



**DECISION**  
**FRONT YARD, SIDE YARD, & § 5.226 FENCE FRONT YARD VARIANCES**  
**APPROVED**

To: Ryan Eirand  
19 Parkway Drive N.  
Blauvelt, New York

ZBA #25-51  
Date: November 19, 2025  
Permit # POOLR-008164-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-51: Application of Kimberly Maura and Ryan Eirand, Owners, for variances from Zoning Code (Chapter 43), R-15 Districts, Group M, Section 3.12, Column 8(front yard: 30' required, 9.3' proposed), Column 9(side yard: 20' required, 19.6' proposed), and from Section 5.226(fence front yard: 4.5' permitted, 6' proposed) for a 14' x 30' inground pool, and to legalize a 6' fence in the front yard at an existing single family residence. The premises are located at 19 Parkway Drive North, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.18-1-50 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, November 19, 2025 at which time the Board made the determination hereinafter set forth.

Ryan Eirand, Owner, appeared and testified.

The following documents were presented:

1. Site plans, Proposed pool Eirand & Maura Residence dated September 5, 2025 signed and sealed by Robert E. Sorace, P.L.S. (1 page).
2. Survey dated September 5, 2025 signed and sealed by Robert E. Sorace, P.L.S.
3. A copy of Zoning Board decision ZBA#20-16, for a nearby neighbor with a similar pool, and a map showing this neighbors location, (6 pages).
4. Computer generated pictures, supplied by the applicant, at the Zoning Board meeting of November 19, 2025, (5 pages).
5. A support petition, supplied by the applicant, at the Zoning Board meeting of November 19, 2025 consisting of 15 signatures, (1 page).

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

Ryan Eirand, Owner, testified that he resides at the home with his wife and their two young children; that they have lived at this home since 2014, making it a little over eleven years, and they love it here; the he is requesting approval of a variance to install a fourteen by thirty in ground pool, as well as to legalize an existing six foot fence; that he has some photos that he has taken of his house and property to hand out for discussion; that the Town of Orangetown requires that a legal notice be sent out to any property within two-hundred feet of his property giving them the opportunity to attend this meeting; that every single person that those letters were sent to was willing to sign a support petition, and has included their contact information in the event that the Board would like to reach out for discussion; that he has a copy of this petition for each Board member to review; that looking at the overhead views, that were provided with his application, as well as the photos that have now been passed around, they reside on a corner lot; that therefore they are considered to have two front yards; that the yard they consider to be their front yard, which is where their front door and driveway are, faces Parkway Drive North; that Parkway Drive North is a double yellow line road; that the other front yard, which they consider to be their side yard, faces Beechwood Road; that this is where they are proposing to put the pool, as well as where the six foot fence currently stands; that throughout the years they have made many home improvements; that they have widened their driveway, installed a new front door, installed a twelve foot by twenty foot shed; that most recently they put a small addition on their home, when they found out that their family was growing from three to four people; that all of those projects that were done, they obtained the proper permits from the town of Orangetown; that him and his wife have tried to consider all of the pros and cons of this and this and have gone back and forth for years; that taking into account throughout the years they don't believe any are more important than the health, the safety and the quality of life of not only his family but the families of their friends and their neighbors; that they are looking to install a fiberglass pool;

that these are prefabricated shells that are made offsite and subsequently what that does is cuts the construction time almost in half; that instead of the install time being four to six weeks it would be reduced to about three to four weeks; that no one wants to live through construction work; that he is lucky enough that three of his neighbors are present at this meeting this evening; that he does not want them to have to live through a lengthy install and truthfully he does not want to go through that either; that another benefit of the fiberglass pool is that it is somewhat flexible; that given different weather conditions it can compress or expand as need be, which does make it a bit more durable than if you just had a typical concrete pool that could crack; that he was told that the speed pump that comes with the pool is supposed to be one of the quietest; that therefore, when they are running the pool he does not believe that it would be overly noisy for the neighbors; that Beechwood Road, where they are looking to install the pool, is also where the utilities are located; that if they to place the pool on the other side of the yard, which would be tough to do, he would have to excavate and run those lines all the way to the other side, which would also be costly; that prior to having the survey done he called 8 1 1 dig so that they could map out where all the utility lines are; that then they placed the pool on that survey after that was done, to ensure adequate distance from the utility lines to where the pool would be located so as to not obstruct any of those lines; that his shed was done, approximately three years ago, and was placed on a slab on the opposite side of the property; that the shed can be seen in one of the photographs provided, and it can be seen in the aerial view; that the shed being on the slab would makes it difficult to fit this pool in that area; that the only other place that the pool could be moved to would be on the side of his house, which is the location he is requesting; that this would then require a variance and some safety items for the pool; that there will be a security camera facing the pool, as well as a motion sensor; that they currently have a six foot tall fence; that if his fence was a four foot fence a variance would not be required; that the six foot fence helps to maintain and keep their two kids, and their two dogs inside their property safely; that this fence would also ensure the safety of their family, friends, friends kids, neighbors, and neighbors families as well; that this also helps to keep any other animals out of their property; that their plan is to install an additional four foot aluminum fence, which would then completely fence off where the pool would be located; that this would give them three gates on their fence, all with self-closing springs; that two gates that would directly access that pool will not only have those springs, but will also have locks on them as well; that the most important thing to consider when living on a corner lot is that basically it is an intersection; that Parkway Drive North is on the intersection of Beechwood Road as well as on the intersection of Ashwood Drive, which is across the street; that the reason the variance or the zoning and the permits are in place is for site visibility, the distance of sight prior to approaching an intersection that you can see cars, people, or animals; that they are lucky enough that within the last two years the Town had installed stop signs on every intersection, which has been great; that looking at another photograph that was provided, the fence can be seen; that there is a distance of forty-two feet from the fence to the stop sign; that this means that there is forty-two feet of visibility prior to approaching that intersection, to be able to see anyone that may be coming; that looking at the aerial view photograph of the property, as well as some of the other properties around theirs, he would like to make reference to Michael Mills property while is circled on the drawing; that he spoke to Mike on several occasions, and the two projects are almost identical; that he provided this photograph to the Board because he wanted the Board to see what this would look like; that from the property line on Beechwood Road to the fence is ten feet; that from the from the fence to the pool is additional ten feet, or nine feet and a few inches; that the filter and the pump, for the pool, have to be ten feet from the air condition unit, and he has thirteen feet of space, it would be right up against the house; that it comes out about four feet from the house and then it would be at least ten feet from the air conditioning unit; that what he would really like to do is publicly thank all of his neighbors, not just the ones that are present at this meeting in support, everyone; that they are super grateful to have such good neighbors; that him and his wife have had the plan to make this a forever home; that they want to raise their kids where they can play with their friends, have a safe environment; that as long as Orangetown remains the same he has no intentions on going anywhere else, and can plan to continue to raise his kids here; that he hopes that at some point his kids will do the same; that he would like to thank each and every one of the Board members for taking the time to consider granting them this variance.

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Chairman Bosco asked what the distance is to the property line on the Beechwood Road side; and stated that with the new accessory structure code changes the distance proposed from the pool to the dwelling is no longer an issue, as this was changed to a minimum of eight feet and used to be fifteen feet.

Ms. Castelli stated that she lived at number fifteen growing up, and that it was similar.

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

Public Comment:

Joshua Daniel, 55 Ashwood Drive, Blauvelt, New York, testified that he would like to thank the Board for the opportunity to speak; that he has resided in his home for three years; that the Applicant is one of the few neighbors that always says hello to everyone; that no matter if it is freezing out or it is six in the morning, he still says hello; that they are very kind people; that he himself understands the zoning challenges of a corner lot as he is similarly placed on Ashwood Drive and Parkway Drive; that there is enough sight line to the stop sign, with the fence in place; and that he supports the fence and the Zoning Board.

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 front yard, side yard, and § 5.226 fence front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The line of sight to the setback of the fence is far enough. There are similar fences in the area. The property is nice and well maintained. The distance from the pool to the house is eleven feet, and the distance for the front yard variance from Beechwood Road to the pool is nine feet three inches.
2. The requested front yard, side yard, and § 5.226 fence front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The line of sight to the setback of the fence is far enough. There are similar fences in the area. The property is nice and well maintained. The distance from the pool to the house is eleven feet, and the distance for the front yard variance from Beechwood Road to the pool is nine feet three inches.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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4. The requested front yard, side yard, and § 5.226 fence 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 line of sight to the setback of the fence is far enough. There are similar fences in the area. The property is nice and well maintained. The distance from the pool to the house is eleven feet, and the distance for the front yard variance from Beechwood Road to the pool is nine feet three inches.
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, side yard, and § 5.226 fence 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.

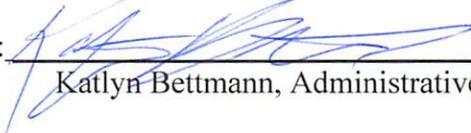
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The foregoing resolution to approve the application for the requested front yard, side yard, and § 5.226 fence front yard variances are APPROVED; was presented and moved by Chairman Bosco, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Mr. Valentine 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: November 19, 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  
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FILE, ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

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