

ZONING BOARD OF APPEALS

January 7, 2026

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

ABSENT: NONE

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney  
Audrey Lupachino, Planning Assistant  
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:

APPLICANTS PUBLISHED ITEMS  
DECISIONS

ADJOURNED ITEM FROM NOVEMBER 19, 2025:

RIVER VIEW PROPERTY HOLDINGS, LLC ZBA#25-52  
APPEAL HABR#25-05  
29 – 31 Ludlow Lane ZBA VACATED/OVERTURNED THE HABR  
Palisades, New York DECISION # 25-05 OF 10/14/2025 & # 25-05A OF 12/9/2025  
80.06 / 1 / 30; R-80 zone

NEW ITEMS:

MURRAY ZBA#26-01  
53 Marycrest Road POSTPONED  
West Nyack, New York  
69.06 / 2 / 30; R-22 zone

HICKEY ZBA#26-02  
32 Schreiber Street SECTION 3.11 SQUARE FOOTAGE  
Tappan, New York VARIANCE APPROVED  
77.06 / 3 / 34; R-15 zone

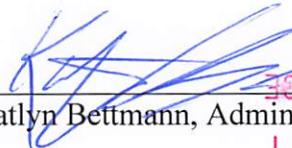
McCOY/DeROBERTIS ZBA#26-03  
13 Old Mill Lane FLOOR AREA RATIO, SIDE YARD,  
Tappan, New York TOTAL SIDE YARD, AND BUILDING HEIGHT  
77.07 / 1 / 25; R-15 zone VARIANCES APPROVED, WITH AN OVERRIDE.  
UNDERSIZED LOT ACKNOWLEDGED.

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 8:00 P.M.

Dated: January 7, 2026

By   
Katlyn Bettmann, Administrative Aide  
TOWN CLERK'S OFFICE  
2026 JAN 15 P 12:11

TOWN OF ORANGE TOWN

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

**DECISION**

**THE ZBA VACATED/OVERTURNED THE HISTORIC AREAS BOARD OF REVIEW (HABR) DECISION 25-05 OF 10/14/2025 AND 25-05A OF 12/9/2025.**

To: Margaret Garcia(River View Property Holdings, LLC.)  
171 Kings Highway  
Orangeburg, New York

ZBA #25-52  
Date: January 7, 2026  
Permit # BLDR-7459-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-52: Application of River View Property Holdings, LLC., Owners, for an appeal from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 12-4 C for relief from Historic Areas Board of Review Decision # 25-05 dated October 14, 2025, and Decision # 25-05A dated December 9, 2025. The premises are located at 29-31 Ludlow Lane, Palisades, New York and identified on the Orangetown Tax Map as Section 80.06-1-30 in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, January 7, 2026 at which time the Board made the determination hereinafter set forth.

Walter Aurell, Architect, and Ira Emanuel, Attorney, appeared and testified.

The following documents were presented:

1. Greenhouse perimeter footing design plans, dated June 12, 2025 signed and sealed by Richard W. Gilbert, L.P.E., (6 pages).
2. Architectural plans, dated April 11, 2025 by Aurell Garcia Architect, R.A., (8 pages).
3. Exterior Elevations rendering, dated August 4, 2025 by Aurell Garcia Architect, R.A., (1 page).
4. Plot plan, dated May 8, 2025, revised on November 7, 2024, signed and sealed by Paul Gdanski, P.E., PLLC, (1 page).
5. As-Built Survey dated April 9, 2018 by Carl M Herrman, L.L.S.
6. Greenhouse design plans, dated May 15, 2025 signed and sealed by Alison M. Parker, L.P.E., (4 pages).
7. A letter of Authorization from River View Property Holdings, LLC., to Kerrie Bodrato Keating.
8. An Entity Disclosure Form for River View Property Holdings, LLC.
9. Historic Board Decisions HABR#25-05 from the meeting held on October 14, 2025, and HABR#25-05A from the meeting held on January 7, 2026.
10. An email dated October 10, 2025, from Loren Plotkin, 34 Lawrence Lane, Palisades, New York.
11. An email dated October 13, 2025, from Leslie Smolan, 7 Lawrence Lane, Palisades, New York.
12. An email dated October 13, 2025, from Ellen Galinsky.
13. An email dated October 14, 2025, from Milbry Polk, 236 Route 9W, Palisades, New York.
14. An email dated November 17, 2025, from Leslie Smolan, 7 Lawrence Lane, Palisades, New York.
15. An email dated November 18, 2025, from Andrew Goffe, 12 Lawrence Lane, Palisades, New York.
16. A letter dated November 19, 2025, from Emanuel Law, P.C., signed by Ira M. Emanuel, Esq., (2 pages).
17. An email and letter dated January 7, 2026 from Emanuel Law, P.C., signed by Ira M. Emanuel, Esq., (23 pages).

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

Ira Emanuel, Attorney, testified that he has submitted a narrative letter to the ZBA, and will make a presentation that summarizes the issues. That he had no intention of going back over what the Zoning Board did back in September when they granted a variance for floor area ratio and for rear setback. The thirty (30) days to challenge this approval had passed, and so they have those variances and they are permitted to proceed in accordance with them. Since the property is in the Palisades Historic zone, the Building Inspector referred the application to the Historic Board for review of the construction and materials.

TOWN OF ORANGETOWN  
ZONING DEPARTMENT  
JAN 15 2026 11:11 AM

Mr. Emanuel testified that at the meeting with HABR, the Historic Board talked about all sorts of things; that they talked about the greenhouse, they talked about the size of the greenhouse, they discussed whether or not this could be split into two greenhouses, they talked about whether there was going to be misting, whether there were going to be electric outlets on the outside, what the landscaping was going to be like, what the drainage impacts were going to be, all sorts of stuff. He testified that at one point, Ms. Schera, Deputy Town Attorney, stopped the Board and told them to focus on the application. Mr. Emanuel then quoted from the Decision contained in HABR 25-05: "the application that the Board is reviewing is strictly regarding the building construction of the greenhouse; that the Board is not to discuss any type of tree removal, tree growing on this particular part of the property or the greenhouse is to be constructed". He said that the Decision goes on and on and that is quite lengthy actually.

Deputy Town Attorney Schera went on quite extensively and then called for an Executive session with the Board. The HABR came out and voted to deny the application. The Minutes were filed and apparently the Historic Board members were not happy with, or Ms. Schera was not happy with, the way that the minutes were written. He assumed that Ms. Schera advised this Board, I guess, and also the applicant, that the Historic Board was going to meet again on December 9, 2025 to amend the decision contained in HABR #25-05. Mr. Emanuel testified that the amended decision talks at length about the typographical errors that were contained within the original Decision.

He said that the bottom line was the same, and that was that the Historic Board found that "the application as presented would adversely affect the historical areas in the surrounding area and that the design and materials of the proposed 40 by 80-foot greenhouse is not harmonious to the area, and the scale of the proposed greenhouse is too large for a two-acre lot". This is the nub of what they're talking about this evening; that the owner is appealing from that determination, those findings of fact.

Mr. Emanuel continued: starting with the design and materials of the greenhouse being not harmonious; that he believes everyone is aware of what a greenhouse is; that he believes everyone can picture what a greenhouse is and understands that a greenhouse is basically a steel, or a metal structure, supporting windows, and that's it; that there is no other way to do it. He does not understand how a Board can find that the construction materials of a greenhouse is not harmonious, when in fact there were actually greenhouses there previously; that he does not understand how a Board can find that the construction materials are not appropriate; that he believes that the problem HABR had was that there were too many materials, that the greenhouse was too big, and that's what they were really after. The problem with that is that the Zoning Board had already determined that the size of the greenhouse was appropriate and granted a floor area ratio variance; that is what a floor area ratio variance is all about, and so in effect, what the Historic Board tried to do was overrule the Zoning Board's determination; that if the Town Code states that the Board is not permitted to do so; that secondly, because it's beyond their purview, the Town Code states that they can appeal that determination with the Zoning Board; that this is what they are here to do.

Chairman Bosco stated that he agrees; that as one member of the Board he feels that the Historic Board did not have the ability to override their decision; that he agrees with what the Applicants are saying, and this is not something that is common.

Mr. Valentine stated that he agrees; that he reviewed the application materials and was comfortable voting on this application. That the application that the ZBA approved was floor area ratio variance of 17%; that they are allowed to build a greenhouse, and there are no restrictions to the size; that they were exceeding the floor area ratio, and 17% is certainly within what the Board generally approves; that he agrees with the determination that was made, in their previous decision, when he was not in attendance; that he disagrees with the Historic Board overruling the Zoning Boards decision, and will be fine with overriding their decision.

Ms. Castelli stated that she agrees; that she had no objection previously, and has no objection now.

Mr. DeRobertis stated that he agrees and has no objections; that the variance is minimal.

Mr. Bonomolo stated that he would be abstaining from this vote as he was not present at the first meeting on this application and had not had time to review the entire project application or ZBA Decision.

TOWN CLERK'S OFFICE

11-11-2025

TOWN OF ORANGE TOWN

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 an Appeal of a Decision (HABR #25-05 AS AMENDED BY HABR #25-05A) of the Historical Areas Board of Review, this application is exempt from environmental review under the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 and possibly §617.5 (c)(9) and/or (c)(34). The motion was seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Bonomolo, abstained.

Public Comment:

No public Comment.

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

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

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

**FINDINGS OF FACT AND CONCLUSIONS:**

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that:

The Historical Areas Board of Review denied the application for construction of a greenhouse due to: (1) the size proposed and (2) that the proposed greenhouse would not be harmonious with the neighborhood. Yet, the ZBA granted a variance for the floor area ratio, for the size proposed; and ZBA #25-40 sets forth the reasoning for the ZBA's determination including the size and appearance of the greenhouse.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that HABR Decision #25-05 of October 14, 2025 and HABR Decision #25-05A of January 7, 2026 is vacated and overturned by the ZBA and APPROVED AS PRESENTED; 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.

TOWN OF ORANGE TOWN CLERK'S OFFICE  
JAN 15 2026 11:20 AM

(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 vacate and re-open HABR Decision #25-05 of October 14, 2025 and HABR Decision #25-05A of January 7, 2026 is vacated and overturned by the ZBA and APPROVED AS PRESENTED; was presented and moved by Chairman Bosco, seconded by Mr. Valentine and carried as follows: Chairman Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye. Mr. Bonomolo, abstained.

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 7, 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 CLERK'S OFFICE  
2026 JAN 15 P 12:11  
TOWN OF ORANGETOWN

DECISION

SECTION 3.11 SQUARE FOOTAGE VARIANCE APPROVED

To: Jonathan Hodash(Hickey)  
120 North Main Street  
Suite 501  
New City, NY 10956

ZBA #26-06  
Date: January 7, 2026  
Permit # BLDR-6467-2024

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#26-02: Application of Joseph and Patricia Hickey, Owners, for variances from Zoning Code(Chapter 43), R-15 District, Section 3.11, Group M(refer to R-80), Column #2, Item #7, (Square footage allowed: 600 S.F. permitted, 780 S.F. proposed), for a restricted two-family conversion, increasing the floor area more than 600 square feet at an existing single-family residence. The premises are located at 32 Schreiber Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.06, Block 3, Lot 34 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 7, 2026 at which time the Board made the determination hereinafter set forth.

Jonathan Hodosh, Architect, and Joseph Hickey, Owner, appeared and testified.

The following documents were presented:

1. Architectural plans, Plan and Section Hickey Residence with the most recent revision date of May 9, 2025 signed and sealed by Jonathan Hodosh, R.A., (7 pages).
2. Architectural plans, Plan and Section Hickey Residence with the most recent revision date of December 4, 2025 signed and sealed by Jonathan Hodosh, R.A., (cover page and A1).
3. A copy of the NY Department of State variance granted and signed on April 22, 2025 by John Addario, P.E., Director of the Decision of Building Standards and Codes.
4. A copy of the Restrictive Covenant, filed with the Rockland County Clerk and recorded on December 20, 2024.
5. A Short Environmental Assessment Form, signed by Joseph Hickey, Owner, on November 7, 2025.
6. A letter from Joseph Hickey, authorizing their Architect, Jonathan B. Hodosh, to represent their project.
7. A project narrative dated November 5, 2025, from George Hodosh Associates, Architects, P.C.
8. A project narrative dated December 4, 2025, from George Hodosh Associates, Architects, P.C.
9. A letter dated December 19, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
10. A letter dated January 5, 2026 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
11. A letter dated January 5, 2026, from Elizabeth Mayer, 27 Schreiber Street, Tappan, New York.
12. A letter dated January 4, 2026, from Thomas Temple, 35 Schreiber Street, Tappan, New York.
13. A letter dated January 5, 2026, from Barry Cooper and Chihiro Aoba, 37 Washington Avenue, Tappan, New York.
14. A letter dated January 4, 2026, from Brian Debonis, 43 Washington Avenue, Tappan, New York.
15. A letter dated January 2, 2026, from the Valdez residence, 24 Schreiber Street, Tappan, New York.
16. A letter dated January 5, 2025, from Michael Canzona, 45 Schreiber Street, Tappan, New York.
17. A letter dated January 5, 2026, from Nicola Stampone, 54 Schreiber Street, Tappan, New York.
18. A letter dated January 5, 2026, from James Cody, 44 Schreiber Street, Tappan, New York.

TOWN CLERK'S OFFICE

2026 JAN 15 P 12:11

TOWN OF ORANGETOWN

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

Jonathan Hodosh testified that this is an existing single-family home in the R 15 district; that the house was built around 1930.; that his client's father bought the house in mid-fifties; that his client purchased it from his mother in 1993; that he has been living there since 1995; that, apparently in the early sixties, the second floor was finished to a two bedrooms and a bathroom and a wet bar, and the downstairs was finished with the kitchen, bedroom, and bathroom.

The owners were not aware that there was an issue with the spaces until they went to replace an existing outdoor stairway and they filed for the permit and the inspections were done. The Building Inspectors realized that there was no Certificate of Occupancy for the bedroom in the basement. The owners then hired him to create the plans to legalize this; that then because of the way it is set up they wanted to maintain the possibility of having these things.

The upstairs is not an issue, they are only legalizing it; that the downstairs was not contemplating any physical changes except the installation of the egress window in the basement bedroom, which should have to be done either way; that really they meet all the criteria for the "Local Law 7" for a single-family conversion, they meet all the criteria; that the only issue is the use table, the six-hundred (600 S.F.) square foot limitation that's on the plan, that is the problem they have. The first discussion he had with the Building Department was that they would just cut it down to six-hundred (600 S.F.) square feet; that the problem is because of the way it's done, the bathroom is inside the residence and so normally he would've just made this part of the house; that instead it's an efficiency or something; that there is no way to cut it down to six-hundred (600 S.F.) square feet because of the way the bathroom is. They've tried every which way; that if they cut a piece out, or if they tried to make it hallway, it just didn't work; that they then decided to just come for the variance because they're not changing the outside of the house, and they're not changing the inside of the house.

In terms of occupancy, that the bedroom is for two people no matter what; that a family with six kids can move in and still the occupancy would be the same; that there's no trees and services, there's no change in the neighborhood; that it's really just the use and the use would be permitted if it weren't for the six-hundred (600 S.F.) square feet; that it's funny because they are the only people that have come to him to do this; that this is the first client he's ever had that met all of the eight criteria in all these years. Mr. Hodosh testified that a Building Inspector had him look at the Use Tables. The tables go from R-15 to R-22 to R-80, and buried down in R-80 column was the information. That is does not refer to the 600 square foot limitation in the R-15 zone, and it does not say it in Code Section 4.5. They didn't even realize that it was an issue until the Building Inspector brought it up; and that this is why they're here.

Mr. Hodosh submitted letters from eight of the neighbors; that it is a form letter, but they're all signed individually and they represent people on either side across the street, or are of any kind directly affected.

Mr. Hodosh testified that the Hickey family have resided at the property for a very long time; that they had to legalize this basement dwelling space for the code from 1958; that the code in 1958 did not allow habitable space in the basement, however the current code does.

Mr. Hodosh also said that he had applied for a State Code variance for the basement space. The code in 1958 also did not have a ceiling height limitation. He requested the State to include the ceiling height in the variance. He has color coded the area, which is listed under "A". The color-coded area is part of the approved variance from the State.

He has included the utility room in the square footage calculation.

Joseph Hickey testified that his mother and father moved in the property in 1955; that he was a child then; that he later moved out when he got married; that he then moved back in to the residence in 1995. He testified that there was a renovation made around 1963.

Mr. DeRobertis asked what Year was the basement renovated

Chairman Bosco asked how they were going to make this to Code; that everything has to be correct; that there are superseded plan pages; that he wants to make sure that they have all of the correct information.

TOWN CLERK'S OFFICE  
JAN 19 2026  
TOWN OF ORANGE TOWN

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 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. Valentine, aye; and Mr. DeRobertis, aye.

Public Comment:

No public comment.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested § 3.11 square footage variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. That they meet all of the criteria, except for the square footage. That this was built in 1960. That they have obtained a NYS Variance. That all work will be done to Code. That overall there is support from the neighbors.
2. The requested § 3.11 square footage variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. That they meet all of the criteria, except for the square footage. That this was built in 1960. That they have obtained a NYS Variance. That all work will be done to Code. That overall there is support 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 § 3.11 square footage 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. That they meet all of the criteria, except for the square footage. That this was built in 1960. That they have obtained a NYS Variance. That all work will be done to Code. That overall there is support 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 § 3.11 square footage 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.

TOWN CLERK'S OFFICE  
2026 JAN 19 12:12 PM  
TOWN OF ORANGETOWN

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested § 3.11 square footage variance is APPROVED; was presented and moved by Mr. DeRobertis, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. DeRobertis, aye.

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 7, 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 CLERK'S OFFICE  
2026 JAN 15 P 12:12  
TOWN OF ORANGETOWN

**DECISION**

**FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED, WITH AN OVERRIDE. UNDERSIZED LOT ACKNOWLEDGED.**

To: Anthony DeRobertis(McCoy/DeRobertis)  
104 McKenna Street  
Blauvelt, New York

ZBA #26-03  
Date: January 7, 2026  
Permit # BLDR-8184-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#26-03: Application of John and Mary McCoy, Owners, for variances from Zoning Code (Chapter 43), R-15 District, Section 3.12, Group M, Column #4(floor area ratio: .20 permitted, with .27 proposed), Column #9(side yard: 20' required, with 14.83' proposed), Column #10(total side yard: 50' required, with 35.99' proposed), and from Column #12(building height: 20' permitted, with 24.5' proposed), 5.21 ( c ) undersized lot applies, for an addition at an existing single-family residence. The premises are located at 13 Old Mill Lane, Tappan, New York and identified on the Orangetown Tax Map as Section 77.07, Block 1, Lot 25 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 7, 2026 at which time the Board made the determination hereinafter set forth.

ZBA Member Anthony DeRobertis recused himself from the proceeding due to his personal interest in the application and left the room.

Robert Palmerini, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans, Plan and Section McCoy/DeRobertis Residence dated May 28, 2025 signed and sealed by Roam Architecture. (5 pages).
2. A letter dated December 19, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated January 5, 2026 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
4. A letter from Kiera DeRobertis, submitted by the Architect, at the Zoning Board meeting of January 7, 2026, (2 pages).
5. Computer generated pictures, submitted by the Architect, at the Zoning Board meeting of January 7, 2026, (8 pages).
6. A letter from Brian McRory, 10 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
7. A letter from Francis DiPiazza, 1 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
8. A letter from Thomas Giller, 23 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
9. A letter from Charles Yassky, 20 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
10. A letter from Bertha F. Braunfeld, 24 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
11. A letter from Eileen T. Murtha, 16 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
12. A letter from Christopher Yannazzone, 5 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).
13. A letter from Dom Peters, 19 Old Mill Lane, Tappan, New York, submitted at the Zoning Board meeting of January 7, 2026, (1 page).

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

Robert Palmerini, Architect, testified that he has a letter from his client that he would like to read before discussing the project; that he has a physical copy of the letter to submit to the record; that as stated by Kiera DeRobertis, the homeowner's daughter, they are taking basically a split level house and making it more of a colonial style; that they are getting rid of the split level and making it more functional with the stairs; that the Board can see the existing footprint of the house on the plans and then the shaded area is where they will be adding the addition;

that this is mostly a one story addition and the second story is going to be mostly above the existing footprint that is there; that they are creating a new deck in the back and then creating a small porch in the front; that the encroachment to the side is because it is going from what's required of twenty (20') feet and they're going down to fourteen point eighty-three (14.83') feet; that at the corner is an angled piece of property, so it's really just the front portion of the garage portion that's going to be going over the setback; that the front porch actually is within the front setback, but they have provided the dimension to the beginning of the first step; that if the front steps are not counted, the porch and everything would be within the setbacks; that the dimension that is shown is to the front of the first step; that they are permitted 15,000 and are just under at 14,730, which then puts them into the twenty (20') foot building height, however they are proposing twenty-four (24') feet; that if this was a normal lot, they would be well within their allowed building height and then square footage is an add on; that existing is kind of just the lower level or basement and ground level; that there is an existing one car garage and then there's a small bedroom and mudroom on the ground level; that in the back there's an uncovered porch and then there's kind of a basement area that's half the house at the first floor and second floor level; that up a half a flight of stairs is the living room, dining room, kitchen area, which is half the building and then the other half is at another half a flight up, which is basically the three bedrooms and one bathroom; that this a very 1950s size home; that what they're looking to create is adding one car garage to the right; that now that one car will become a two car garage; that they are going to enter in through the same ground level, at the mudroom, and in the back is where they are creating the area where the parents can come in; that there is a bedroom, a bathroom, and a big area which is the playroom for the kids; that what they did was create a proper entry; that there is a front porch, small entry stairs to the second floor, a half bath, and then the existing area that is the existing footprint; that they have created a larger kitchen and breakfast dining area, and in the back they created a great room; that it has a cathedral ceiling in the back and then a small deck in the back; that leading to the second floor, they created a third bedroom; that they are just a larger bedroom which is little bit more updated; that they have a hall bath, a master suite with walk-in closets, and a master bath; that then they brought the laundry upstairs to make it convenient; that when looking at the elevation, creates more of a colonial style where the floors are not split up and then adding a garage with no second floor above that to try to minimize the height of the building as much as possible; that the lower part, where the garage is, the property goes on an angle, so the front is more than the rear; that then he has some photos of what this looks like; that an aerial view photograph so that the Board can see the neighborhood and where this property is located; that the property that would be most affected is the property to the right (#19); that the property directly across the street had put an addition on with a second floor; that at the end of Old Mill Lane, which is on King's Highway, is another one; that there is another larger house you can see there, just to give an idea of what exists; that the existing house where they are at in the garage, the driveway is kind of already there; that there are not trying to create more disturbance on the property for the driveway, so they are taking over what the driveway is and adding in and mimicking in what's there currently; that he also has some letters from the neighbors; that they're standard letters but they're eight different neighbors so they all signed them; that he does not know the one across the street; that the houses are pretty similar in size but he couldn't give an exact of what the size is; that in the neighborhood there's some existing houses that look the same, and then there's some houses that have been renovated up and back; that they do not believe this is anything out of the status; that going to the midpoint of the roof to get it down to the twenty (20') feet requirement would almost be a flat roof, which looks ridiculous; that they are trying to go off the existing foundation so it's not like something where they could make it two feet off the ground; that it is wherever the existing first floor is that will determine the starting point; that they are kind of go off the existing foundation to create some of the things that the client was requesting, some of the square footage had to be increased; that they tried to keep it as minimal as possible, but to get it to work a lot of the spaces were dictated a little bit by the foundation that was already there; that they had to work with the different heights and with the size of the foundation and that kind of almost dictated some of the spaces that we had to create the two car garage because it was a very tight single car garage; that the family wants to be able to pull in and not be outside, and to access the first floor level without being worried about snow and things like that; that this is why they created the two car garage; that with the growing family as well, this is the place where you're going to put your car, and you're probably going to be using it for storage as well; that then on the second floor, they were very modest in the rooms, which are not very oversized; that he feels that some of the square footage might be taken up a little bit by the open foyer however that has to be counted in their square footage, and that probably takes up a lot of the square footage that's not really usable; that some of it is also taken into account for the aesthetics of the building itself;

that it potentially could be less square footage, but aesthetically, which is probably the more important thing from the neighbors point of view, he is unsure of what it would look like scaled down, and if it would be aesthetically pleasing; that they tried try to balance the two, the square footage and what looks good aesthetically; that there may be some ways where they could pull in some places, however it does not actually save much of the square footage; that even if he were to pull in some of the square footage, it would not go down a considerable amount.

Mr. Valentine asked if they had any idea how far the back corner is, and if it is closer to twenty (20') feet; that he certainly does not have an issue with the front yard, and he believes they need that variance; that assuming the height is approved, how is it really not practical to build a two-story house that's shorter; that the side yard is going closer towards the neighbor on the West who is #19, and has supplied a letter stating that they are in support of this project; that the floor area ratio, which frankly is a large variance and larger than what the Board generally approves, however this is an undersized lot which exacerbates that issue; that this is located on a cul-de-sac which is atypical in that there will not be any through traffic; that their neighbor to the rear, which he believes is #24, at the end of that cul-de-sac is similar in size; that this did present evidence of other houses in the immediate area that are similar in size; that he would like to know if they are aware of any neighbors that have objections to the project; that his concern with the size of the house is precedent, however, he feels in a lot of respects it is a unique project insofar as the location, the undersized lot and the neighbors in the area having similar size houses; that he would like to know why it needs to be that big and why they could not have it closer to three-thousand (3000 S.F.) square feet; stated that the front yard measurement it to the front step, unless there are at least four step, then the measurement is taken in the middle of the steps; that he personally feels that they are not setting a precedent town wide because there is a lot about this that is unique; that it is on a cul-de-sac, it is in an area where they don't have residential neighbors to the rear; that he does not think it's going to set a precedent and he thinks there's not many houses that are situated the same.

Chairman Bosco Stated that the property is a little odd shaped compared to the others; that he believes is it alright the way it lays out; that there's not much more they can do with the space; that the Board doesn't really go by precedents anymore; that they take each application individually anyway, so he thinks that is also important, as far as the ability of the property too.

Ms. Castelli asked if they know what the size of the other lots in the area are, compared to this project; that the one across the street is very similar; and asked if there was anyway to make it smaller.

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 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; and Mr. Valentine, aye.

Public Comment:

No public comment.

TOWN CLERK'S OFFICE

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

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

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

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested floor area ratio, side yard, total side yard, building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. This is an undersized lot, with support from the neighbors. The rear of the property is a church, not a residence. This is a unique situation, as the lot is located on a cul-de-sac, with similar properties and homes.
2. The requested floor area ratio, side yard, total side yard, building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. This is an undersized lot, with support from the neighbors. The rear of the property is a church, not a residence. This is a unique situation, as the lot is located on a cul-de-sac, with similar properties and homes.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, side yard, total side yard, building height variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. This is an undersized lot, with support from the neighbors. The rear of the property is a church, not a residence. This is a unique situation, as the lot is located on a cul-de-sac, with similar properties and homes.
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.

Mr. Valentine made a motion to override comments #1, from the December 19, 2025 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, as follows: comment #1 because this is an undersized lot located on a cul-de-sac; that there will not be through traffic; that there are other houses in the immediate area that are similar in size; and that the Board does not make their decisions based on precedents, they review each allegation individually; which motion was seconded by Ms. Castelli and carried unanimously.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio, side yard, total side yard, building height variances are APPROVED; and FURTHER RESOLVED, to override comments #1, from the December 19, 2025 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, as follows: comment #1 because this is an undersized lot located on a cul-de-sac, that there will not be through traffic; that there are other houses in the immediate area that are similar in size; and that the Board does not make their decisions based on precedents, they review each application individually; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN CLERK'S OFFICE  
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TOWN OF ORANGETOWN

General Conditions:

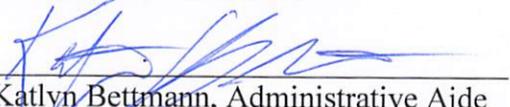
- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

The foregoing resolution to approve the application for the requested floor area ratio, side yard, total side yard, building height variances are APPROVED; and FURTHER RESOLVED, to override comments #1, from the December 19, 2025 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, as follows: comment #1 because this is an undersized lot located on a cul-de-sac; that there will not be through traffic; that there are other houses in the immediate area that are similar in size; and that the Board does not make their decisions based on precedents, they review each application individually; was presented and moved by Mr. Valentine, seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Valentine, aye.

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 7, 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

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2026 JAN 15 P 12:12  
TOWN OF ORANGE TOWN