

MINUTES
ZONING BOARD OF APPEALS
August 6, 2025

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN
ROBERT BONOMOLO, JR.
THOMAS QUINN
ANTHONY DEROBERTIS, ALTERNATE

ABSENT: PATRICIA CASTELLI
BILLY VALENTINE

ALSO, PRESENT: Denise Sullivan, Deputy Town Attorney
Katlyn Bettmann, Administrative Aide
Kate Belfiglio, Senior Clerk Typist
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:

MC QUADE ZBA#25-08
125 E. George Avenue FLOOR AREA RATIO AS MODIFIED
Pearl River, New York AND FRONT YARD VARIANCES APPROVED
68.12 / 4 / 44; RG zone

NEW ITEMS:

BARBALAT ZBA#25-28
513 Western Highway SIDE YARD, REAR YARD, AND
Blauvelt, New York TOTAL SIDE YARD VARIANCE APPROVED
70.18 / 2 / 9; R-40 zone

MORRISSEY ZBA#25-29
29 Haven Terrace SIDE YARD, FRONT YARD 14'5" AS MODIFIED
Pearl River, New York REAR YARD, AND FLOOR AREA RATIO VARIANCES
69.18 / 4 / 8; R-15 zone APPROVED WITH AN OVERRIDE AND CONDITIONS

RAUSA TATTOO ZBA#25-30
274 N Middletown Road NO USE VARIANCE REQUIRED
Pearl River, New York USE PERMITTED BY RIGHT IN CO DISTRICT
69.09 / 1 / 39; CO zone

CSU FOUNDATION PROPERTIES, INC ZBA#25-31
CARSON MCCULLERS CENTER
131 South Broadway VARIANCE MODIFIED TO SPECIAL PERMIT
South Nyack, New York PER CHAP. 43 SECTION 18.41
66.54 / 2 / 26; RG-OA zone APPROVED WITH CONDITION.

WILSON ZBA#25-32
46 Duhaime Road FLOOR AREA RATIO
Pearl River, New York VARIANCE APPROVED
69.10 / 2 / 23; R-15 zone

MORISSET ZBA#25-33
3 Conor Court FLOOR AREA RATIO AND REAR YARD
Tappan, New York VARIANCES APPROVED WITH OVERRIDE
77.11 / 1 / 28.3; R-15 zone

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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 9:30 P.M.

Dated: August 6, 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 OF ORANGETOWN
2025 SEP 10 A 10:52
TOWN CLERK'S OFFICE

DECISION
FLOOR AREA RATIO AS MODIFIED, AND FRONT YARD VARIANCES APPROVED

To: Lori McQuade
11125 Zimmerman Lane
Austin, Texas 78726

ZBA #25-08
Date: March 19, 2025 & August 6, 2025
Permit # BLDR-5974-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 25-08: Application of Lori McQuade, for variances from Zoning Code (Chapter 43), RG District, table 3.12, Group Q, Column 4 (Floor Area Ratio: 30% permitted, with 41.20% proposed), Column 8 (Front Yard Setback: 25' required, with 21' 10.5" proposed), section 5.21(d) & (e) undersized lot not applied, for a renovation and to remove an existing attached garage, add a second floor addition, and add a new detached garage at a single-family dwelling. The premises are located at 125 E. George Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 4, Lot 44 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 19, 2025 & August 6, 2025 at which time the Board made the determination hereinafter set forth.

At the March 19, 2025 meeting:

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

Also Present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Elizabeth DeCort, Secretarial Assistant II.

Robert Kalaf, Brother-in-law, and Jennifer Lucas, Architect appeared and testified. Lori McQuade was present and testified by phone.

The following documents were presented:

1. Plot plans, McQuade Residence with the most recent revision date of February 11, 2025 signed and sealed by Jennifer Claire Lucas, R.A. (1 page)
2. Topographical Survey dated April 17, 2024 signed and sealed by Neville V. Ramsay, L.L.S., (1 page).
3. Architectural plans, McQuade Residence with the most recent revision date of October 29, 2024 signed and sealed by Jennifer Claire Lucas, R.A. (15 pages)
4. A letter received March 11, 2025, from Lori & Tim McQuade, Homeowners.
5. A letter received March 11, 2025, from Christopher Higgins.
6. A letter received March 11, 2025, from James Rooney.
7. A letter received March 11, 2025, from Gary & Susan Healy.

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

At the March 19, 2025 meeting:

Jennifer Lucas, Architect testified that this home is currently a one and half story cape style home; that the homeowners would like to create a full first and second story to the home; that they would like to knock down the existing attached garage and expand to the rear with an addition; that they would also like to add a front and rear porch as well as a twelve (12') foot by twenty-four (24') foot detached garage in the rear of the lot; that they understand the floor area ratio is above the permitted use as well as the need for a front yard variance for the front porch;

Mr. Valentine stated that the floor area ratio is significantly higher than what has been approved in the past by this Board; that certain circumstances have allowed for up to a twenty (20%) percent floor area ratio, however this is proposing nearly forty (40%) percent exceeding; that he feels that the house is beautiful however he has concerns and does not want to set a negative precedence and would like to have the size of this addition reduced closer to thirty-six (36%) percent; that this is an undersized lot, however this is only undersized by thirty-six (34 S.F.) square feet; that the lot is not undersized enough to justify the floor area ratio requested. Mr. Valentine also asked what square footage is being proposed?

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Chairman Bosco agreed with Mr. Valentine, as did Ms. Castelli.

Mr. Quinn asked if the floor area ratio calculated in the proposal includes the porches and the garage?

Jennifer Lucas, testified that she will need to get back to the Board with the square footage information; that floor area ratio calculated does include the porches and garage; and that they would like to ask for a continuance.

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 August 6, 2025 meeting:

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

Also present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Administrative Aide, Kate Belfiglio, Senior Clerk Typist.

ZBA# 25-08: Application of Lori McQuade, for variances from Zoning Code (Chapter 43), RG District, table 3.12, Group Q, Column 4 (Floor Area Ratio: 30% permitted, with .3598% proposed), Column 8 (Front Yard Setback: 25' required, with 22'-5" proposed), section 5.221(e)(max building height: 20' permitted, with 25'-8" proposed) for first and second story additions and a new detached garage at a single-family dwelling. The premises are located at 125 E. George Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 4, Lot 44 in the RG zoning district.

At the August 6, 2025 meeting:

Jennifer Lucas, Architect, Lori McQuade & Timothy McQuade, Owners, appeared and testified.

The following documents were presented:

8. Architectural plans, McQuade Residence with the most recent revision date of April 19, 2025 signed and sealed by Jennifer Claire Lucas, R.A. (15 pages)
9. A letter dated April 19, 2025, from Jennifer L:ucas, Architect.

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

At the August 6, 2025 meeting:

Lori McQuade testified that this a cape style home with a garage; that they are removing the attached garage and proposing a new detached garage; that they will be using three (3') feet of that garage to extend the living space and then extending ten (10') feet back and adding a full second floor and a porch; that at their last appearance in front of the Board the floor area ratio (FAR) was higher; that they were advised to reduce the FAR to below thirty-six (36 %) percent and then to come back with the new proposal; that they have reduced the FAR to under the requested percentage and they have also reduced the building height by a foot; that they do not require a building height variance for this addition, they are within the guidelines of the regulations; that in response to the Chairman's question there are a few homes updated in the neighborhood that are similar to the proposed addition; that between Forrest and Lewis there have been multiple homes recently updated through the recent years.

Jennifer Lucas, Architect testified that her understanding was that the FAR was the only concern the Board needed her to address; that in speaking with the Acting Director, Rick Oliver he said the building height variance was not going to be required;

Chairman Bosco stated that this project has come back in front of the Board and presented an updated proposal and achieved what was recommended to them; that he does not believe there were any other concerns at their previous appearance; he also asked why on the analysis does it state the twenty-nine (29') feet is allowed and states that no variance is required

Denise Sullivan, Deputy Town Attorney, stated that this is an undersized lot; that on the denial dated February 5, 2025 the height variance was not noted, there were two variances required; that on the denial dated May 23, 2025 the height variance is present, there are three variances required; and that there must have been a change in the plans at some point.

Chairman Bosco asked if any of the homes in the neighborhood are similar to the requested proposal.

Mr. Bonomolo verified with the Architect that the measurement on the drawing for height that shows twenty-five feet (25'8") eight inches is for the center line.

Public Comment:

No Public Comment

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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 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 height variance has been removed, the floor area ratio as modified, and front yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions and garages exist in the area.
2. The requested height variance has been removed, the floor area ratio as modified, and front yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions and garages exist in the area.

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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 height variance has been removed, the floor area ratio as modified, and 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 additions and garages 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 height variance has been removed, the floor area ratio as modified, and front yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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BUILDING DEPARTMENT

The foregoing resolution to approve the application for the requested height variance has been removed, the floor area ratio as modified, and front yard variances are APPROVED; was presented and moved by Mr. DeRobertis, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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: August 6, 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 OF ORANGETOWN
2025 SEP 10 A 10:53
TOWN CLERK'S OFFICE

DECISION
SIDE YARD, REAR YARD, AND TOTAL SIDE YARD VARIANCE APPROVED

To: Corinne Courtney(Barbalat)
513 Western Highway
Blauvelt, New York

ZBA #25-28
Date: August 6, 2025
Permit # BLDR-6751-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-28: Application of Yosef Barbalat, Owner, for variances from Zoning Code (Chapter 43), R-40 District, Group E, Section 5.21(a) small lot applies. Section 3.12, Column 9(side yard: 20' required, with 9'-6" proposed), Column 10(total side yard: 40' required, with 15.1' proposed), and from Column 11(Rear yard: 50' required, with 22' 9" proposed) for a deck at an existing single-family residence. The premises are located at 513 Western Highway, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 9 in the R-40 zoning district.

Yosef Barbalat, Owner, appeared and testified.

The following documents were presented:

1. Architectural plans, 513 Western Highway with the most recent revision date of April 17, 2025 signed and sealed by Jenny R. Zuniga-Casal, R.A., (2 pages).
2. A document submitted by Jenny R. Zuniga-Casal, R.A., dated June 24, 2025 with the revised bulk table for this project.
3. Survey dated May 3, 2021 certified by Robert R. Rahnefeld, P.L.S.
4. A letter dated June 26, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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

Yosef Barbalat, Owner, testified that he is aware that most often the concern with these variances would be that there could be an effect on the neighbors; that his property however does not have neighbors; that next to this property is a parking lot to a church; that the only additional changes being made to the home are the double doors to the deck; and the reason for submitting the zone is wrong on the one on the plan

Mr. Quinn asked the Applicant if he will be adding a deck to the house; he also stated that the 9'6" side yard is due to the angle of the property to the deck; that currently the rear yard measurement is fifteen(15') feet to the house, and the current proposal in front of the Board is for a rear yard measurement of nine-feet six(9'6") inches to the new deck; that this would accordingly then change the total side yard; also that because of the depth of the deck, which is sixteen (16") feet this would change the back; and that these are the changes that are taking place because of the deck. Mr. Quinn also verified that there are no additional changes being made, with the exception of double doors leading out to the deck.
arch of record did provide

Denise Sullivan, Deputy Town Attorney, stated that the bulk table has been supplied to the Board by the Architect as a separate document, per her recommendations, with the understanding that when or if this application were to be approved the bulk table on the drawings would need to be revised.

Chairman Bosco stated that there is an existing bulk table shown on drawing A-1, however the Board will refer to the bulk table provided by their Architect, separately; and that the Applicant will need update the plans accordingly post decision, prior to stamping.

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

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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 side yard, rear yard, and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Abutting the property, at the location of where the deck is to be placed, is a church parking lot which will not be affected by the reasonably sized deck.
2. The requested side yard, rear yard, and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Abutting the property, at the location of where the deck is to be placed, is a church parking lot which will not be affected by the reasonably sized deck.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard, rear yard, and total side yard variances although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Abutting the property, at the location of where the deck is to be placed, is a church parking lot which will not be affected by the reasonably sized deck.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

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

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.

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

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

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

The foregoing resolution to approve the application for the requested side yard, rear yard, and total side yard variances are APPROVED; was presented and moved by Mr. Quinn, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and ; Mr. Valentine, aye. 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: August 6, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

DECISION
SIDE YARD, FRONT YARD 14'5" AS MODIFIED, REAR YARD, AND FLOOR AREA RATIO VARIANCES APPROVED WITH AN OVERRIDE AND CONDITIONS.

To: Karen and Raymond Morrissey
29 Haven Terrace
Pearl River, New York

ZBA #25-29
Date: August 6, 2025
Permit # BLDR-7122-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-29: Application of Karen and Raymond Morrissey, Owner, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 3.12, Column 9(side yard: 20' required, with 19'.5" proposed), Column 4(floor area ratio: (.20) .166 existing, with 0.268 proposed), Column 8(front yard: (30') 25'.7" existing non-conforming, 16'.5" proposed), Column 11(rear yard: (35') 26' existing non-conforming, 30' proposed) for an addition, a covered porch, and a deck at an existing single-family residence. The premises are located at 29 Haven Terrace, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.18, Block 4, Lot 8 in the R-15 zoning district.

Karen and Raymond Morrissey, Owner, appeared and testified.

The following documents were presented:

1. Architectural plan, Morrissey Residence dates January 9, 2025 signed and sealed by Harry J. Goldstein, R.A., (3 pages).
2. Survey dated January 1975 certified by Donald J. Cavan, P.E. & L.S.
3. A letter dated July 23, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated August 5, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
5. A computer-generated picture of the side yard of the home, supplied by the Applicant, Karen Morrissey, at the time of the Zoning Board meeting on August 6, 2025.
6. A letter dated August 6, 2025 from Madeline Colon, 39 Haven Terrace, Pearl River, New York.
7. A letter dated August 6, 2025 from 36 Haven Terrace, Pearl River, New York.
8. A letter dated August 6, 2025 from Erin Madden, 32 Haven Terrace, Pearl River, New York.
9. A letter dated August 6, 2025 from Kevin Walsh, 10 Haven Terrace, Pearl River, New York.
10. A letter dated August 6, 2025 from Brian S. Miller, 24 Haven Terrace, Pearl River, New York.
11. A letter dated August 6, 2025 from Stephen Carlsen, 16 Haven Terrace, Pearl River, New York.
12. A letter dated August 6, 2025 from Jennifer Grogan, 40 Haven Terrace, Pearl River, New York.
13. A letter dated August 6, 2025 from Trudi Dillbaldo, 30 Haven Terrace, Pearl River, New York.

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

Karen Morrissey, Owner, testified that they would like to put on an addition to their home; that they would then like to have her elderly father reside with them; that when their Architect, Harry Goldstein, worked with them on the their plans there were not a lot of options for locations of the addition; that the purpose of the addition extending out from the side of the house is in order to increase their living room size; that they will also be adding a bedroom with a handicap bathroom and a closet, for her Father; that due to the existing space being so small they will need to add enough space for her Dad to maneuver through the home with his walker; that they will continue to only have one kitchen; that the front steps to the home will not be changing; that the garage line is the addition which is staying the same; that she has also brought letters with her in support of the project, from eight out of her nine neighbors; and that if looking at the provided pictures, the side yard has a school as the abutting neighbor.

Raymond Morrissey, Owner, testified that this addition is being done entirely to assist his Father-in-law who is recovering from having a broken hip; that currently the home that he lives in keeps him trapped because it's all stairs.

Mr. Quinn questioned the applicant that this is an addition to a single-family home, for additional living space? and that the Applicants are not proposing a mother daughter home.

Chairman Bosco stated that one of the variances is for an existing condition; that the sixteen point five (16.5') feet is an existing measurement; that this property has six existing front steps, however the measurement to the second step should be the measurement for the front yard variance; that there would be a need for a larger variance due to the measurement location; that the front yard variance should be revised to fourteen feet five (14'5") inches to the second step; that the measurement of twenty-five feet seven (25'7") inches is also an existing measurement; that the addition stays in line with the house; that although the measurement of nineteen point five (19.5') feet is a new measurement, it is just below the twenty (20') foot requirement.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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 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 side yard, front yard 14'5" as modified, rear yard, and floor area ratio variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The front yard and side yard variances are for existing measurements. There were several letters of support from the neighbors.
2. The Board voted to override comment #1 of the letter dated July 23, 2025 from Rockland County Department of Planning at the applicant's request because the front and side yard variances are existing measurements.
3. The requested side yard, front yard 14'5" as modified, rear yard, and floor area ratio variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions exist in the area.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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5. The requested side yard, front yard 14'5" as modified, rear yard, and floor area ratio 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 additions exist in the area.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard, front yard 14'5" as modified, rear yard, and floor area ratio variances are APPROVED; and FURTHER RESOLVED, with the Specific Condition (1)The Designated Street line needs to be added to the approved plan;(2)The bulk table and measurements on the plans need to be updated to reflect the modified front yard variance; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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The foregoing resolution to approve the application for the requested side yard, front yard 14'5" as modified, rear yard, and floor area ratio variances are APPROVED; and FURTHER RESOLVED, with the Specific Condition (1)The Designated Street line needs to be added to the approved plan;(2)The bulk table and measurements on the plans need to be updated to reflect the modified front yard variance; was presented and moved by Mr. DeRobertis, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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: August 6, 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

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DECISION

NO USE VARIANCE REQUIRED. USE PERMITTED BY RIGHT IN CO DISTRICT.

To: Christopher Ross(RAUSA Tattoo)
16 Calico Place
Congers, New York

ZBA #25-30
Date: August 6, 2025
Permit # BLDC-7091-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-30: Application of RAUSA Tattoo, Owner, for variances from Zoning Code (Chapter 43), CO District, Section 3.11, Column 2(Use not permitted by right in a CO district) for a tattoo business to occupy an existing building. The premises are located at 274 N Middletown Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.09, Block 1, Lot 39 in the CO zoning district.

Christopher Ross, Owner, appeared and testified.

The following documents were presented:

1. Site plan, MS&O1 with the most recent revision date of January 20, 1983 signed and sealed by Michael Esmay, R.A., (1 page).
2. Room layout drawing, received June 11, 2025, submitted with Zoning Board Application (1 pages).
3. An Entity Disclosure Form from RAUSA tattoo, received June 11, 2025.
4. An Entity Disclosure Form from Messer & Susslin & Others, Inc., received June 11, 2025.
5. Pictures submitted by the Applicant, Christopher Ross, at the Zoning Board Meeting of August 6, 2025, (6).
6. A letter dated July 24, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter dated August 5, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
8. An email dated August 6, 2025 from Neil Greskiewicz.

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

Christopher Ross, Owner, testified that he had looked into the property and saw that this was a commercial zone; that he was aware that his tattoo business would not fall under the categories listed under the types of work allowed in a commercial zone; that this will not be a store front; that this will operate more like an art studio; that there will be one client in the business with him at a time; that there will be no flashing lights or drinking or kids hanging out at this establishment; that he is not proposing to add any signage as he does not want any walk in clientele; that he is also an illustrator but will likely not be doing this at this location.

Chairman Bosco stated that he does not believe that this requires a special permit, nor is this not permitted in this zoning district; that he agrees with the letter received by the Rockland County Department of Planning dated July 24, 2025, that this falls under the categories of uses permitted by right; that there are other businesses at this location operating as well that are not explicitly listed in the code; that the property is set back in nature; that he does not agree with the business being referred to the Zoning Board; that he disagrees with the O.B.Z.P.A.E. decision to refer this application.

Chairman Bosco, in response to public comment, stated that the Applicant is not proposing signage at this time; that he is not asking for signs and he wants his business to operate on a client driven base; that the applicant does not prefer to have people knocking on the door, they are by appointment only.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9); which does not require SEQRA environmental review. The motion was seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine were absent.

Public Comment:

Robin Scheuer, 199 N Broadway, Nyack, testified that she would like to know why this project cannot have any signage?

Jacqueline Drechsler, 116 Sierra Vista, Valley Cottage, affirms that, she feels that this person is an artist and that this is the same as or similar to a person having an artist studio, or a wedding planner who would be planning a wedding; that he should be able to have his business at this location, simply.

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:

The ZBA considered the Applicant's request for a Use Variance and has reviewed the determination of Rick Oliver, Acting Director of the Orangetown Office of Building, Zoning and Planning, Administration and Enforcement (OBZPAE), that the Tattoo business requires a variance from Chapter 43, Table 3.11, Column 2, Uses permitted by right: This business is not explicitly listed as a permitted use within the Commercial Office (CO) zoning district. According to the Application this business will have a single employee and service one customer at time with an appointment. The proposed tattoo business is consistent with other uses potentially allowed within the CO zoning district, due to the limited scale and operation indicated. The Applicant's argument is that the proposal for the tattoo business was perceived at the time of leasing as a use permitted by right; that this will not be a store front; that he will be the only other occupant in the tattoo business with his clients, who are by appointment only, and that there are other businesses in the building that operate without being explicitly listed.

The Board found and concluded that the applicant is permitted by right to have the Tattoo Business without a variance required, that the Tattoo business is a use permitted by right in the CO district, and falls under the guidelines as such. A use variance is not required for the application as presented.

DECISION: On the basis of the foregoing Findings of Facts and Conclusion, and the testimony and documents presented, Chairman Bosco moved that the applicant is permitted to have this Tattoo business in the CO district as a use by right; as presented, which motion was seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine were absent; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

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General Conditions:

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

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

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

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

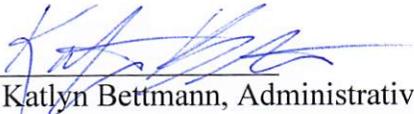
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown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

DECISION: On the basis of the foregoing Findings of Facts and Conclusion, and the testimony and documents presented, Chairman Bosco moved that the applicant is permitted to have this Tattoo business in the CO district as a use by right; as presented, which motion was seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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: August 6, 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

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DECISION
VARIANCE MODIFIED TO SPECIAL PERMIT PER SECTION 18.41 OF SOUTH NYACK CODE APPROVED WITH CONDITIONS.

To: Margaret Garcia(CSU Foundation Properties, Inc.)
171 Kings Highway
Orangeburg Cove, New York

ZBA #25-31
Date: August 6, 2025
Permit # BLDC-7008-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-31: Application of CSU Foundation Properties, Inc., Owner, for variances from Zoning Code (Chapter 43), Section 3.13 RG-OA District, Special Permit for...allowing...principle uses as a "private" school with accessory home occupations, per section 18.41, to be used as... "public" school with accessory home occupations, use proposed. Per Section 18.41, this is an existing non-conforming building. For the conversion of existing apartments to residence for faculty and students at an existing non-conforming building. The premises are located at 131 South Broadway, South Nyack, New York and identified on the Orangetown Tax Map as Section 66.54, Block 2, Lot 26 in the RG-OA zoning district.

Margaret Garcia, Architect, Walter Aurell, Architect, Nick Norwood, Director of Carson McCullers Center, appeared and testified.

The following documents were presented:

1. Plot plan, Foundation Properties Inc. dated April 7, 2025 signed and sealed by Jay A. Greenwell, PLS, (1 page).
2. Architectural plans, dated February 10, 2025 signed and sealed by Margaret R. Garcia, R.A., (18 pages).
3. An Entity Disclosure Form from CSU Foundation Properties, Inc, received on July 1, 2025.
4. An email dated August 1, 2025 from Margaret Garcia, AIA, with attachment, (2 Pages).
5. A letter dated July 25, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated August 5, 2025 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.
7. A letter received August 4, 2025 from the Village of Nyack signed by Robert Galvin, AICP.
8. An email dated July 19, 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 Mr. Bonomolo and carried unanimously.

Walter Aurell, Architect, testified that they have renovated the front of this house in a significant way; that they are rebuilding the porch and correcting a lot of the deterioration that had taken place over a number of years; that he would like to have Nick Norwood, who is the director of the Carson Colors Center, who flew up from Georgia give a synopsis of the project; that it is important to emphasize that this has been five non-conforming apartments since 1967; that the apartments that are being renovated for this new purpose are essentially the same and in the same location; that what they're doing is renovating them to a modern standard; that they met with Rick Oliver several times to review this project; that they spent a lot of time with Rick discussing the best way for this project to be presented; that they did not create this language into the referral, however they feel that Rick was looking for a principal use under the zoning code that this building fits with; that he feels at this point that the language of the denial is a semantic thing; that they are the applicants and they are describing what they are there applying to the Board for, accurately and truthfully; that Rick did the best that he could to describe the project, and he thought that this was not going to be a difficult variance to get an approval for; that currently this is a home with five dwelling units, each dwelling unit has a bedroom and there are common areas; that they have added square footage to create accessibility so that the can use the elevator to access the floors with a wheelchair, even out to the garden in the back where there are views of the Hudson River.

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Nick Norwood, Director of Carson McCullers Center, testified that they are going to use this as an artist and writer residency space; that the house was divided into five apartments as a suggestion of the previous owner's friend Tennessee Reeves, and then she rented out the space; that they took over the house because it was bequeathed to them by Mary Mercer; that they continued to lease the space, which was in the will; that they will continue to lease the space to the current residents for a period of up to three years; that they ended up leasing the space to him for closer to eight years; that they are now moving towards using the house to make a residency for artists and writers and musicians and so on; that they'll also bring up their own students in the summer, eight students at a time for a three week period; that they will also have a faculty who will use the space for a limited time of about 10 days; that there will be no permanent residency; that they will not be leasing the property to anyone; that the amount that the house will be actually occupied will be less than it has been for the past fifty (50) years; that writer's, artists, musicians, scholars, etc., will apply for residency fellowships in those creative fields; that this is often done; that they also own and have been running a writer's residency, The Carson McCullers childhood home in Columbus, Georgia for twenty (20) years; that this is important for writers like these because it frees them from having to pay rent so they can have a place to live and work; that this is a fulfilling experience; that the vision according to the documentary Mercer, a longtime resident of this area, who was a close friend of Carson McCuller, stated that the house was purchased then it was leased out; that when they became the official stewards of the McCullers legacy, she wanted to bequeath the house and for it to become an artist's residency; that she also gave some other things, many artifacts related to Carson McCullers, etc.; that to make good on their promise to her that this is what they're proposing to do; that they have two residencies in the fall and two in the spring; that then in the summer they have a three-week study away program; that for this program they'll bring out eight or so students from Columbus, Georgia to this location to live in the proposed house, go into the city, go to the museums, etc.; that the longest amount of time an occupant would reside in the home is one month; that what they are planning to have two concurrent sessions in the fall; that then for the duration of the time, there will likely be no occupants residing in the home; that they do however plan to have community based programs at the location; that they have been running community based writing workshops there as well; that on occasion they will have poetry reads, they have had it open for a reception, and a lot of people want to come in and see the house due to the home belonging to Carson McCullers; that there's a lot of famous writers and people that were in this house and they have the artifacts that are related to that; that this has actually been four non-conforming apartments since 1951, as Carson herself was living in one and renting the rest; that we are not a private school, we are a public institution and a state public institution in Georgia; that they own the house in Columbus, Georgia as well as a house in Oxford, England, and their Foundation is setup in Britian; that they just recently received their letter from the New York State Department Education Department, giving them approval for New York credits; that he would like to thank everyone for coming out in support of the project; that he is happy to hear what some of the concerns are; that they want to work with the community and make this project work; that although there may not always be occupants living in the home, the house will not be empty; that there will be a site director monitoring the house, there will be no one sleeping in the house; that they have events throughout the year; that this year they had four or five, which will now have a slight increase, however there will be no rock concerts, they will mostly be poetry events.

Margaret Garcia, Architect, testified that the apartment building itself has been in disrepair; that the elements are taking effect on the house; that the sprinkler needs updating to meet the current code and to be in ADA compliance; that there is also an elevator system that exists in there that used to be operated; that they're going to be upgrading all of the infrastructure to meet current code and adding ADA compliance by having a ramp in the front from the street level down to the front door; that the renovations will make it so that one person could go through the house to the elevator that goes down to the basement floor and into the garden; that the house will be fully accessible except for the second and third floor, which will be the first time that this has been accessible; that the ADA compliance of the code compliances is the significant thing, as this is a requirement for permitting; that there seems to be a questions from the Board as to whether this is a private school versus public school; that currently this is designated as an existing non-conforming five bedroom house; that they are adding the elevator to the back of the house and bumped out the porch three (3') feet to the East; that the space below is remaining the same; that there will be a managing agent for this site; and that the previously existing bluestone which was in the yard of the house is being taken away.

Denise Sullivan, Deputy Town Attorney, stated that the applicants bringing this project into ADA compliance is per the Town of Orangetown Town code; that every question she had asked prior to their Board appearance was for a specific reason; that it was unclear what the intended use of the property was to be; that she asked the Applicant's to provide a narrative to make it clear being that it looked as though the project was stating that they were going to be a private school, and were going to be a public school, and were going to rent it, and were going to give credits for attending; that there are five apartments, but did the use lapse since they were last rented; that if you haven't used the property as a rental for one year, the use lapses and you're not allowed to use it as an apartment anymore; that she is aware they started construction at this property, is this a hazardous zone and you were unable to rent it; that the other thing that need clarification was the school credits; that she believes that they will need New York State Education Department physical approval, if any of those students are getting credits; that there is information on the New York State Education Department website that you can look up when physical approval is required; that this was referred to as a home occupation and she could not identify who this would be a home occupation for; that she was wondering if this was going to be a dorm; that this says Public school, and then it says private school, subject to 12.41; that she believes this falls under Chapter 43 Section 18.41 of the South Nyack regulations, which would be Special conditional permitted use of a philanthropic charitable institution, due to the Foundation being the owners of this property; that the foundation was left the property indirectly; that Mrs. Dr. Mercer left the property to the school, the school transferred the property to this foundation that has a charitable or foundation purpose; that this purpose is to own property for the university; that it is also clear on their bulk table even though this is a public College school of the State of Georgia; that maybe the home occupation was for the purpose of the art studio, however she is unsure.

Chairman Bosco stated that it is difficult for the Board to make a clear decision based on the information received; that he understands clearly what he is being told which, which all sounds great, however that is not what was written in the denial issued by the O.B.Z.P.A.E.; that although their decisions are based on facts and testimony, he is unable to interpret that and made a decision based on what is being explained to the Board currently; that he feels that is confusing as to what the Board is here to look at; that he believe what he has heard from the Applicants at this Board meeting is what they should've been submitted as well, however that is not the case; that in this case the application states private school, public school, and home occupation; that they are looking at an application for allowing a principal use as a private school with an accessory home occupation, under section 18.41; that he does see however to the Applicant's point, that on their land use board application it states repairs and renovations to an existing non-conforming five family dwelling into a residence for visiting students and faculty from Columbus State University; that however when they saw their referral from the Building Department, if they disagreed with the language they should have questioned that it did not match their description; that he believes that what the Applicants are currently stating to the Board is what the intended use of the property was meant to be, however it unclear on the process in how it got here and why it being referred to the Board in this manner;

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 seeks variances with regard to the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meeting building, energy, or fire codes; and/or reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit; and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part, this application is exempt from environmental review under the State Environmental Quality Review Act pursuant to SEQRA Regulation 617.5(C)(2) and/or (18). The motion was seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine were absent.

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Public Comment:

Charles McCarry, 138 Piermont Avenue, South Nyack, New York, testified that he enthusiastically supports this project; that he hopes that what comes of the mission of the McCullers is similar to that of the O'Neill center in Connecticut, which is a lower octane setting with people coming there to spend time, work on their craft, and then they leave; that at time there may be a play or something of that nature; that however he would also not like to have a rock band at in the middle of the night; that he would like to see the paperwork get fixed and make this project happen; that in the rear of the property towards his house there is approximately one hundred and eight (108 S.F.) square feet of a large pile of bluestone; that he is wondering if there needs to be any drainage addressed and to make sure that there is enough percolation before it gets sucked into his kitchen; and that he has concerns of the house with no one in it for months at a time and recommends an occasional walk throughs. Charles McCarry testified again that if there are public facing events parking does become an issue and the church block across the street could probably make an arrangement to help with that.

Roger Cohen, 3 Main Street, Nyack, New York, testified that the Village of Nyack is full of art, soul, painting, theatre, etc; that this would be the perfect match; that he loves the concept; that as the President of Chamber of Commerce, the more people they can bring into the Village, the more vitality will continue to rise.

Jackie Drechsler, 116 Sierra Vista Lane, Valley Cottage, New York, affirms that her brother fifty years ago was the first artist in residence at the Rockland Center for the Arts; that artist and residents programs are fantastic; that they have had these programs all over the world; that she is speaking for my sister who couldn't be there; that her sister is an artist a write and sometimes a songwriter; that her sister at one time was a curator panelist for small matters of great importance shows at the hopper house; that her sister also initiated two granted of literary and arts programs at the hopper house in Rockland County NY state counsel of the arts; that she herself is a flutist, has played rock and roll, jazz, and classical; that her best fun was playing in an electric belly dancing band; that she was honored to be an arts counselor recipient for performance; that she comes from a family that loves all of the arts and hopes that this renovation can come to fruition; that she is thrilled that this may happen; that she believes that there is room for another art center at the other end of town.

Matthew DuBeau, 26 Guessner Avenue, South Nyack, New York, testified that he is speaking as a South Nyack neighbor; that he agrees with what has been said by the other public members; that the home is surrounded with mix use properties; that several have been converted into multi-family just as this was years ago; that this conforms well with the neighborhood; that this is a sensitive renovation; and that he would be happy to have them as neighbors.

John Dunnigan, 6 S. Broadway, Nyack, New York, testified that he encourages the Boards' approval of this plan; that the McCullers house is a gift to Nyack; that her residence has been a gift as well because of Mary Mercer who purchased the home and upon her death this was kept as apartments just the same as Carson had for years; that now she bequeathed this home to the college for it to move on as such; that my sentiment is that she would appreciate this being done this way; that this should be a discussion to straighten out in terms of the language, so the Board can grant this approval.

Tristan Dunnigan, 6 S Broadway, Nyack, New York, testified that he was born and raised in Nyack his whole life; that they are the owners of a local book shop; that they are invested in the literary world; that he is on board of directors, he is an antiques dealer; that the President of "Visit Nyack" couldn't attend the meeting but also wanted to show his support as; that he appreciates the history of Nyack; that this project is centered around and will help curate the arts and an invest in the Village and not fall on the tax payers; that the hopper house brings year round tourism; that this will help foster the arts communities which is a win all around; that he understands there are specifics and paperwork to be worked out, but to hold things up for real life things will have vast affect.

Sue Odierna, 4 Salisbury Point, S. Nyack, New York, testified that she agrees with the previous public speaking members; that she is new to the Village; that she was raised in Queens, and raised her children in Mamaroneck; that she loves looking at the river; that she believes this is a wonderful idea, its beautiful; that she believes it seems to be some paperwork that needs to be sorted out; that she does not however like the idea of the house being empty for several months out of the year; that she would like if it was open to the community for tours.

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:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the following Special Findings for the proposed Special Permit Use, as per Zoning Code Section 4.31, have been satisfactorily satisfied, for the following reasons:

1. The approved Special Permit will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.

2. The granting of this Special Permit will not cause undue traffic congestion or create a traffic hazard. The granting of this Special Permit is for Special conditional permitted use of a philanthropic charitable institution.

3. The granting of this Special Permit will not create, at any point of determination set forth in Zoning Code Sections 4.16, 4.17 and 4.18 any more dangerous and objectionable elements, referred to in Section 4.11 than is characteristic of the uses expressly permitted as of right in the same Zoning District.

4. The approved Special Permit will not adversely affect the character of or property values in the area. The property has been four non-conforming apartments since 1951, and is in need of restoration and ADA compliance; they will now be using the house as a residency for students and faculty who are artists, writers, and musicians to earn credits while developing their craft in a community-based setting.

5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town. The property has been four non-conforming apartments since 1951, and is in need of restoration and ADA compliance; they will now be using the house as a residency for students and faculty who are artists, writers, and musicians to earn credits while developing their craft in a community-based setting.

TOWN OF ORANGETOWN
707 SEP 10 7 10 55 AM '07

6. The approved Special Permit will comply with all other regulations applicable to such use. For all Special Permit Uses a proposed plan, showing the size and location of the lot, design and location of the proposed facilities (including access drives, screening and streets within 1,000 feet) and a detailed description thereof must be submitted in accordance with rules prescribed by the Board (if any).

7. Before any approval of the Special Permit is granted, the applicant must secure approval of the proposed structure by the Town Engineer or the consulting engineers for the Town of Orangetown, if same has been requested or is otherwise required.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the Special Permit for the Special conditional permitted use of a philanthropic charitable institution is APPROVED; with the following SPECIFIC CONDITIONS:(1) The Historical Preservation Office shall be given the opportunity to review this proposal and provide any comments and concerns;(2) 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; 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.

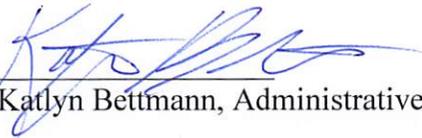
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Special Permit for the commercial parking lot is APPROVED for FIVE YEARS; with the following SPECIFIC CONDITIONS;(1) The Historical Preservation Office shall be given the opportunity to review this proposal and provide any comments and concerns;(2) 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 Chairman Bosco, seconded by Mr. Bonomolo and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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: August 6, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2025 SEP 10 A 10: 56
TOWN CLERK'S OFFICE

DECISION
FLOOR AREA RATIO VARIANCE APPROVED

To: John Perkins(Wilson)

P.O. Box 271

Tomkins Cove, New York

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA #25-32

Date: August 6, 2025

Permit # BLDR-7293-25

ZBA#25-32: Application of Christine and Christopher Wilson, Owner, for variances from Zoning Code (Chapter 43), R-15 District, table 3.12, Group M, Column 4 (Floor Area Ratio: .20 permitted, with .262 proposed), section 5.21(e) small lot applies, for an addition at a single-family dwelling. The premises are located at 46 Duhaime Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 69.10, Block 2, Lot 23 in the R-15 zoning district.

Christopher Wilson, Owner, and John Perkins, Architect, appeared and testified.

The following documents were presented:

1. Plot plan, Wilson Residence dated May 25, 2025 signed and sealed by Paul Gidanski, P.E., PLLC, (1 page).
2. Architectural plans, with the most recent revision date of May 19, 2025 signed and sealed by John Perkins, R.A., (3 pages).
3. Survey dated November 17, 2024 signed and sealed by Anthony Celentano, P.L.S.
4. A letter dated May 16, 2025 from Christine & Christopher Wilson giving authorization to John Perkins, Architect, to represent them as their Agent for the Zoning Board.
5. A letter dated July 25, 2025 from Michael Kleber, 34 Duhaime Road, Pearl River, New York.
6. A letter dated July 29, 2025 from Martin & Margaret Kerley, 51 Casazza Place, Pearl River, New York.
7. A letter dated July 9, 2025 from Suzanne Bates & James Reiley, 52 Duhaime Road, Pearl River, New York.
8. A letter dated July 22, 2025 from Tommy & Sabrina Gernon, 39 Duhaime Road, Pearl River, New York.
9. A letter dated July 20, 2025 from James & Melissa Morris, 40 Duhaime Road, Pearl River, New York.

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

John Perkins, Architect, testified that this is a single-story addition off the rear of an existing single-story single-family dwelling; that all of the setbacks conform to the current standards of the R-15 zoning regulations; that the thirteen point five (13.5') foot designated side yard measurement is the existing house; that the side yard setback will increase to fifteen (15') feet at the side yard for the proposed addition; that the variances they are requesting are for: 1) undersized lot for width 2) undersized lot for square footage as well as 3) floor area ratio; that the lot width is seventy five (75') feet; that they are adding nine-hundred and eighty-six (986') feet to the main level for purposed of a new master bedroom suite; that there is an existing three bedroom home at this time; that they intend to repurpose the three bedroom for the children's exclusive use; that they would then be adding an additional bedroom at the rear of the house for the purpose of the master bedroom suite; that the addition will be at the back right corner of the home with a small addition to the kitchen area at the rear; that the addition extends outward at the corner and continues outwards slightly in the kitchen area, with the deck area; that the setback increase at the right rear corner to fifteen (15') feet, whereas presently the setback is thirteen point five (13.5') feet; that the side yard at the left side will remain unaffected and conform; that the rear yard setback conforms at fifty-four point six (54.6') feet; that the extension from the kitchen will project into the rear yard; that there is also the deck area at the rear left corner; that the rear yard has the master bedroom suite and the sliding glass door at the kitchen area; that there is post and beam construction below, with three additional windows added to the right side and the back; that the foundation is also post and beam, nothing being done at the basement level, the extension mostly occurs at the first floor; that they will be adding approximately nine (9') feet to ten (10') feet to the kitchen area for purposed of a breakfast nook; that presently the house is very small and they would like to designate more room for the kitchen area for the eating area and the sliding glass doors; that the proposed drainage is at the rear for special mitigation; that the rainwater pitches to the proposed drywell system at the rear; and that they have five unique letters of support from the neighbors

Christopher Wilson, Owner, testified that him and his family have lived in the home for fourteen years.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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 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 floor area ratio variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions exist in the area.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions 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 floor area ratio 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. Similar additions 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 floor area ratio 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
2025 SEP 10 A 10:59
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 variance is APPROVED; was presented and moved by Mr. Bonomolo, seconded by Mr. Quinn and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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: August 6, 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 10 A 10:56
TOWN OF ORANGETOWN

DECISION
FLOOR AREA RATIO AND REAR YARD VARIANCES APPROVED WITH AN
OVERRIDE.

To: Nicolas Morisset
3 Conor Court
Tappan, New York

ZBA #25-33
Date: August 6, 2025
Permit# BLDR- 7305-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#25-33: Application of Nicole and Nicolas Morisset, Owner, for variances from Zoning Code (Chapter 43), R-15 District, Group M, Section 3.12, Column 4(floor area ratio: .20 required, with .215 proposed, and Column 11(rear yard: 35' required, with 23.83' and 22.16' proposed) for an addition at an existing single-family residence. The premises are located at 3 Conor Court, Tappan, New York and identified on the Orangetown Tax Map as Section 77.11, Block 1, Lot 28.3 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, August 6, 2025 at which time the Board made the determination hereinafter set forth.

Nicolas Morisset, Owner, and Robert Palmerini, Architect, appeared and testified.

Nicolas Morisset, Owner, and Robert Palmerini, Architect, appeared and testified.

The following documents were presented:

1. As-built site plans, 3 Conor Court Residence dated October 25, 2010 signed and sealed by Jon Fellgraff, A.I.A., (1 page).
2. Architectural plans, dated May 22, 2025 signed and sealed by Roberto M. Palmerini, R.A., (3 pages).
3. Survey dated October 18, 2000 signed and sealed by John E. Collazuol, P.E., & L.S.
4. Computer generated pictures submitted by the Applicant, Nicolas Morisset, at the Zoning Board Meeting of August 6, 2025.
5. A letter dated July 25, 2025 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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

Nicolas Morisset, Owner, testified that the previous owners to this home had put on a addition that required a variance; that they would like to remove that addition and replace it; that he does not feel that the addition was done properly; that there are some concerns presented by the County of Rockland Department of Planning, however under the gazebo is open and the Sparkill Creek is nearly four hundred and eighty (480') feet away.

Robert Palmerini, Architect, testified that the Applicant is returning for an additional variance than what was previously granted; that this is an irregular lot with easements and sanitary sewers; that the side of the house pitches to a swale; that this is a one story structure and the floor height is the same as the main house; that this is the only feasible location for this addition; that the screening also somewhat dictates the location of the addition; that the back yard behind this property is condos and towards the back of the house is woods.

Denise Sullivan, Deputy Town Attorney, in response to the Rockland County Department of Planning letter, stated that on the filed subdivision map, 7309, she does not see any reference to any federal wetlands.

Chairman Bosco stated that as this project was sent to the Army Corp of Engineers for review, and they did not respond, or make any comments, that the Board may to override, you need a comma after "override" if they see fit, numbers two and three of the Rockland County Department of Planning letter that was received.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Chairman Bosco moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (e) (11), (12), (16) and/or (17); which does not require SEQRA 73 NMOL environmental review. The motion was seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. ~~fr8Si9dy\$M&I~~ Castelli and Mr. Valentine were absent.

NML39NVNO JO NMOL

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 floor area ratio and rear variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions exist in the area.
2. The Board voted to override comments #1, #2, #3, and #4 of the letter dated July 25, 2025 from Rockland County Department of Planning at the applicant's request because the addition proposed is off the ground, the Sparkill Creek is almost 500' away, and there was no comments submitted by the Army Corp. of Engineers.
3. 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. Similar additions exist in the area.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. 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. Similar additions exist in the area.
6. 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.

TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
SEP 10 10 51 AM '25

(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 Mr. Quinn, seconded by Mr. DeRobertis and carried as follows: Chairman Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; and Mr. DeRobertis, aye. Ms. Castelli and Mr. Valentine 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: August 6, 2025

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERK'S OFFICE
2025 SEP 10 A 10:56
TOWN OF ORANGETOWN