

ZONING BOARD OF APPEALS
October 29, 2025

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN
ROBERT BONOMOLO, JR.
BILLY VALENTINE
PATRICIA CASTELLI
ANTHONY DEROBERTIS, ALTERNATE

ABSENT: THOMAS QUINN

ALSO, PRESENT: Dennis Michaels, 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:

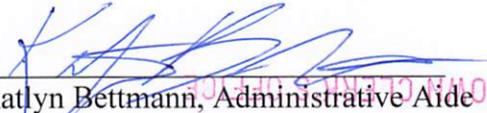
<u>APPLICANTS</u>	<u>PUBLISHED ITEMS</u>	
<u>CONTINUED ITEMS:</u>	<u>DECISIONS</u>	
DUTAN 61 Villa Road Pearl River, New York 69.10 / 1 / 68; R-15 zone	CONTINUED BY APPLICANT	ZBA#25-25
 <u>NEW ITEMS:</u>		
SAMPATH 1 Martha Lane(223 W. central Ave.) Pearl River, New York 68.19 / 1 / 54; R-15 zone	SIDE YARD & POOL SIDE YARD VARIANCES APPROVED	ZBA#25-47
KAYE/APTER 3 Paul Place Blauvelt, New York 70.09 / 3 / 2.3; R-40 zone	POOL SIDE YARD, PERGOLA SIDE YARD, & PERGOLA DISTANCE VARIANCES APPROVED	ZBA#25-48
BARTUNEK / COOK 27 Surrey Court Pearl River, New York 69.05 / 4 / 8; R-15 zone	FRONT YARD, SIDE YARD, & TOTAL SIDE YARD VARIANCES APPROVED WITH A CONDITION	ZBA#25-49
BRUNELLI 49 Liberty Road Tappan, New York 77.05 / 3 / 28; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#25-50

THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 P.M.

Dated: October 29, 2025

By 
Katlyn Bettmann, Administrative Aide

TOWN OF ORANGETOWN
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DISTRIBUTION:
APPLICANT
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
TOWN BOARD MEMBERS
BUILDING INSPECTOR (Individual Decisions)
Rockland County Planning

DECISION
SIDE YARD & POOL SIDE YARD VARIANCES APPROVED

To: Donald Brenner(Sampath)
4 Independence Avenue
Tappan, New York

ZBA #25-47
Date: October 29, 2025
Permit # BLDR-7568-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-47: Application of Cathleen and Douglas Sampath, Owners, for variances from Zoning Code (Chapter 43), R-22 District, Group I(Average Density – R-15 Bulk regulations) refer to Group M, Section 3.12, Column 9 (side yard: 20’ required, with 18’ proposed). Section 33-4 (Pool side yard: 20’ required, 15’ proposed), for the legalization of an existing deck and above ground pool at a single-family residence. The premises are located at 1 Martha Lane(223 W. central Ave.), Pearl River, New York and identified on the Orangetown Tax Map as Section 68.19, Block 1, Lot 54, in the R-22 Zoning District (Average Density R-15 Bulk regulations).

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 29, 2025 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Plot plans, Sampath Residence dated July 8, 2025 signed and sealed by Joseph J. Moran, P.E. (1 page).
2. Subdivision with the most recent revision date of July 26, 1967 signed and sealed by Fabian C. Adler, P.E.
3. An email received on October 27, 2025 from Douglas Sampath, Owner, authorizing Donald Brenner to represent him in this matter
4. A letter dated July 8, 2025 from Joseph J. Moran, P.E.
5. A letter dated October 22, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter stating “Comments attached” from Rockland County Department of Planning signed by Jake Palant dated September 22, 2025
7. A letter dated October 28, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
8. Computer generated pictures

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

Donald Brenner, Attorney, testified that the Owners of this home are currently in South Carolina; that they are in the process of selling their home; that they have resided in the home for approximately thirty years, with the pool existing for approximately ten years; that he has some photos of the existing property; that the fire hydrant shown in the photos is not real; that this pool is in good shape and is an asset; that the pool looks nice and will not downgrade the neighborhood; that this has existed for many years without any objections; that the pool is not visible, but does need this Boards approval.

Ms. Castelli asked the Applicant how long the homeowners have resided at the home, and how long the pool has existed; that there is a fire hydrant shown in the provided pictures, and asked if this was a real hydrant that is being used; that there is a discrepancy in the wording on the subdivision plan provided.

Mr. Valentine stated that although this does not appear to be a severe variance, it does appear as though this could have been placed otherwise, and would not have then required a variance; that it is frustrating when applications such as this are presented.

Chairman Bosco stated that he understands that this is already existing, however the homeowners put it there.

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On advice of Dennis Michaels, 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) (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. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn was absent.

Public Comment:

Paul Kearns, 2 Martha Lane, Pearl River, testified that he is in support of this application.

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 side yard & pool side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The deck and pool have existed in this location without objection for at least ten years.
2. The requested side yard & pool side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The deck and pool have existed in this location without objection for at least ten years.
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 & pool 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 deck and pool have existed in this location without objection for at least ten years.
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 & pool 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 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 & pool side yard variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye and Mr. DeRobertis, aye. Mr. Quinn 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: October 29, 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- Thomas C.

- 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
POOL SIDE YARD, PERGOLA SIDE YARD, & PERGOLA DISTANCE FROM
PRIMARY STRUCTURE VARIANCES APPROVED

To: Henry Gonzalez(Kaye/Apter)
85 South Pascack Road
Nanuet, New York

ZBA #25-48
Date: October 29, 2025
Permit # POOLR-7390-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-48: Application of Melissa Kaye and Nathan Apter, Owners, for variances from Zoning Code (Chapter 43), R-40 Districts, Group E, Section 5.153, location of accessory buildings or structures, a) and c), (pool side yard setback: 30' required, 20.4' proposed), (Pergola side yard setback: 30' required, 16.2' proposed), (Pergola separation from primary structure: 8' required, 2.3' proposed) for an inground pool and pergola at an existing single family residence. The premises are located at 3 Paul Place, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.09-3-2.3 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 29, 2025 at which time the Board made the determination hereinafter set forth.

Henry Gonzalez, pool installer, Melissa Kaye & Nathan Apter, Owners, appeared and testified.

The following documents were presented:

1. Pool & SESC plan, Kaye/Apter residence with the most recent revision date of August 14, 2025, signed and sealed by Thomas W. Skrable, P.E. (1 page).
2. Survey dated November 14, 2022 signed and sealed by Anthony R. Celentano, P.L.S.

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

Henry Gonzalez, pool installer, testified that the pool equipment can be noisy, and that the pergola is eight (8') feet or ten (10') feet tall.

Nathan Apter, Owner, testified that they have resided in the home for approximately two and a half years; that previously they resided in the Town of Clarkstown; that Clarkstown had some very nice town pools; that the Town of Orangetown does not have any town pools; that their home in on an angle towards their cul-de-sac; that there are only two realistic locations for the pool, the left side and right side; that the left side has a lot of beautiful trees and there is near the run off; that they do not want to cut down trees; that the right side is empty and is further away from any of their neighbors; that on their rendering the back of the shed and the pergola line up; that their neighbors to the rear at lot 5 are barely visible and you need to cross a bridge to get to their lot; that he would like to know the reason why the pergola can not be right up against the house.

Melissa Kaye, Owners, testified that adding the pergola will beautify this area of their property; that the neighbor on Green Hedges is setback quite far; that on the drawing shown, the neighbors pool is not shown, however it is next to their house; that if need be, pushing back the pergola seems like a good compromise; that because of the way the property goes out to the corner, this is the only feasible location.

Mr. Valentine asked if the distance of the pergola to the house will hinder and maintenance to the home or fire procedures;

Chairman Bosco stated that he sees on the plans that there is what looks to be a stream or similar on their property; and that the plans are not to scale; that the pergola cannot be up against the house because the Town Code states as such.

On advice of Dennis Michaels, 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) (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. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn 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. 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 § 5.153 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The variances requested are substantial however this is a uniquely shaped lot, and this is the placed at the furthest point away from the neighbors. This variance will not set a precedence due to the unique situations of this lot. The pergola is diagonally located, and will not create any negative affects to home maintenance or fire procedures.
2. The requested § 5.153 variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The variances requested are substantial however this is a uniquely shaped lot, and this is the placed at the furthest point away from the neighbors. This variance will not set a precedence due to the unique situations of this lot. The pergola is diagonally located, and will not create any negative affects to home maintenance or fire procedures.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested § 5.153 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 variances requested are substantial however this is a uniquely shaped lot, and this is the placed at the furthest point away from the neighbors. This variance will not set a precedence due to the unique situations of this lot. The pergola is diagonally located, and will not create any negative affects to home maintenance or fire procedures.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 5.153 variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN OF ORANGETOWN
2025 NOV 4 5 11 PM
TOWN CLERK'S OFFICE

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested § 5.153 variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn 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: October 29, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

- APPLICANT
- ZBA MEMBERS
- SUPERVISOR
- TOWN BOARD MEMBERS
- TOWN ATTORNEY
- DEPUTY TOWN ATTORNEY
- OBZPAE
- BUILDING INSPECTOR- Mike M.

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

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TOWN OF ORANGETOWN

DECISION

FRONT YARD, SIDE YARD, & TOTAL SIDE YARD VARIANCES APPROVED WITH A CONDITION.

To: Kier Levesque(Bartunek/Cook)
49 Third Avenue
Nyack , New York

ZBA #25-49
Date: October 29, 2025
Permit # BLDR-7533-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-49: Application of Alysha Bartunek and James Cook, Owners, for variances from Zoning Code (Chapter 43), R-15 District; Group M, Column 8 (front yard:30' required, 27.6' proposed), Column 9 (side yard: 20' required, 13.1' proposed), and Column 10 (total side yard: 50' required, 38.8' proposed) for a two-story addition and a covered porch at an existing single family residence. The premises are located at 27 Surrey Court, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.05, Block 4, Lot 8 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 29, 2025 at which time the Board made the determination hereinafter set forth.

Kier Levesque, Architect, and James Cook, Owner, appeared and testified.

The following documents were presented:

1. Plot plan, Bartunek/Cook Residence dated June 26, 2025 signed and sealed by Paul Gdanski, P.E., P.L.L.C. (1 page).
2. Survey, dated April 7, 2025 signed and sealed by Anthony R. Celentano, P.L.S.
3. Architectural plans, dated June 30, 2025, signed and sealed by Kier B. Levesque, R.A., (3 pages).
4. A letter dated August 5, 2025 from James Cook, Owner, authorizing Kier B. Levesque to represent him in this matter.
5. Computer generated pictures, received September 9, 2025, of houses at various addresses, (5 pages).
6. A letter dated October 22, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter stating "Comments attached" from Rockland County Department of Planning signed by Jake Palant dated September 17, 2025
8. A letter dated October 28, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
9. A letter dated October 29, 2025 from Rockland County Health Department signed by Brandon Durant, Ph.D., Assistant Public Health Engineer.

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

Kier Levesque, Architect, testified that the Owner is looking to extend the garage side to make a two car garage, which is to the South side of the property; that the will then be building the addition over the garage; that the building is not getting any closer, however as they will be covering the walkway there are variances being triggered; that they have pictures of houses similar in the area, which were also previously submitted; that they have provided stormwater mitigation with drywells in the front yard.

James Cook, Owner, testified that the neighbor most affect has no comment of the proposal; that the have resided in the home since 2018; and that they are looking to expand due to their expanding family.

Mr. Bonomolo asked how long they have resided in the home, and stated that this presentation looks nice.

Mr. Valentine stated that although the other side would be better, this makes sense due to the garage.

On advice of Dennis Michaels, 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

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action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (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. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn was absent.

Public Comment:

Ellen Kathleen Urban, 119 Violet Drive, Pearl River, testified that her only question is with the addition of the house, will the home remain zoned as a single-family dwelling; that this will not be a rental unit; and otherwise has no concerns.

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, & 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 for their growing family, and the building is not any closer than what exists.
2. The requested front yard, side yard, & total 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 for their growing family, and the building is not any closer than what exists.
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, side yard, & 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 addition is for their growing family, and the building is not any closer than what exists.
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, & total side yard variances are **APPROVED**; with the following **SPECIFIC CONDITIONS**:(1) Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

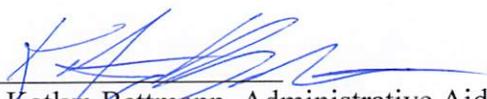
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown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

The foregoing resolution to approve the application for the requested front yard, side yard, & total side yard variances are APPROVED; with the following SPECIFIC CONDITIONS:(1) Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn 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: October 29, 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.

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TOWN OF ORANGETOWN

DECISION

REAR YARD VARIANCE APPROVED

To: Kenneth Kessler(Reformina/Brunelli)
20 Hillside Avenue
New City, New York

ZBA #25-50
Date: October 29, 2025
Permit # BLDR-7642-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-50: Application of Diane Reformina and Joseph Brunelli, Owners, for variances from Zoning Code (Chapter 43), R-15 District; Group M, Column 11 (rear yard: 35' required, 22.67' proposed) to legalize an existing deck at a single-family residence. The premises are located at 49 Liberty Road, Tappan, New York and identified on the Orangetown Tax Map as Section 77.05, Block 3, Lot 28 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 29, 2025 at which time the Board made the determination hereinafter set forth.

Roberto Palmerini, Architect, Diane Reformina and Joseph Brunelli, Owners appeared and testified.

The following documents were presented:

1. Architectural plans, Reformina/Brunelli Residence dated August 13, 2025 signed and sealed by Roberto Palmerini, R.A., (2 pages).
2. Survey dated December 5, 1967 signed and sealed by Fabian C. Adler, P.E.
3. A letter from Justin Gelband, dated August 11, 2025.
4. Computer generated pictures of the existing deck, submitted by the Owners at the time of the Zoning Board meeting, on October 29, 2025, (2 pages).
5. A letter dated August 11, 2025 from Justin Gelband, submitted by the Owners at the time of the Zoning Board meeting, on October 29, 2025.
6. A letter dated August 28, 2025 from Vincent Alipit, submitted by the Owners at the time of the Zoning Board meeting, on October 29, 2025.

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

Roberto Palmerini, Architect, testified that his clients were in the process of selling this house and the deck was flagged during the violation search process; that the deck was not permitted so they are now in the process of legalizing; that they require a variance due to the setback; that the deck was built in 2020; that the deck is twelve (12') feet by nineteen (19') feet; that the deck is located off of the family room; that other locations would not make sense; that the rear setback line of this property is at the back of the house, therefore any deck installed would then be non-conforming; and that they brought pictures of the deck.

Diane Reformina Owner testified that they have a letter from their neighbor to the rear of this property.

Joseph Brunelli, Owner, testified that this deck was put up under their ownership; that this was done during the Covid pandemic and they would wipe down their food outside on the deck; that at the time of Covid they had family staying with them; that currently they now reside in Blauvelt, however the new owners presently residing in the home love the deck; and that they brought letters with them from neighbors in support of the project.

On advice of Dennis Michaels, 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) (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. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn was absent.

Public Comment:

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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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The deck was done tastefully. The neighbors directly affected has written a letter of support.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The deck was done tastefully. The neighbors directly affected has written a letter of support.
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 rear yard 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 deck was done tastefully. The neighbors directly affected has written a letter of support.
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 rear yard variance is 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

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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.

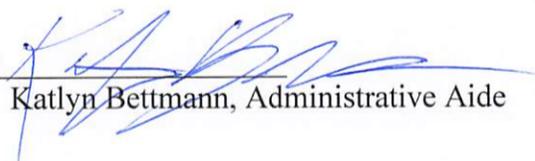
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 rear yard variance is APPROVED; was presented and moved by Mr. DeRobertis, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Quinn 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: October 29, 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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