

MINUTES
ZONING BOARD OF APPEALS
April 16, 2014

MEMBERS PRESENT:

MICHAEL BOSCO
THOMAS QUINN
DANIEL SULLIVAN, CHAIRMAN
LEONARD FEROLDI, ALTERNATE

ABSENT:

JOAN SALOMON
PATRICIA CASTELLI

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:

<u>APPLICANTS</u>	<u>PUBLISHED ITEMS</u>	<u>DECISIONS</u>
<u>CONTINUED ITEM:</u>		
LSI SERVICES 76.08 / 1 / 1; LIO zone	DEFERRED DECISION	ZBA#13-80
<u>NEW ITEMS:</u>		
PFIZER SUBDIVISION 68.08 / 1/ 1; LI & LIO zones	FLOOR AREA RATIO, REAR YARD, SIDE YARD, VARIANCES APPROVED	ZBA#14-25
JOYCE 77.08 / 3 / 29; RG zone	BUILDING HEIGHT VARIANCE APPROVED	ZBA#14-26
VOLTERRE/GEORGE 75.09 / 1 / 5; R-80 zone	FRONT YARD, AND REAR YARD VARIANCES APPROVED	ZBA#14-27

TOWN CLERKS OFFICE
2014 MAY 9 PM 1 33
TOWN OF ORANGETOWN

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Chairman 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: Walgreens Site Plan, 81 Route 303, Tappan, N.Y. 77.15 / 1 / 24; CS 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 10:00 P.M.

Dated: April 16, 2014

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

FLOOR AREA RATIO, REAR YARD AND SIDE YARD VARIANCES APPROVED

To: Don McMullen (Pfizer)
401 No. Middletown Road
Pearl River, New York 10965

ZBA # 14-25
Date: April 16, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-25: Application of Pfizer Subdivision Plan for variances from Chapter 43, of the Orangetown Code (Zoning), LIO District refers to LI District, Group QQ, Column 4 (Floor Area Ratio: .50 permitted, .53 proposed for lot 1A) and 11 (Rear Yard: 50' required, 30' proposed for bldg. 222, 49' proposed for bldg 194 for lot 1A) and the following variances are being requested for lot 1B: LI District, Group QQ, Columns 9 (Side Yard: 50' required, 5' proposed for bldg 49A; 9' proposed for bldg 54; 5' proposed for bldg 60A; 5' proposed for bldg 60; 20' proposed for 60F; 5' proposed for bldg 60E & 60G; and 11 (Rear Yard: 50' required, 9" proposed for lot 49A; 9' for lot 54; 5' for lot 60A; 5' for lot 60E; 5' and 15' for lot 60G; 15' for lot 60C, 22' for lot 60B) for a proposed two lot subdivision. The property is 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 1; in the LI & LIO zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 16, 2014 at which time the Board made the determination hereinafter set forth.

Brian Quinn, Attorney, Don McMullen, Pfizer, Kristen Solloway, P.E., appeared and testified.

The following documents were presented:

1. Overall Site Plan Lot 1 Subdivision dated January 2014 labeled CS-001 by Fuss & O' Neill, Inc.
2. Site Plan Lot 1 Subdivision dated January 2014 labeled CS-002 by Fuss & O' Neill, Inc.
3. Cover Sheet Lot 1 Subdivision dated 12/16/2011 by Fuss & O'Neill, Inc..
4. 200' Radius Map Lot 1 Subdivision dated January 2014 by Fuss & O'Neill, Inc.
5. A cover letter dated March 7, 2014 from Fuss & O'Neill.
6. Short Environmental Assessment Form.
7. A letter dated February 26, 2014 from John Giardiello, Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
8. Planning Board Decision #14-12 dated February 26, 2014.
9. A letter dated April 11, 2014 from the County of Rockland Department of Planning signed by Thomas Vanderbeek, Commissioner of Planning.
10. A letter dated March 24, 2014 from the County of Rockland Department of health signed by Scott McKane, P.E., Senior Public Health Engineer.
11. A letter dated April 9, 2014 from the County of Rockland Drainage Agency signed by Vincent Altieri.

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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 since the Planning Board noticed its intent to declare itself Lead Agency for this application and distributed its notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning board acting as Lead Agency for this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review on February 26, 2014 and rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action (i. e., A “Negative Declaration” or “Neg. Dec.”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations §617.6 (b) (3). The motion was seconded by Mr. Bosco and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Mr. Bosco, aye. Ms. Salomon and Ms. Castelli were absent.

Brian Quinn, Attorney, testified that the Pfizer site has 23 acres; that they are in the process of leasing some of the spaces out to manufacturing and research facilities; that in order to accomplish this they need to subdivide some of the property with existing buildings; that placing these lot lines is causing the need for the requested area variances; that there will be no construction at this time; that these changes will not be seen from the street; that the open campus will stay the same; that these lot lines do not change the look of the campus; that they are seeking to override #1 of the Rockland County Planning letter; that there is no need for parking variances; and that there will be no changes to the roadway.

Kristen Solloway, P.E., testified that there are no comments from the Dot or the Highway Department; that there will not be any cross parking; that he purchaser can see the setbacks; and that there will be easements granted for use of the existing roads.

Don McMullen, testified that each building has its own parking lot; that some of the lots are shut down right now; that 160 was the former Library; that 192 is standing power generator for building 200; that the roadway will be shared and 54 & 49 will be conveyed at sale; that the old laboratory building is labeled 60 A,B,C, etc., ; that all of those side and rear yard variances are for one building; and that no construction is planned.

Public Comment:

Kenneth Cully, 21 Nanuet Avenue, Nanuet, asked for clarification regarding the subdivision lines; and asked if there would be more building; stating that he had concerns regarding bad odors.

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.

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TOWN CLERKS OFFICE

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, rear yard and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The variances are being granted on two buildings that are at the center of a large campus and will not be noticed outside of the campus.
2. The requested floor area ratio, rear yard and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The variances are being granted on two buildings that are at the center of a large campus and will not be noticed outside of the campus.
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, rear yard and side yard 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 variances are being granted on two buildings that are at the center of a large campus and will not be noticed outside of the campus.
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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, rear yard and side yard variances are APPROVED; and the Board resolved to override modification or condition #1 of the Rockland County Planning Department letter dated 04/11/2014; 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 OF ORANGETOWN
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PLANNING OFFICE

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, rear yard and side yard variances and to override modification or condition #1 of the Rockland County Department of Planning letter dated April 11, 2014, was presented and moved by Mr. Bosco, 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.

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: April 16, 2014

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
2014 MAY 9 PM 1 34
TOWN OF ORANGETOWN

DECISION

BUILDING HEIGHT VARIANCE APPROVED

To: Dwight Joyce
2 Joyce Plaza
Stony Point, New York 10980

ZBA # 14- 26
Date: April 16, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-26: Application of Dwight Joyce for a variance from Chapter 43 (Zoning) of the Orangetown Code, Section 3.12, Group Q, RG District, Column 12 (Building Height: 13'4" permitted, 22' 11" proposed) for a new single-family residence. The premises are located at 3 Mary Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 3, Lot 29; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 16, 2014 at which time the Board made the determination hereinafter set forth.

Dwight Joyce appeared and testified.

The following documents were presented:

1. Architectural plans dated 07/24/2012 with the latest revision date of 03/25/ 2014 signed and sealed by Jane Slavin, Architect.
2. Survey dated March 3, 2014 by Anthony R. Celentano, P.E..

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) (9), (10), (12) and /or (13); which does not require SEQRA environmental review. The motion was seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; aye; Mr. Sullivan, aye; and Mr. Feroldi, aye. Ms. Salomon and Ms. Castelli were absent.

Dwight Joyce testified that the building department issued him a building permit for his house after it was reviewed by the Architectural Review Board; that the inspector came out for an inspection and reviewed the plans and decided that the house would need a building height variance; that the new house was designed with a hip roof and it will be 2' 11" higher than is permitted by the code; that the construction is underway; that the has pictures of other houses in the area that are comparable in height; that the new house will not create an undesirable change in the character of the neighborhood that most of the houses in the neighborhood are two-story houses; that the height of the house has not changed since the building permit was issued; that it is not a substantial variance; and that he would appreciate the Board considering the 2' 11" height increase.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

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 building height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Houses with similar heights have been constructed in the area.
2. The requested building height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Other houses exist in the neighborhood with similar heights.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested building height variance is not substantial.
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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TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested building height 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.

(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 building height variance was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Mr. Feroldi, 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: April 16, 2014

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 -R.A.O.

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

TOWN CLERKS OFFICE
2014 MAR 9 PM 1 34
TOWN OF ORANGETOWN

DECISION

FRONT YARD AND REAR YARD VARIANCES APPROVED

To: Vivian Volterre & Pascal George
244 Tweed Boulevard
Nyack, New York 10960

ZBA # 14- 27
Date: April 16, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-27: Application of Vivian Volterre and Pascal George for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-80 District, Group A, Columns 8 (Front Yard: 50' required, 44.8' and 45' existing) and 11 (Rear Yard: 50' required, 25' & 29' existing) for an existing deck at an existing single-family residence. The premises are located at 244 Tweed Boulevard, Nyack, New York and are identified on the Orangetown Tax Map as Section 75.09, Block 1, Lot 5; R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 16, 2014 at which time the Board made the determination hereinafter set forth.

Kevin Ramsey and Pascal George appeared and testified.

The following documents were presented:

1. Plot plan dated 1986 with the latest revision date of 1988 signed and sealed by Charles Winter, Architect.

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) (9), (10), (12) and /or (13); which does not require SEQRA environmental review. The motion was seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; aye; Mr. Sullivan, aye; and Mr. Feroldi, aye. Ms. Salomon and Ms. Castelli were absent.

Kevin Ramsey testified that the house was his father's house and the deck was built 30 years ago and was part of the house design by Charles Winter; that his dad sold the house and that is when he found out that there was no certificate of occupancy for the deck; that at the time the deck was built it did not require a variance because it did not go past the set back of the existing house; that the way the code is interpreted has changed and a variance is necessary now and that is why he is before the board now; that there will be no construction and the requested variances are for an existing structure.

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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 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 front yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar setbacks for structures exist in the neighborhood. The deck has existed for thirty years without incident.
2. The requested front yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar setbacks for structures exist in the neighborhood. . The deck has existed for thirty years without incident.
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 front yard and rear yard variances are not substantial.
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 front yard and rear yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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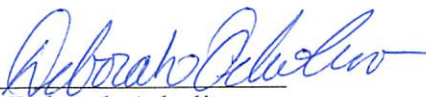
Volterre/George
ZBA#14-27
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The foregoing resolution to approve the application for the requested front yard and rear yard variances was presented and moved by Mr. Feroldi, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Mr. Feroldi, 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: April 16, 2014

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 -B.vW.

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

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