

MINUTES  
ZONING BOARD OF APPEALS  
September 17, 2025

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN  
PATRICIA CASTELLI  
ANTHONY DEROBERTIS, ALTERNATE

ABSENT: ROBERT BONOMOLO, JR.  
BILLY VALENTINE  
THOMAS QUINN

ALSO, PRESENT: Richard Pakola, Deputy Town Attorney  
Katlyn Bettmann, Administrative Aide  
Anne Marie Ambrose, Official Stenographer

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

APPLICANTS PUBLISHED ITEMS  
DECISIONS

CONTINUED ITEMS:

VARSHAVSKI 72 Schuyler Road Blauvelt, New York 65.15 / 1 / 12.2; R-80 zone	REAR YARD VARIANCE APPROVED W/ A CONDITION	ZBA#25-19
---	---	-----------

NEW ITEMS:

MORONEY 5 Sunrise Lane Pearl River, New York 69.18 / 3 / 23; R-15 zone	ACCESSORY STRUCTURE IN FRONT YARD VARIANCE APPROVED	ZBA#25-39
---	--	-----------

RIVER VIEW HOLDINGS, LLC. 29-31 Ludlow Lane Palisades, New York 80.06 / 1 / 30; R-80 zone	FLOOR AREA RATIO AND REAR YARD VARIANCES APPROVED	ZBA#25-40
--	--	-----------

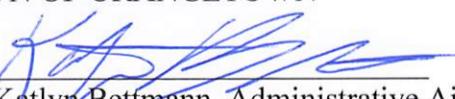
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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: September 17, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann, Administrative Aide

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

TOWN CLERK'S OFFICE  
2025 SEP 30 10:02 AM  
TOWN OF ORANGETOWN

## DECISION

### REAR YARD VARIANCE APPROVED WITH A CONDITION.

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

ZBA #25-19  
Date: July 16, 2025 & September 17, 2025  
Permit # BLDR-6732-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-19: Application of Mikhail Varshavski, Owner, for variances from Zoning Code (Chapter 43), R-80 District, Group A, Section 5.228 Caretaker's Cottage (Front yard allowed, with rear yard proposed) for a caretaker's cottage in the rear yard at an existing single-family residence. The premises are located at 72 Schuyler Road, Blauvelt, New York and identified on the Orangetown Tax Map as Section 65.15, Block 1, Lot 12.2 in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, July 16, 2025 and September 17, 2025 at which time the Board made the determination hereinafter set forth.

#### **At the July 16, 2025 meeting:**

Members Present: Chairman Bosco, Billy Valentine, Tom Quinn, , Patricia Castelli. Rob Bonomolo and Anthony DeRobertis were absent.

Also Present: Denise Sullivan Esq., Deputy town attorney, Patrizia Beers, Official stenographer, Audrey Lupachino, Planning Assistant.

John Perkins, Architect appeared and testified.

The following documents were presented:

1. As-built Survey dated February 2, 2024 signed and sealed by John R. Atzl, P.L.S.
2. Architectural Plans with the most recent revision date of February 14, 2025, signed and sealed by John Perkins, R.A., (2 pages).
3. Site Plan with the most recent revision date of March 17, 2025, signed and sealed by Thomas W. Skrable, P.E., (1 page).
4. A letter Authorizing John Perkins, Architect, to act as the Agent for the owner, dated April 2, 2025, signed by Mikhail Varshavski.
5. A letter dated May 30, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated June 18, 2025 from Rockland County Sewer Dist. No. 1, signed and sealed by Nicholas King, Engineer II.
7. A letter dated June 18, 2025 from Rockland County Health Department, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer.
8. An email dated May 16, 2025 from the Palisades Interstate Park Commission, signed by Matthew Shook, Chief of Staff.
9. An email dated June 9, 2025 from Orange and Rockland Utilities, Inc., signed by Alfred Gaddi, P.E.

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

#### **At the July 16, 2025 meeting:**

John Perkins testified that that the proposed project is quite simple; that in an R-80 district by right you're allowed to have a care takers cottage, however it is typically located in the front yard; that he is unsure if anyone from the Board had the opportunity to visit the site and take a look at the property, however the property is a unique property; that the proposal is to put the care takers cottage, or what may be used as a pool cabana at some point, in the rear yard; that they are placing it in the rear to avoid any obstruction or interruption of the view from the property, which at this time the view is quite spectacular; that the project itself is a one-thousand (1, 000S.F.) square foot structure; that four-hundred (400 S.F.) square feet of this space is actually a covered porch area, six-hundred (600 S.F.) square feet of this is bathroom kitchen and common area; that it's quite small, twenty-five feet (25'4") four inches deep by forty (40') feet wide; that the measurement to the outer roof height is approximately seventeen (17') feet;

that the distance from the rear property line is seventeen point two (17.2') feet, and this is based on the orientation of the pool, an is designated to fit it in to the back corner; that they are trying to fit it in as nicely as possible; that this will not huge by any stretch of the imagination; that as far as the comments from the Rockland County Planning Department letter, the surveyor or engineer actually just did a proposed site plan with a bolder print of proposed work over the existing conditions so that they could designate where things are located to hopefully alleviate any other concerns; that this is a slab on grade construction and creates a beautiful site when it's all done; that on the drawings submitted they are titled a proposed cabana; that it may be used as a caretaker's cottage; that this house was purchased was purchased with the pool; that they listed this as a caretakers cottage so that it would allow for a cooking appliance, and because it is going to be heated; that this will not be occupied year-round and will likely be used as a pool cabana; that the property to the rear of this is owned by the Town of Orangetown and is known as the Steven Rural Bradley Park; that on the right-hand side of the property there are neighbors; and beyond their property is Schuyler park; that they have a neighbor to the left and to the right of them but none in kind; that in conversating with the Acting Director, there was mention as to whether it was treated as a principal dwelling or an accessory structure and what the setbacks might be; that he may have missed noting on the plans that the rear yard variance was required; that this is going to be a cabana but they need the cooking appliances inside of it for entertaining; that if they were to remove the cooking appliance could they call it a cabana; that the phrase on the application was based on a conversation he had with Acting Director, Rick Oliver; the he understands what is being requested, and is at the Board based on the advice he was given by the Town's employee.

Chairman Bosco asked to clarify if this project is for a cabana or a caretaker's cottage, as it states two different titles on the drawings submitted; that what is being presented to the Board is a caretaker cottage and that is not what the application states; that it is also in the one-hundred (100') foot buffer; that there is also a pool inside the buffer, and asked if the pool had a building permit to be built in the buffer or if the home was bought with the pool existing; that they are requesting a specific approval however the rear yard variance is tremendous and that's not even being shown as one of the issues, yet that was one of reasons for the denial; that there's a thirty (30') foot variance for the rear yard measurement that should be shown as needed; that it's on the drawing as a rear yard cabana for seventeen feet (17' 2") two inches; that he understands that this property is on the top of the mountain and not visible to the road, however this proposal would be circumventing requirements; that they could remove the cooking appliance and then they could come back in front of the Board and re-submit their plans how they want to submit them; that currently they have two different things in front of them to look at, and the statements that are being made are contradicting what the purpose of the Board is, and what the idea behind these variances are for; that Rick Oliver is not the variance, and he is not the Zoning Board; that they're going to have to come back in front of the Board in the end; that as one member of this Board, he is not very inclined to approve this application, until there is clarity around what it is they are trying to do, as it seems they are attempting to circumvent the rules; that they were given bad advice.

Ms. Castelli asked why this is listed as a caretaker cottage if it's going to be a cabana; that if she had a caretaker, she would want their house in the front so anyone coming into the front of the property they would be there; that however this is not a caretaker cottage; that for the rear yard on the bulk table it says no variance requested, which is incorrect; that if the measurement if seventeen (17') feet when it is a cabana why would you not count the variance when it is a caretakers cottage; that this is the first time she's ever seen this before; that the cabana is not a residence and sets a precedent for another applicant.

Mr. Valentine stated that this property is unique in that this is at the top of Clausland Mountain and far from any neighbors; that it is obvious that there is an abundance of vegetation backing up to the property, however, is that Town property behind the Applicant's property line; that if they were hypothetically putting an outdoor kitchen would there be a need for a variance, an outdoor kitchen with a grill; no variance, right? Like an outdoor kitchen with a grill; that the problem is that it is inside the structure.

TOWN OF ORANGETOWN  
175 SEP 30 10 22 AM '19

Denise Sullivan, Deputy Town Attorney, stated that the park could be the Blake property which became a town park. She said that the one-hundred (100') foot buffer was put in by the Planning Board in PB# 02-15 and it says, "the Board will consider what may occur in the one hundred (100') foot buffer", however they never did. Additionally, she stated that they could do without the interior cooking appliances as there are many other means available.

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.

**At the September 17, 2025 meeting:**

Members Present: Chairman Bosco, Anthony DeRobertis, and Patricia Castelli. Members absent: Rob Bonomolo, Tom Quinn, and Billy Valentine.

Also present: Richard Pakola, Deputy Town Attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Administrative Aide.

ZBA#25-19: Application of Mikhail Varshavski, Owner, for variances from Zoning Code (Chapter 43), R-80 District, Column 11(rear yard: 50' required, with 17.2' proposed) for a pool cabana in the rear yard at an existing single-family residence. The premises are located at 72 Schuyler Road, Blauvelt, New York and identified on the Orangetown Tax Map as Section 65.15, Block 1, Lot 12.2 in the R-80 zoning district.

**At the September 17, 2025 meeting:**

John Perkins, Architect appeared and testified.

The following documents were presented:

10. As built Survey dated February 2, 2024 signed and sealed by John R. Atzl, P.L.S.
11. Architectural Plans with the most recent revision date of August 8, 2025, signed and sealed by John Perkins, R.A., (2 pages).
12. Site Plan with the most recent revision date of March 17, 2025, signed and sealed by Thomas W. Skrable, P.E., (1 page).
13. A project narrative dated August 8, 2025
14. An updated project narrative dated September 10, 2025.
15. A letter dated September 4, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
16. A letter dated September 16, 2025 from Rockland County Health Department, signed by Brandon Durant, Ph.D., Assistant Public Health Engineer.

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

**At the September 17, 2025 meeting:**

John Perkins testified that previously this application was presented to the Zoning Board as a caretakers cottage; that at the time he was led to believe that it would be easier for the variance to be granted as such; that rather than going through the semantics of putting a cooking appliance in, they will be putting in a pool cabana and they will be putting it in the rear yard; that they removed any cooking appliances; that this is intended exclusively for the use as a pool cabana; that there are no sleeping rooms; that the location of the pool cabana has not changed from the previous application;

that the one-hundred (100') foot buffer was on the for the main dwelling, it was exclusively for the main dwelling to keep it away from the park; that in speaking with Rick Oliver, Acting Director, he was given the information that the one-hundred (100') foot buffer is referring to the main dwelling; that they can't move the location to the South side because they have placed the pool cabana directly adjacent to the pool; that they would like to leave an open grass area for a planting area; and that they would like to not have everything spread out across the property.

Chairman Bosco stated that he has concerns as well with the one-hundred (100') foot buffer; that there is already a pool there and he would like to have clarification as to whether this was intended for the main dwelling or also for accessory structures.

Ms. Castelli stated that this is in the same location as the previous application, which is in the one-hundred (100') foot buffer.

Rick Pakola, Deputy Town Attorney, addressed the question of the one-hundred (100') foot buffer, and stated that it is ambiguous but can reasonably be interpreted as applying only to the main dwelling.

Public Comment:

No Public Comment

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

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has removed the cooking apparatus and there are no rooms for residence.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has removed the cooking apparatus and there are no rooms for residence.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

TOWN CLERK'S OFFICE  
2025 SEP 30 A 10: 22  
TOWN OF ORANGETOWN

4. The requested rear yard variance although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The applicant has removed the cooking apparatus and there are no rooms for residence.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance is APPROVED; with the following SPECIFIC CONDITIONS:(1) A review must be done by the Rockland County Department of Health to Ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

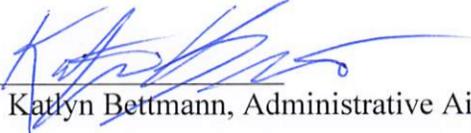
TOWN OF ORANGETOWN  
2025 SEP 30 A 10: 23

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; with the following SPECIFIC CONDITIONS:(1) A review must be done by the Rockland County Department of Health to Ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control; was presented and moved by Ms. Castelli, seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. DeRobertis, aye; and Ms. Castelli, aye. Mr. Valentine, Mr. Bonomolo, and Mr. Quinn 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: September 17, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERK'S OFFICE  
2025 SEP 30 A 10:23  
TOWN OF ORANGETOWN

**DECISION**  
**ACCESSORY STRUCTURE IN FRONT YARD VARIANCE APPROVED**

To: Michael Moroney  
5 Sunrise Lane  
Pearl River, New York

ZBA #25-39  
Date: September 17, 2025  
Permit # BLDR-6189-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-39: Application of Michael Moroney, Owner, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 5.227(Accessory structures permitted in side yard and rear yard, with front yard proposed) for an existing shed in the front yard at an existing single-family residence. The premises are located at 5 Sunrise Lane, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.18, Block 3, Lot 23 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 17, 2025 at which time the Board made the determination hereinafter set forth.

Michael Moroney, Homeowner, appeared and testified.

The following documents were presented:

1. Survey with the most recent revision date of February 24, 2025 signed and sealed by Robert E. Sorace, PLS.
2. Shed manufacturer pamphlet, (3 pages).
3. A drawing of the property, submitted with the Zoning Board Application.
4. An affidavit dated October 29, 2024 from Michael Moroney.
5. A violation notice dated September 20, 2024, signed by Thomas Cleere, Code Enforcement Officer II.
6. A packet of computer-generated pictures, submitted by the homeowner, at the Zoning Board meeting of September 17, 2025, (11 pages).
7. A letter received at the Zoning Board meeting of September 17, 2025, from David Layton, 15 Sunrise Lane, Pearl River, New York.
8. A letter received at the Zoning Board meeting of September 17, 2025, from Brendan Murphy, 20 Sunrise Lane, Pearl River, New York.
9. A letter received at the Zoning Board meeting of September 17, 2025, from Alexandra Farrell, 33 W. Nauraushaun Avenue, Pearl River, New York.
10. A letter received at the Zoning Board meeting of September 17, 2025, from Donna Dwyer, 21 Sunrise Lane, Pearl River, New York.
11. A letter received at the Zoning Board meeting of September 17, 2025, from 12 Sunrise Lane, Pearl River, New York.

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

Michael Moroney, Homeowner, testified that he was discussing sheds with a friend of his; that at this time it was brought up that if a shed was over one-hundred (100 S.F.) square feet a permit would be needed; that his friends shed was one-hundred and fifty (150 S.F.) square feet, that he called the Building Department to clarify the information and at that time he found out that he did in fact need a permit for the shed; that he understands that ignorance is no excuse, however he was not aware that living on a corner property had meant that both sides of his yard that touched the street were to be considered a front yard; that when it was explained to him after the fact, when he received his notice of violation, he understood; that however something on the street is different than being in someone's normal backyard that is not on a corner because it is important to keep up the appearance of the Town of Orangetown; that he went to great lengths to make sure that this was not a hinderance to the appearance of the community in any way; that he brought with him to this meeting a packet of pictures to share with the Board; that the first picture is the view from the sidewalk forty (40') feet East of the shed on Orangeburg Road, and the shed is not visible; that his neighbor facing Orangeburg Road has the green arborvitaes in front of his property, and he has done the same thing on the road side of the shed to minimize the view of the shed from road; that the trees are further back, recessed onto the property to not block anyone's views from either driveway; that the second picture shows a view of the shed from the intersection of Sunrise Lane looking East; that as you can see it is set far enough back off the road where it is not a hindrance to traffic in any way; that the third picture is a closer picture of the shed for a view of what it looks like; that the fourth picture is of the shed at night with the solar lights;

TOWN OF ORANGETOWN  
SEP 30 10 23 AM '25  
TOWN CLERK'S OFFICE

that additionally what he has done is gone around the neighborhood to explain what he has seen around the neighborhood that made him believe that he was allowed to have this shed located where it is; that the next picture is on 20 Sickletown Road on the corner, there is a shed there; that the next one is up the street from him on Orangeburg Road on the corner of Elm Street, and that shed is clearly in the front yard; that the next one is a little further up Orangeburg Road on the opposite side of the street at 465 Orangeburg Road, that shed is right next to the house; that the next one is a picture from the rear on Rowan Road, of the same shed; that a little further up the street on the corner of Mountainview Avenue and Orangeburg Road, you can see behind the fence there is another shed, and they also have the plants there; that the next page is a jungle gym on the corner of S. Naurausaun Avenue and W. Naurausaun Avenue; that the last one is 85 Ehrhardt Road on the corner of Pierce Parkway; that he feels embarrassed that he was not aware of the law and having to be in this situation; that in addition he has brought in five letters from his neighbors saying that they have no objection to the shed.

Ms. Castelli asked if the Applicant would be required to designate a front yard; that the four feet (4'2") two inches is the designated street line(DSL).

Chairman Bosco stated that the drawing shows the this is four feet (4'2") two inches to the front, however he does not believe that is the property line; that the property line is located up by the road which is much further away; that this is a fair distance away from the property line; that although this address is designated at Sunrise Lane, the shed is on the Orangeburg Road side which is also considered his front yard; that he would like to know if this can be designated as the front yard if that has not been done prior.

Mr. DeRobertis stated that the shed is eighteen feet (18'10") ten inches away from the property line.

Rick Pakola, Deputy Town Attorney, that it is not necessary for the front yard to be designated, and he would advise against this.

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

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 accessory structure in front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar sheds exist in the area.
2. The requested accessory structure in front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar sheds exist in the area.
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 accessory structure in front yard variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar sheds exist in the area.
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 accessory structure in front yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested accessory structure in front yard variances are APPROVED; was presented and moved by Mr. DeRobertis, seconded by Chairman Bosco and carried as follows: Chairman Bosco, aye; Mr. DeRobertis, aye; and Ms. Castelli, aye. Mr. Valentine, Mr. Bonomolo, and Mr. Quinn 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: September 17, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN  
2025 SEP 30 A 10: 24  
TOWN CLERK'S OFFICE

**DECISION**  
**FLOOR AREA RATIO AND REAR YARD VARIANCES APPROVED**

To: Margaret Garcia(Architect)  
171 Kings Highway  
Orangeburg, New York

ZBA #25-40  
Date: September 17, 2025  
Permit # BLDR-7459-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-40: Application of River View Property Holdings, LLC., Owner, for variances from Zoning Code (Chapter 43), R-80 Districts, Group A, Section 3.12, Column #4,(floor area ratio: .10 allowed, .117 proposed), Column #11, (rear yard: 50' required, 35' proposed) for a 40' by 80' greenhouse. 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, September 17 2025 at which time the Board made the determination hereinafter set forth.

Walter Aurell, Architect, and Margaret Garcia, Architect, 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. An email received September 17, 2025 from Julie Katz, 11 Lawrence Lane, Palisades, New York.

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

Walter Aurell, Architect, testified that they are asking for these variances however outlined on the displayed plans is lot 30, which is a component to the entire property; that this owner owns the surrounding lots as well, in total over 13 acres; that this plot is approximately 1.8 acres; that this is the way it was divided when the property was purchased; that the rear setback is sort of an artifact in the way that it was subdivided along time ago; that although the greenhouse is a large greenhouse, if you visit the property, the location is makes sense as there are existing historic buildings on the site; that this location seems like a more appropriate site location, and it is surrounded by other properties owned by this owner; that it is not an encroachment on anyone else's property; that currently there are three subdivision lots within this entire property; that they were advised it would take a long time to complete the subdivision process; that the applicant is anxious to get this greenhouse on their property; that the greenhouse is large, however they have a very intense landscape plan proposed for this site; that they will be planting trees and a slight re-contouring of the land; that the client has described this to them as an arboretum or a botanical garden in its nature; that what it intended for the property is an intergrown design; that lot 31.2 is owned by this owner, which continues to the Lamont Doherty property; that the purpose of the greenhouse is to propagate plants for this whole landscape design, which encompasses the whole 13 acres; that in addition they will be growing organic vegetables due to one of the property owners having a dietary condition; that they brought the site plan to show the internal view; that this is not visible from the road; that the greenhouse is designed into the "C" view, however it is not visible; that in "B" view the greenhouse is behind the existing building; that the height of the greenhouse to the ridge is twenty (20') feet; that the owners' intentions are to keep the existing trees and to add an abundance of additional landscaping; that they have a conservationist ethic; that this greenhouse is not meant to be a feature, there will be no decorative lighting, only lighting to code if necessary; that they are also presenting this application for the Historic Board; that they are sensitive to the issue of cutting down trees; that their role thus far is with the greenhouse;

TOWN OF ORANGETOWN  
ZONING BOARD OF APPEALS  
2025 SEP 17 11:25 AM

that what was shown of the landscaping is a partial preliminary conception of the site plan, this was not the final plan; that the owners have a property in Texas and grow their own food, and are accustomed to this size; that if possible we can still have this approved tonight and also ask the applicant if they would take into consideration reducing the side; that his sense is that they would be fairly adamant in their request.

Margaret Garcia, Architect, testified that the owner does own the property from Lawrence Lane to the West to Ludlow Lane; that eventually they would like to combine the lots into one property; that the property with the large residence is called the "Neiderhurst", which is on lot 31.1; that this lot has a lot of little follies and little structures, not quite a cottage; that there is a woodsman shed, and a birdhouse, a pool; that there's a main entrance which is the large lawn with the sculptural trees on it; that the angular property is very hilly and goes straight up into the mountain and there are a lot of woods in there; that this proposed lot has a barn and a caretakers house; that this was the only piece of property that they felt to be suitable to have another accessory building that would support the house; that what is listed as "B", at the bottom left, is a separate entrance into the property; that there is a utilitarian entrance and a main entrance; that Lawrence Lane is very far down the hill; that there are no intentions for this to have any lighting, which is why it is sited where it is, it will have plenty of sunshine during the day from the South; that this is not a hydroponic, so there will be no grow lights; that they were provided the signs with a plan that showed where to place the signs.

Mr. DeRobertis stated that looking at this site plan this is not visible from the road; that the plan says that this is two-hundred and fifty-six (256') feet from the road; that from "B" view there is a small piece of something visible, would that be the greenhouse; that they would be keeping some of the warmer weather plants inside the winter, is that the purpose; that to appease the neighbors would the client be opposed to making the greenhouse smaller.

Ms. Castelli asked if the "C" view on the site plan had the greenhouse designed in it; that this was the entrance where I was, when I visited the property; that there was some concern about lighting, would this be lit at night; that the letters when they go out, do they have to go out in a certain amount of time; that if there was no line separating these properties they wouldn't have to come for this variance.

Chairman Bosco asked the Applicant if the owner of the property owns land that extends to Lawrence Lane; that they own from Lawrence Lane to the West to Ludlow Lane; that each of the lots being shown on the drawing are individual lots, not one lot; that lot 31.2 is below this property, is that also owned by this owner; that he would like them to explain from Lawrence Lane to the property that is the furthest point on the right; that he calculated, based on the plans provided with their application, and it seems that leading up to the pool is up hill and a distance of approximately eighty (80') feet; that it then increases in length and comes out to approximately ninety-eight (98') feet at the elevation of Lawrence Lane; that then it goes up to over two-hundred (200') feet at the peak at the pool; that this would mean that from Lawrence Lane you couldn't possibly see the other side of that space; that he wanted to make sure he was reading that correctly, as the elevations are on that drawing; that the property then begins to drop back down and picks up again due to the mountains; that when he visited the property it was visible to him that the property slopes up and back down; that the clear cutting done by the Applicant can not be addressed at this Board, and in fact the Applicant has the right to cut down trees on their property; that in regards to the building structure, when the application is made to the Building Department for their permits, if they are deemed to be required to have drainage, that will be a part of their application for their permit; that the Zoning Board can not dictate the drainage, this Board is here to review their variance; that if the members of the public have concerns of drainage or trees being clear cut, they can go to the Building Department, and they can attend the Historical Review Board meeting that they will be appearing in front of next; that the neighbors all receive letters in the main at a certain period of time, and it is posted on the corners of the properties; that the abutting neighbors is the same property owner; that the list of properties that these letters went out to was twelve different properties; that the size is minimal in comparison to what they typically approve.

TOWN OF ORANGETOWN  
2025 SEP 28 AM 9:21  
TOWN CLERK'S OFFICE

Katlyn Bettmann, Clerk to the Zoning Board, stated that the posters are not determined by the applicants; that the posters are determined by the Land use board office, based on the lot that is currently in front of the Board, and only the lot that is coming in front of the Board; that the applicants are not allowed to post these signs on anyone else's property; that these specific letters were mailed out on September 3, 2025.

Rick Pakola, Deputy Town Attorney, stated that this Board cannot refer project to the Planning Board; that if by Town code it is required for the application to be reviewed by the planning board, the application will be referred to such Board; that he doesn't know that there is any reason for this project to be referred to the Planning Board; that there are two types of variances, a use variance and an area variance, this is an area variance not a use variance; that a hardship is not required and does not apply to this application.

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

Public Comment:

Leslie Smolan, 7 Lawrence Lane, Palisades, New York, testified that she had lived in her home for 30 years; that she and her husband purchased their home in 1988, and then in 1999 they purchased 3 Lawrence Lane; that both of these homes are in the historic record; that they are stewards of the Palisades community; that they like anyone coming into the neighborhood who is going to do work that is responsible; that she has not met the new neighbors, and they have not shared their plans with her to date; that there are some other concerns that she would like to have the Board evaluate about this application; that since the properties recent purchase, the steep hillside, which was just referenced, which she believes to be fifty (50') feet to ninety (90') feet, abuts her property and the Julie Katz property; that the new owners have now clear cut this entire section, which has been forest for the 37 years that she has lived there; that this is a seventy (70') foot elevation at a very short distance; that in recent years our area has experienced increasingly strong storms, including superstorm Sandy in 2012, record breaking rainfall from hurricane Ida in 2021, and storms in July 2023, and this past July; that even with the natural forest buffer that exists they suffered two (2') feet of water in their basements, pools were flooded with mud, and damage to the established landscaping; that now that this natural drainage system has been removed, we are already seeing impacts to the foliage on the property; that her concern is that the steep slope served as a natural water management system, the trees and undergrowth absorbed groundwater and prevented erosion, which is now gone; that she is concerned with increased erosion from exposed steep slope, amplified storm water runoff affecting all of the properties on Lawrence lane, and potential for more severe flooding; that what she is not necessarily opposing this project, however she would like to request that proper planning be done to protect all of their properties; that specifically she would like a comprehensive site survey, documenting the post clear cutting conditions, professional drainage engineer assessment to evaluate runoff impacts, mitigation recommendations, and a detailed landscape plan; that there is a lot of water as it is, and they have now clear cut the entire landscape between the retaining wall and Lawrence Lane; that she would like to know if this would be better to be addressed by the Planning Board, and would also like to know if this Board can refer this project to the Planning Board.

Julie Katz, 11 Lawrence Lane, Palisades, New York, testified that she stands by everything that her neighbor Leslie said; that as a neighbor that lives directly below Niederhurst and adjoining the lot that is being spoken on, the way she understands the three lots that were subdivided was that it was very intentional; that the 4 acre lot that comes down the valley towards Lawrence Lane was never to be developed on, and was intentionally kept as its own to prevent something; that another neighbor has more insight on this, which brings up a different point; that there was not enough notification for this meeting; that there were four little signs on this property alone;

that there was no fencing, not on her fence or the neighbors fences; that she received her blue notice of Saturday in the mail, which is not enough time; that people are away and live on private lanes, and have to go get their mail; that at worst she would ask that this be moved to next month because there are a lot of people who live on Ludlow Lane, and when they come down the lane and turn to connect to Washington Springs Road, they will be looking down at the roof of this greenhouse; that there are beautiful views of the water as you descend Ludlow Lane, and it's hard for her to believe that this greenhouse will not be an obstruction to that view; that this speaks so much to the character of their neighborhood; that the greenhouse is very large at thirty-two-hundred (3,200 S.F.) square feet; that they should have to show a hardship to get a variance as she understood it, as part of the definition of asking for the variance; that they could make this greenhouse a twenty (20') foot by forty (40') foot greenhouse and it would not encroach, it's huge as proposed; that she does not feel that this speaks to what an R-80 neighborhood wants; that she really stands by the neighborhood not getting an alert to this meeting and being able to be heard; that she reached out to a few people on Ludlow Lane, and they are unaware of this meeting;

Carol Baxter, 34 Lawrence Lane, Palisades, New York, testified that she lives further down Lawrence Lane than the other neighbors present; that she heard what was said about the trees coming down and flooding not being reviewed with this application, and that the proper board will deal with this; that she wants to ensure that the proper board is aware that the problem exists; that she drives by here every day and there is flooding from the trees being cut down; that she is unsure of what the plan is, or if they are going to be planting on the hill or if they will be keeping this open, however it seems mysterious; that Historic Board will have to deal with this as if they were ACABOR as well.

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. 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 floor area ratio and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. There will be very limited view of the greenhouse to any abutting neighbors. The size of the greenhouse is minor in scale to the location. The surrounding properties are also owned by the same owner.
2. The requested floor area ratio and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be very limited view of the greenhouse to any abutting neighbors. The size of the greenhouse is minor in scale to the location. The surrounding properties are also owned by the same owner.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

TOWN CLERK'S OFFICE  
2025 SEP 30 A 10:24  
TOWN OF ORANGETOWN

4. The requested floor area ratio 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. There will be very limited view of the greenhouse to any abutting neighbors. The size of the greenhouse is minor in scale to the location. The surrounding properties are also owned by the same owner.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested floor area ratio 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.

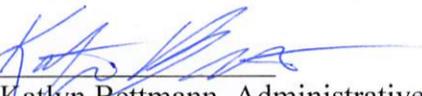
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 floor area ratio and rear yard variances are APPROVED; was presented and moved by Chairman Bosco, seconded by Ms. Castelli and carried as follows: Chairman Bosco, aye; Mr. DeRobertis, aye; and Ms. Castelli, aye. Mr. Valentine, Mr. Bonomolo, and Mr. Quinn 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: September 17, 2025

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN  
2025 SEP 30 A 10: 25  
TOWN CLERK'S OFFICE