

MINUTES
ZONING BOARD OF APPEALS
MARCH 16, 2016

MEMBERS PRESENT: DAN SULLIVAN
 THOMAS QUINN
 LEONARD FEROLDI, ALTERNATE
 MICHAEL BOSCO

ABSENT: PATRICIA CASTELLI
 JOAN SALOMON

ALSO PRESENT: Dennis Michaels, Esq. Deputy Town Attorney
 Ann Marie Ambrose, Official Stenographer
 Deborah Arbolino, Administrative Aide

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

PFIZER SIGNS 401 North Middletown Road Pearl River, N.Y. 68.08 / 1 / 5; LI & LO zone	SIGN VARIANCES APPROVED	ZBA#16-18
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KARAVANI 40 Horne Tooke Road Palisades, NY 80.05 / 1 / 5; R-40 zone	FRONT YARD VARIANCE APPROVED	ZBA#16-19
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VERIZON WIRELESS PERFORMANCE STANDARDS 2000 Corporate Drive Orangeburg, NY 73.15 / 1 / 19; LIO zone	PERFORMANCE STANDARDS APPROVED	ZBA#16-20
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TOWN OF ORANGE
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TOWN CLERK'S OFFICE

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: The Club at Pearl River Sign, Veterans Memorial Drive & Blue Hill South Road, Pearl River, NY; 73.10 / 1 / 4; OP zone; The Club at Pearl River Sign-Temporary Leasing, Veterans Memorial Drive & Blue Hill South Road, Pearl River, NY; 73.10 / 1 / 4; OP zone; The Saloon Roof Plan- Building Expansion, 45-49 West Central Avenue, Pearl River, NY; 68.16/ 1/ 9; CC zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 P.M.

Dated: March 16, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

DECISION

NUMBER OF SIGNS, SIZE OF SIGNS, AND LOCATION OF SIGNS VARIANCES APPROVED

To: Pfizer Inc. (Donn McMullen)
401 N. Middletown Road
Pearl River, New York 10965

ZBA #16-18
Date: March 16, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-18: Application of Pfizer for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 3.11, Column 5, # 6 referred to LIO District Section 3.11, Column 5 referred to LO District, Column 5, Item #11:[one (1) sign permitted: Two (2) signs proposed; 60 sq. Ft. permitted: 70 sq. ft. proposed; and 20' setback from lot line required: 14' proposed] for signs at an existing Research and Development property located at 401 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 16, 2016 at which time the Board made the determination hereinafter set forth.

Donn McMullen appeared and testified.

The following documents were presented:

1. Copy of site plan signed and sealed by Craig Lapinski, P.E. dated January 2016.(1 page)
2. Color pictures of the proposed signs by Fast Signs dated 08/14/2015 (3 pages).
3. A letter dated March 4, 2016 from the County of Rockland Department of Planning signed by Douglas Schuetz, Acting Commissioner of Planning.
4. A letter dated March 16, 2016 from the County of Rockland Highway Department signed by Sonny Lin, P.E..
5. A letter dated February 11, 2016 from the Town of Clarkstown signed by Shirley Thormann, Chairwoman, Clarkstown Planning Board.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (7); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli and Ms. Salomon were absent.

Donn McMullen testified that last year the property was subdivided and 22.9 acres were sold for R& D; that Pfizer's remaining property needs to be designated; that they are trying to make to the main entrance to the facility be from Crooked Hill Road and the newly named Pfizer Way; that they would like a sign at this entrance and if it was set back the required twenty feet it would not be noticed when you were driving down Crooked Hill Road; and this sign would be double sided for designation from the east and west of Crooked Hill Road; that the next sign is inside of the property on a tier planting and is one- sided to help designate the interior parking lot; that the rest of the signs would be on every other row of the parking lot to clearly designate that this is parking for Pfizer; that these signs would be two-sided and located on the lamp posts; and that these signs will be necessary to designate parking when the other property is fully

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utilized.

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.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. Bosco 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 number of signs, and location and size of signs, variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property has recently been subdivided and new signs are necessary to direct people to the proper facility and the size of the proposed signs are reasonable for the size of the lot.
2. The requested number of signs, and location and size of signs, variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property has recently been subdivided and new signs are necessary to direct people to the proper facility and the size of the proposed signs are reasonable for the size of the lot.
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 number of signs, and location and size of signs, variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The property has recently been subdivided and new signs are necessary to direct people to the proper facility and the size of the proposed signs are reasonable for the size of the lot.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, 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 variances.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested number of signs, and location and size of sign, variances are APPROVED, and a motion was made to over-ride the letter from the Rockland County Department of Planning dated March 4, 2016; 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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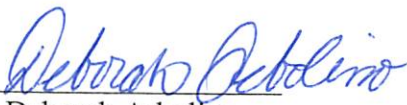
Pfizer Signs
ZBA#16-18
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The foregoing resolution to approve the application for the requested number of signs, and size and location of signs, variances and to override the Rockland County Department of Planning's letter dated March 4, 2016; was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ; and Mr. Sullivan, aye. Ms. Castelli and Ms. Salomon 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: March 16, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-N.A.

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

TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

DECISION

FRONT YARD VARIANCE APPROVED (SEE ADDITIONAL EXCEPTIONS)

To: Laina Karavani
40 Horne Tookey Road
Palisades, New York 10964

ZBA #16-19
Date: March 16, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-19: Application of Laina Karavani for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Section 3.12, Group E, Column 8 (Front Yard: 50' required, 42.71' proposed) for an addition to an existing single-family residence. The premises are located at 40 Horne Tookey Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 80.05, Block 1, Lot 5; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 16, 2016 at which time the Board made the determination hereinafter set forth.

Laina Karavani and Joshua Vaughn appeared and testified.

The following documents were presented:

1. Architectural plans with site plan with the latest date of 10/27/2015 (3 pages) not signed or sealed by Robert Hoene, Architect.
2. A letter dated February 9, 2016 from the County of Rockland Division of Environmental Health signed by Scott McKane, P.E., Senior Public Health Engineer.
3. A letter dated March 3, 2016 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated March 16, 2016 from the Rockland County Highway Department signed by Sonny Lin, P.E..

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli and Ms. Salomon were absent.

Laina Karavani testified that she needs to add a master bedroom, with a master bathroom that is handicap accessible; that she is adding the minimal amount possible to achieve these goals; that the house is situated on a corner lot which means that she has two front yards and because of the location of the existing plumbing she is adding on behind the existing kitchen; that ideally she would have liked to go straight back with the existing line of the house but she didn't want to ask to increase the non-conforming front yard and doing this would increase it slightly because of the curve of the property; and that she appreciates the Board considering this because it would allow for a comfortable hallway and bathroom.

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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.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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 front yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house is on a corner lot that has two front yards and the applicant needs to have handicap accessibility.
2. The Board is allowing the applicant to submit revised plans that would allow a wider hallway and larger handicap accessible bathroom that would create no less than a 35' front yard setback from the northeast corner of the proposed addition.
3. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house is on a corner lot that has two front yards and the applicant needs to have handicap accessibility.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
5. The requested front yard variance is not substantial. The house is on a corner lot that has two front yards and the applicant needs to have handicap accessibility.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, 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 variances.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested front yard variance is APPROVED; and, alternatively, Resolved to approve the Horne Took Road Front Yard setback of no less than 35' at the northeast corner of the proposed addition, subject to the Applicant submitting a revised Site Plan, Bulk Table and Architectural elevations (if applicable) depicting this 35' setback in form satisfactory to the Building Inspector; 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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The foregoing resolution to approve the application for the requested front yard variance as requested and submitted; and, alternatively, to approve the Horne Took Road Front Yard setback of no less than 35' at the northeast corner of the proposed addition, subject to the Applicant submitting a revised Site Plan, Bulk Table and Architectural elevations (if applicable) depicting this 35' setback in form satisfactory to the Building Inspector; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli and Ms. Salomon 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: March 16, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-G.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 CLERKS OFFICE

DECISION

PERFORMANCE STANDARDS APPROVED

To: Donald Brenner (Verizon)
4 Independence Avenue
Tappan, New York 10983

ZBA #16-20
Date: March 16, 2016

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-20: Application of Verizon Wireless Fuel Storage Plan for Performance Standards from Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Group CC, Section 4.1 for an additional fuel storage tank. The facility is located at 2000 Corporate Drive, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 16, 2016 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Rich Buckley, P.E., and Joe Modafferri, P.E., appeared and testified.

The following documents were presented:

1. Plans labeled "Verizon Wireless Fuel Storage Expansion" signed and sealed by Richard Jon Pearson, P.E., (25 pages).
2. Performance Standards Resume of Operation and Equipment form.
3. Fire Prevention Supplement dated 02/11/2016.
4. Material Safety Data Sheets (12pages).
5. A letter dated March 11, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A memorandum dated March 9, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.
7. A letter dated March 16, 2016 from the Department of Environmental Management and Engineering, Town of Orangetown, signed by Joseph J. Moran, P.E., Commissioner; with an attachment dated February 23, 2016 from Bruce Peters, P.E., Engineer III, Town of Orangetown.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application entails the ZBA engaging in a review to determine compliance with technical requirements, this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28). The motion was seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Salomon and Ms. Castelli were absent.

Donald Brenner testified that the application has been before the Planning Board and ACABOR; that the prior decision of the Zoning Board approved a diesel tank; that they have no objections to the comments from Michael Bettmann or DEME, however he knows that the sewer pipe was installed in 1936 and that it was not used since 1942 and he doesn't know if it is still there but he will show it on the plans.

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Rich, Buckley, P.E., testified that the tank is a 30,000 gallon tank; that it will be in compliance with all the EPA regulations; that the tank is located on the north side of the building and the day care center is located on the south side of the building; that this will be the main tank and it will be filled and from there it is pumped to the existing double walled belly tanks; that there are submersibles in the main tank and overflow tanks per containment area; that there is a control failure and it can't go back from over flow to belly; that it is automated and redundant; that the bypass is also redundant and they are not adding by overflow' the foot valve maintains prime to pump and the procedure will be updated when the new tank is added.

The Board reviewed the Performance Standards and Fire Supplement forms.

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.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. Quinn and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

Based upon the information contained in the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement; the report dated March 16, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the memorandum dated February 23, 2016 from Bruce Peters, P.E., Engineer III, (D.E.M.E.); the report dated March 9, 2016 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and Orangetown B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED, that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: (1) that the Applicant adhere to all of the requirements set forth in the report by Chief Fire Inspector Bettmann, Town of Orangetown B.F.P., dated March 9, 2016; and (2) that the Applicant adhere to all of the requirements set forth by the report dated March 16, 2016 from Joseph J. Moran, P.E., Commissioner, D.E.M.E.; and (3) the attachment dated February 23, 2016 from Bruce Peters, P.E., Engineer III, D.E.M.E.

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Town of Orangetown; 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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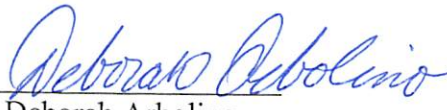
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested conformance to Performance Standards was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ; and Mr. Sullivan, aye. Ms. Castelli and Ms. Salomon 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: March 16, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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TOWN OF ORANGETOWN