

DECISION

REAR YARD VARIANCE APPROVED

To: Johnny Lema(Rawls)
3 Sunny Ridge road
Spring Valley, New York

ZBA #26-07
Date: February 18, 2026
Permit # BLDR-7690-25

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#26-07: Application of Shanell Rawls, Owner, for variances from Zoning Code (Chapter 43), Section 3.12, R-15 District, Group M, Column 11(rear yard: 35’ required, 30.3’ proposed) to replace an existing 10’x14’ deck with a 12’ x 20’ deck, in the rear yard at an existing single-family residence. The premises are located at 1 N. Queens Court, Orangeburg, New York and identified on the Orangetown Tax Map as Section 74.20, Block 2, Lot 15 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, February 18, 2026 at which time the Board made the determination hereinafter set forth.

Shanell Rawls, Owner, appeared and testified.

The following documents were presented:

1. Plot plans, Rawls Residence dated August 7, 2025 by Johnny Lema, Contractor, (1 page).
2. Survey dated September 14, 1981, by Joseph Hapler, L.S.
3. A letter dated February 6, 2026 from Rockland County Department of Planning from Richard Schiafo, Deputy Commissioner.
4. A letter stating “This project is out of the jurisdiction of this agency and has no further comments” from Piermont Planning Board signed by David Leavy, Chair, dated February 11, 2026.
5. A letter dated February 18, 2026 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer II.

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

Shanell Rawls, Owner, testified that she purchased this home, with the deck existing, in 2022; that she hired a Contractor to make the deck bigger, and when filing the permit, she learned that they would need a variance; that the deck at the size it is now would still require a variance; that she would like to have a larger deck; that the existing deck has not changed since it was built.

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

Public Comment:

No public comment.

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

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

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

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FINDINGS OF FACT AND CONCLUSIONS:

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

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

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

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Mr. Kramer, seconded by Mr. DeRobertis and carried as follows: Acting Chairperson DeRobertis, aye; Mr. Bonomolo, aye; and Mr. Kramer, aye. Chairman Bosco, Mr. Valentine, and Ms. Castelli 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: February 18, 2026

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By:


Katlyn Bettmann, Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR- Ken L.

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HIGHWAY DEPARTMENT
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