

MINUTES  
ZONING BOARD OF APPEALS  
January 21, 2026

MEMBERS PRESENT: PATRICIA CASTELLI, ACTING CHAIRPERSON  
BILLY VALENTINE  
ANTHONY DEROBERTIS  
JUSTIN KRAMER, ALTERNATE

ABSENT: MICHAEL BOSCO, CHAIRMAN  
ROBERT BONOMOLO, JR.

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney  
Katlyn Bettmann, Administrative Aide  
Patrizia Beers, Official Stenographer

This meeting was called to order at 7: 00 P.M. by Acting Chairperson Castelli.  
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS  
DECISIONS

APPLICANTS

NEW ITEMS:

FLECK/WANG 28 Closter Road Palisades, New York 78.18 / 2 / 24; R-40	SIDE YARD & REAR YARD VARIANCES APPROVED	ZBA#26-04
RUSSO 77 Stephens Road Tappan, New York 77.10 / 3 / 72; R-15	SECTION 5.227(A) POOL REAR YARD VARIANCE APPROVED AS MODIFIED. REAR YARD VARIANCE HAS BEEN REDUCED TO 16' POOL WILL BE 3' SMALLER, SIZE TBD, AND LOCATED CLOSER TO THE PRIMARY DWELLING.	ZBA#26-05
MOSHE 64 E. Crooked Hill Road Pearl River, New York 68.12 / 2 / 7; RG	SIDE YARD & REAR YARD VARIANCES APPROVED	ZBA#26-06

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

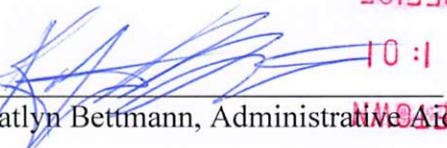
The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

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 application: Pentecostal Council Refuse of Salvation Site Plan(Route 303 Overlay), 575 Route 303, Blauvelt, New York 70.15 / 1 / 45; CC 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 8:30 P.M.

Dated: January 21, 2026

By   
Katlyn Bettmann, Administrative Aide

TOWN CLERK'S OFFICE

2026 JAN 29 P 1:01

TOWN OF ORANGETOWN

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

**DECISION**

**SIDE YARD, AND REAR YARD VARIANCE APPROVED**

To: Jane Slavin(Fleck/Wang)  
20 Jane Street  
Tappan, New York

ZBA #26-04  
Date: January 21, 2026  
Permit # BLDR-7999-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#26-04: Application of Jesse Fleck and Dawn Wang, Owners, for variances from Zoning Code (Chapter 43), Section 3.12, R-40 District, Group E, Column 9(side yard: 30' required, 10' proposed), Column 11(rear yard: 50' required, 45' proposed) for a new 24' x 26' exercise/storage building (accessory structure) at an existing single-family residence. The premises are located at 28 Closter Road, Palisades, New York and identified on the Orangetown Tax Map as Section 78.18, Block 2, Lot 24 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 21, 2026 at which time the Board made the determination hereinafter set forth.

Jesse Fleck, Owner, and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Architecture plans for Fleck & Wang Residence with the most recent revision date of October 15, 2025, signed and sealed by Jane Christine Slavin, R.A., (1 page).
2. Survey dated May 22, 2023 signed and sealed by Robert E. Sorace, P.L.S.
3. A letter dated January 6, 2026 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter stating "Received and Comments to be provided prior to meeting date" from Rockland County Department of Planning signed by Jake Palant dated December 2, 2025
5. A letter dated January 14, 2026 from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II.

Acting Chairperson Castelli, made a motion to open the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

Jane Slavin, Architect, testified the homeowners would like to add an accessory structure which is approximately 540 S.F.; that this is an undersized lot and the existing house is set back far in the lot; that they would like to have this space for an exercise room and a future pool house; that when application is made for the pool, they would like to place the pool behind the house, in the rear yard; that this the best placement for this; that the existing sheds on the property are non-compliant, and will be removed; that the wider section of the structure faces the rear yard, and is where the gym will be located; that the small appendage, off of the side of the structure, which has a separate set of doors, will be the storage are; that this gives them the East West light on the property and has a beautiful view; that by Code they will have a down light in the front of the structure; that it would not be cost effective to have the gym and storage as two separate structures; that wherever a structure is placed on this property they would still need to ask for a variance, in order to still have use of their yard; that this is a ranch style slab on grade home, with no basement; that they do not know when the Owners will be ready for the pool, therefore have not prepared plans as of yet, however this will also require a variance; that the existing sheds on the property do not have a foundation, it looks like an old milk shed; that this is an odd shaped lot; that if they were to spread the storage space across the back of the proposed structure it would then only be 5' deep; that the home is hidden away and hard to see.

Jesse Fleck, Owner, testified that this structure is to be used for a gym and storage area; that he just had a baby recently, and they need additional space in the home; that they have positioned the structure so that no trees would need to be removed; that there will be French doors at the back of the structure so that they can exit there; that to the North of this are woods; that there is a house but it is quite a distance away, approximately a few hundred meters or more; that there were three sheds on the property, however one of them has already been removed; that the storage space will primarily be used for clothes and furniture; that they had an office space previously in the home, which has now been altered to a child's room; that he would not like to have the gym and storage separated, he believes one structure would be better; that the equipment in the gym will not generate any outside noise;

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that this will have a treadmill for when it is raining and he can not go for a run; that if this were to be moved to the North side, they would then kill two large trees; that where they are proposing to locate the pool later on, will not cause any tree removal; that this will not be visible from the road, as you can barely see his home from the road.

Acting Chairperson Castelli asked what this accessory structure is to be used for, and which section will be the gym and which section will be storage; she also asked how far away the neighboring house on property to the North is; also are there only two sheds on the property; what type of storage will this be used for; asked if the storage room would be moved to the location where the sheds currently exist, and separate the two rooms; asked if the storage piece of the structure were to be removed, what type of variance would still be required; asked if the 100 square feet of storage could be widened and spread out across the back of the structure, instead of done as a bump out; and asked how many trees are located where they would like to put the pool, at a later time.

Mr. Valentine asked if the neighbor to the North had an encroaching issue; and asked if they will need a variance when they do decide to apply for a pool; also asked if any of the work out equipment being used will generate noise.

Mr. DeRobertis asked if there was any reason why they cannot have the storage at the rear of the structure to save on the setback; asked if they would be opposed to moving this to the North side of the property, to have less of a variance; asked if they are not putting this on the South side of the property, due to a future potential pool; and asked if this would be visible from the road at all.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Acting Chairperson Castelli moved for a Board determination that the foregoing application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (1), (2), (11),(12),(16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Acting Chairperson Castelli, aye; Mr. Valentine, aye; Mr. DeRobertis, aye; and Mr. Kramer, aye. Mr. Bonomolo and Chairman Bosco were absent.

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Acting Chairperson Castelli made a motion to close the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing home has no basement. This is a unique lot, with a wooded lot at the rear of the property. This cannot be seen from the street. The neighbors to the North are not opposed.

2. The requested 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. The existing home has no basement. This is a unique lot, with a wooded lot at the rear of the property. This cannot be seen from the street. The neighbors to the North are not opposed.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and 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. The existing home has no basement. This is a unique lot, with a wooded lot at the rear of the property. This cannot be seen from the street. The neighbors to the North are not opposed.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

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

General Conditions:

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

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

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

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

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

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

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

DATED: January 21, 2026

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  
2026 JAN 29 P 1:02  
TOWN CLERK'S OFFICE

**DECISION**

**SECTION 5.227(A) POOL REAR YARD VARIANCE APPROVED AS MODIFIED. THE REAR YARD VARIANCE HAS BEEN REDUCED TO 16', THE POOL WILL BE 3' SMALLER, SIZE TBD, AND LOCATED CLOSER TO THE PRIMARY DWELLING.**

To: Michael Leone(Russo)  
85 Maple Avenue  
New City, New York

ZBA #26-05  
Date: January 21, 2026  
Permit # POOLR-7969-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#26-05: Application of Gina and Christopher Russo, Owners, for an appeal from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 5.2, R-15 District, Group M, exceptions to bulk regulations, Section 5.227(a) (pool rear yard: 20' required, 7'0" proposed) for an 18' x 42' inground pool in the rear yard at an existing single-family residence. The premises are located at 66 Stephens Road, Tappan, New York and identified on the Orangetown Tax Map as Section 77.10, Block 3, Lot 72 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 21, 2026 at which time the Board made the determination hereinafter set forth.

Gina Russo and Adam Matrafailo(fiance), appeared and testified.

The following documents were presented:

1. Plot plans for Russo Residence dated September 1, 2025 signed and sealed by Paul Gdanski, L.P.E., (1 page).
2. Survey dated August 28, 2025 signed and sealed by Ronald Persuad, L.L.S.
3. An email from Gina Marie Russo, Owner, giving authorization to Epic Pools, to represent this project at the Zoning Board meeting of January 21, 2026.
4. A letter dated January 6, 2026 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated January 14, 2026 from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II.
6. A letter stating "Received and Comments to be provided prior to meeting date" from Rockland County Department of Planning signed by Jake Palant dated December 19, 2025
7. A computer-generated copy of the original outlay with the topography of the land by the neighbor located on the property in the flag lot, Catherine Bennett, 72 Stephens Road, Tappan.

Acting Chairperson Castelli, made a motion to open the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

Gina Russo, Owner, testified that she put in a permit for a pool; that the length of the proposed pool was fine, but they needed a little more width; that this is a flag lot property; that they tried to place the pool elsewhere and it didn't work.

Adam Matrafailo, fiancé, testified that they want to put a pool in their back yard; that he sold his house in Blauvelt and moved in with his fiancé; that they were going to sell but the kids love it where they are, so they want to make it more livable; that want to start a family; that this is the only area to put the pool, as this lot is narrow on the side, they have a shared driveway, and the property is and heavy front yard; that this is a subdivided lot; that the yard slopes uphill, and the neighbors behind them are at this Zoning Board meeting; that they are willing to downsize but what fits without a variance is way too small; that he believed the pool needed to be a certain distance from the house; that the neighbors view, as it exists, they can see their rear yard and deck; that there will be no different view with a pool installed; that the tree the neighbor has spoken of, is in her yard and the roots are in theirs; that if they were to put in a patio, this would cause the same amount of disturbance; that they are willing to work out a change; that they had not thought about moving this closer to the house.

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ZONING BOARD OF APPEALS

Mr. Valentine stated that he has concerns about the house that is behind them; that their front yard abuts this rear yard, and he would like to hear from them; that he would like to know where the pool is in relation to the property line; that this is somewhat of substantial variance request; he also asked how far from the dwelling does is the pool required to be; that they can move the pool six point nine (6.9') feet and that would bring the variance closer to the standard twenty (20%) percent; that they will need to make the pool about three (3') feet less; that if they were to approve this variance, the pool would need to be moved eight (8') feet closer to the house, which save about seven (7') feet on that edge; that a variance of sixteen (16') feet rather than twenty (20') feet is a twenty (20%) percent variance; that this is someone else's front yard, the pool should be made three (3') feet smaller.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Acting Chairperson Castelli moved for a Board determination that the foregoing application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (1), (2), (11),(12),(16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Acting Chairperson Castelli, aye; Mr. Valentine, aye; Mr. DeRobertis, aye; and Mr. Kramer, aye. Mr. Bonomolo and Chairman Bosco were absent.

Public Comment:

Catherine Bennett, 72 Stephens Road, Tappan, testified that the Board has already identified some of the things that are troublesome; that the applicants are asking for a variance for a distance of seven (7') feet, which is substantial; that the property is a flag lot, so the applicants rear yard is abutting her front yard which is her primary walkway to get into her home; that her home and porch are at higher elevation, which is in a direct line of sight to the proposed pool area; that this would create significant privacy issues, and presents an undesirable change between the two properties; that the elevation difference also raises a concern of drainage as well as the hardscaping around to alter existing drainage patterns between the two properties can create adverse physical impacts; that also there is a safety concern related to the site disturbance; that there is a mature tree located near the shared property line; that the trees remaining stability relies heavily on the root system; that excavating for a pool with only seven (7') feet would likely sever major roots; that, given the slope, remains a legitimate concern about destabilization and the risk of tree failure toward her home; that this will create adverse impacts and a pool that is within twenty (20') feet would be more favorable; that for these reasons we request that they do not grant this variance; that she has brought the original outlay that has the topography of the land, as well as her property line up in the direction of her house compared to the applicants.

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.

Acting Chairperson Castelli made a motion to close the Public Hearing which motion was seconded by Mr. DeRobertis and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested § 5.227(a) pool rear yard variance as modified will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The rear yard variance has been reduced to 16'. The inground pool will now be 3' smaller, at a size to be determined. The pool will be closer to the house, in regulation with the Town Code. This is a flag lot, and the rear yard of this property set at a lower elevation than the neighbor's front yard. The variance being reduced will now not be a substantial variance.

2. The requested § 5.227(a) pool rear yard variance as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The rear yard variance has been reduced to 16'. The inground pool will now be 3' smaller, at a size to be determined. The pool will be closer to the house, in regulation with the Town Code. This is a flag lot, and the rear yard of this property set at a lower elevation than the neighbor's front yard. The variance being reduced will now not be a substantial variance.
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 § 5.227(a) pool rear yard variance as modified 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 rear yard variance has been reduced to 16'. The inground pool will now be 3' smaller, at a size to be determined. The pool will be closer to the house, in regulation with the Town Code. This is a flag lot, and the rear yard of this property set at a lower elevation than the neighbor's front yard. The variance being reduced will now not be a substantial variance.
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 § 5.227(a) pool rear yard variance AS MODIFIED is APPROVED WITH CONDITIONS;(1) The rear yard variance has been reduced to 16';(2) The pool will be 3' smaller, size to be determined;(3) The pool will be located closer to the Primary Dwelling; 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.

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JAN 26 2026  
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TOWN CLERK'S OFFICE

(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 § 5.227(a) pool rear yard variance AS MODIFIED is APPROVED WITH CONDITIONS;(1) The rear yard variance has been reduced to 16';(2) The pool will be 3' smaller, size to be determined;(3) The pool will be located closer to the Primary Dwelling;; was presented and moved by Acting Chairperson Castelli, seconded by Mr. Valentine and carried as follows: Acting Chairperson Castelli, aye; Mr. Valentine, aye; Mr. DeRobertis, aye; and Mr. Kramer, aye. Mr. Bonomolo and Chairman Bosco were absent.

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

DATED: January 21, 2026

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By:   
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERK'S OFFICE  
2026 JAN 29 P 1:02  
TOWN OF ORANGETOWN

**DECISION**  
**SIDE YARD AND REAR YARD VARIANCES APPROVED**

To: Karen Moshe  
64 E. Crooked Hill Road  
Pearl River, New York

ZBA #26-06  
Date: January 21, 2026  
Permit # POOLR-6872-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#26-06: Application of Karen Moshe, Owner, for an appeal from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, RG District, Group Q, Column 9 (Side yard: 10' required, 7.9' proposed), Column 11 (Rear yard: 25' required, 22.4' proposed) to legalize an existing deck and pool at an existing single-family residence. The premises are located at 64 E. Crooked Hill Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 2, Lot 7 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 21, 2026 at which time the Board made the determination hereinafter set forth.

Karen Moshe, Owner, appeared and testified.

The following documents were presented:

1. Architectural plans for Moshe Residence with the most recent revision date of April 7, 2025 signed and sealed by Jenny R. Zuniga-Casal, R.A., (1 page).
2. Survey with the most recent revision date of November 19, 2025 signed and sealed by George D. Langberg, L.L.S.
3. A letter dated January 6, 2026 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter stating "Received and Comments to be provided prior to meeting date" from Rockland County Department of Planning signed by Jake Palant dated December 23, 2025
5. A letter dated January 14, 2026 from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer II.
6. A "this project is out the jurisdiction of this agency and has no further comments" from Dyan Rajasingham, Rockland County Highway Department, dated January 19, 2023.
7. A "No comments at this time, please send future correspondence for review" from Rockland County Health Department signed by Liz Mello dated February 15, 2023.

Acting Chairperson Castelli, made a motion to open the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

Karen Moshe, Owner, testified that she purchased the home in 2021; that she found out very close to the time of closing on this home, that the deck and the pool were installed by the previous owner; that they agreed to hold a certain amount of money in escrow and the previous owners were supposed to legalize all of their work; that they went silent for a very long time and once they were able to make contact with them, they were told to take care of this on their own; that she asked them to release some money from escrow and another few months of silence went by before the prior owners said the only way they would release any money would be if they were to get a cut of the money; that the amount of money they were asking was comparable to the amount of money she would've had to spend to get a lawyer to fight them so she just agreed; that there were other violations on the home, such as the generator that was cleared up, the solar system that was cleared, the windows were cleared; that there is an existing shed on the property that is still there, which is too close to the property line; that she is working on clearing that up, however the deck and the pool were the biggest issues to address; that the shed is going to be taken down and thrown away, it is the easiest and the most cost effective way to handle this; that she has spent a lot of money on all these permits; that directly behind this property are apartments; that there are a lot of trees around the property; that no one could really look into it the yard or knows that there is a pool existing; that the neighbors have actually asked to use the pool.

Mr. Valentine stated that these are not substantial variances.

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On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Acting Chairperson Castelli moved for a Board determination that the foregoing application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (1), (2), (11),(12),(16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Acting Chairperson Castelli, aye; Mr. Valentine, aye; Mr. DeRobertis, aye; and Mr. Kramer, aye. Mr. Bonomolo and Chairman Bosco were absent

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Acting Chairperson Castelli made a motion to close the Public Hearing which motion was seconded by Mr. Valentine and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested side yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. This is a minimal variance. The property abuts apartments. There is no residential encroachment, no environmental impact, and no issues arising from the neighbors.
2. The requested 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. This is a minimal variance. The property abuts apartments. There is no residential encroachment, no environmental impact, and no issues arising from the neighbors.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and 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. This is a minimal variance. The property abuts apartments. There is no residential encroachment, no environmental impact, and no issues arising from the neighbors.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard and rear 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.

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General Conditions:

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

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

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

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

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

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

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

DATED: January 21, 2026

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By:   
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

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