the existing neighbor's fence height and keep his dogs safe from jumping over.
2. The requested § 5.226 fence height and § 5.227 accessory structure variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is unique in that this is a corner lot with three front yards. The shed existed prior to the Applicant purchasing the home, and is restricted on location of the shed due to a conservation easement on his property. The fence will properly enclose the pool, match the existing neighbor's fence height and keep his dogs safe from jumping over.

3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested § 5.226 fence height and § 5.227 accessory structure 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 property is unique in that this is a corner lot with three front yards. The shed existed prior to the Applicant purchasing the home, and is restricted on location of the shed due to a conservation easement on his property. The fence will properly enclose the pool, match the existing neighbor's fence height and keep his dogs safe from jumping over.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 5.226 fence height and § 5.227 accessory structure 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 § 5.226 fence height and § 5.227 accessory structure variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. DeRobertis was absent.

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

DATED: September 3, 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 OF ORANGETOWN  
2025 SEP 17 P 12: 50  
TOWN CLERK'S OFFICE

**DECISION**  
**FRONT YARD VARIANCE APPROVED AS MODIFIED**

To: James Hayes  
30 Milton Grant Drive  
Blauvelt, New York

ZBA #25-38  
Date: September 3, 2025  
Permit # BLDR-7133-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-38: Application of James Hayes, Owner, for variances from Zoning Code (Chapter 43), R-40 District, Group E, Section 3.12), Column 8(front yard), for a covered front porch at an existing single-family residence. The premises are located at 30 Milton Grant Drive, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.09, Block 1, Lot 21 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 3, 2025, at which time the Board made the determination hereinafter set forth.

James Hayes, Owner, appeared and testified.

The following documents were presented:

1. Architectural Plan, Hayes Residence dated April 30, 2025 signed and sealed by Harry J. Goldstein, R.A., (1 page).
2. Survey dated June 9, 2015 signed and sealed by John R. Atzl, P.C.
3. GIS Map dated July 15, 2025.

Prior to opening Mr. Quinn recused himself from this project.

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

James Hayes, Owner, testified that he started this process and found that a few different surveys existed ranging from 1962 to present day; that the front yard varied on all of these surveys differing between thirty (30') feet, thirty-three (33') feet and thirty-five (35') feet; that also the existing street had different intentions, that this was meant to be a cul-de-sac, which it is not, it is a turnabout; that the frontage to his street is approximately sixty-five (65') feet; that the steps at the front are existing as well as the entrance way; that he did replace the door and put a roof over the door, to create the portico, which is what has created the need for this variance; that they are looking for some shelter during the rain; that this will also be more aesthetically pleasing; that according to these drawings the town road would be approximately six (6') feet into most of the neighbors properties as well as into the neighbors tennis courts by approximately four (4') feet; that this is a dedicated road and the turnabout exists; that at the bottom of his steps he has a landing; that he has five or six steps at the front of the house; that the distance from the landing to the street has not changed since this survey was done in 2015; that the roof covers the porch only, it does not go over the steps.

Chairman Bosco asked confirmed that this is a dedicated Town of Orangetown road; he also asked how many steps are at the front of the house; also stated that typically the front yard measurement is taken from the third step when you have more than three front steps; that he believes the front yard variance measurement should be different than what he was referred to the Board for.

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

Public Comment:

No public comment.

TOWN CLERK'S OFFICE  
2025 SEP 17 P 12:50  
TOWN OF ORANGETOWN

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 front yard as modified variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The porch exists, and the roof gives them some shelter from the weather.
2. The requested front yard as modified variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The porch exists, and the roof gives them some shelter from the weather.
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 as modified 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 porch exists, and the roof will give some shelter from the weather.
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 variance is APPROVED AS MODIFIED; 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.

TOWN OF ORANGETOWN  
2025 SEP 11 12:30  
TOWN OF ORANGETOWN

(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 as modified variance is APPROVED AS MODIFIED; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. DeRobertis was absent.

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

DATED: September 3, 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.

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DEPT. of ENVIRONMENTAL  
MGMT. and ENGINEERING  
FILE, ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERK'S OFFICE  
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