

MINUTES
 ZONING BOARD OF APPEALS
DECEMBER 3, 2014

MEMBERS PRESENT: JOAN SALOMON
 DAN SULLIVAN
 LEONARD FEROLDI, ALTERNATE
 THOMAS QUINN
 PATRICIA CASTELLI (Present for last hearing of the evening)

ABSENT: MICHAEL BOSCO

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:

SMITH 90 Rockland Road, Sparkill 78.08 / 1 / 39; R-80 zone	FRONT YARD, SIDE YARD, TOTAL SIDE YARD VARIANCES APPROVED	ZBA#14-84
AERCO PERFORMANCE STANDARDS 100 Oritani Drive, Blauvelt 70.06 / 1 / 1.13; LO zone	APPROVED	ZBA#14-85
ZIMI'S BAGEL CAFÉ PERFORMANCE STANDARDS 38 N. Middletown Road, Pearl River 69.13 / 1 / 8; CC zone	APPROVED	ZBA#14-86
CAMINEZ CHIROPRACTIC 74.10 / 1 / 70; CO zone 60 Dutch Hill Road, Orangeburg	SIGN SIZE APPROVED AS AMENDED	ZBA#14-87
SKAE SIGN 78.09 / 1 / 26; CO zone 348 Route 9W, Palisades	SIGN LOCATION VARIANCE APPROVED	ZBA#14-88
25 RAMLAND ROAD 73.20 / 1 / 26; LIO zone 25 Ramland Road, Orangeburg	OVER-NIGHT PARKING OF VEHICLES APPROVED WITH CONDITIONS	ZBA#14-89

TOWN CLERKS OFFICE
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 TOWN OF ORANGETOWN

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 9:45 P.M.

Dated: December 3, 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
2014 DEC 21 PM 10:20
TOWN OF ORANGETOWN

DECISION

**FRONT YARD, SIDE YARD, AND TOTAL SIDE YARD VARIANCES
APPROVED**

To: Donald and Jane Smith
90 Rockland Road
Sparkill, New York 10976

ZBA #14-84
Date: December 3, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-84: Application of Donald and Jane Smith for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-80 District, Group A, Columns 8 (Front Yard: 50' required, 26.11' proposed), 9 (Side Yard: 30' required, 17.4' existing, 19.9' proposed) and 10 (Total Side Yard: 80' required, 61.65' proposed) for a front porch addition to a single-family residence. The premises are located at 90 Rockland Road, Sparkill, New York and are identified on the Orangetown Tax Map as Section 78.05, Block 1, Lot 39; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 3, 2014 at which time the Board made the determination hereinafter set forth.

Jane Smith appeared and testified.

The following documents were presented:

1. Architectural plans and site plan dated October 16, 2014 signed and sealed by Kier Leveque, Architect. (2 pages)
2. A copy of survey dated July 30, 2014 signed by William E. James, P.E., P.L.S..
3. An e-mail correspondence from the neighbor across the street from the applicant in support of the application.

Mr. Sullivan, Chair, 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 Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco were absent.

Jane Smith testified that she would like to add front porch to the house to provide a dry, safe, well lit area for her daughters to wait for the bus; that the porch would also provide a nice area for visitors to enter the house; that it would also help to eliminate stormwater from the basement; and that they have lived in the house for three years.

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 Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard, side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The side yard and total side yard variances are pre-existing conditions and the slight increase in the front yard to square off the porch will be aesthetically pleasing.
2. The requested front yard, side 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. The side yard and total side yard variances are pre-existing conditions and the slight increase in the front yard to square off the porch will be aesthetically pleasing.
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 variance although somewhat substantial, affords benefits to the applicant that is not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The side yard and total side yard variances are pre-existing and 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.

TOWN CLERKS OFFICE

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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 front yard, side 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.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE

2014 DEC 29 09:10:20

TOWN OF ORANGETOWN


Smith
ZBA#14-84
Page 4 of 4

The foregoing resolution to approve the application for the requested front yard, side yard and total side yard variances was presented and moved by Ms. Salomon, seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco 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: December 3, 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 DEC 24 PM 10 20
TOWN OF ORANGETOWN

DECISION
PERFORMANCE STANDARDS APPROVED

To: Richard Neely (Aerco)
745 West Nyack Road
West Nyack, New York 10994

ZBA # 14-85
Date: December 3, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-85: Application of Aerco for Performance Standards Review pursuant to Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 4.12 for an Organic Rankine Cycle (ORC) Power Plant (energy recovery system) at an existing business. The building is located at 100 Oritani Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.06, Block 1, Lot 1./13; in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 3, 2014 at which time the Board made the determination hereinafter set forth.

Mark Daniels, Engineer Manager, and Richard Neely, Vista Electrical Contractors, appeared and testified.

The following documents were presented:

1. Site plan labeled Bradley Corporate Park with attachments (1) World Best ORC Technology , (2) Kaishan Compressor, Screw Expander (70-1000 KW)- Organic Rankine Cycle ORC.
2. Use Subject to Performance Standards Resume of Operations and Equipment form and Fire Prevention Supplement form.
3. Zoning Board of Appeals Decision #14-12 dated February 19, 2014.
4. A letter dated November 4, 2014 from the Town of Orangetown, Department of Environmental Management and Engineering signed by Joseph J. Moran, P.E., Commissioner.
5. A letter dated November 25, 2014 from the Town of Orangetown, Bureau of Fire Prevention signed by Michael B. Bettmann, Chief Fire Inspector.
6. A letter dated November 21, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz ,Acting Commissioner of Planning.

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, Ms. Castelli moved for a Board determination based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since the application entails the ZBA engaging in a review to determine compliance with technical requirements, 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) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco and Ms. Castelli were absent.

TOWN CLERKS OFFICE
DEC 24 09 10 20
TOWN OF ORANGETOWN

Mark Daniels, Engineer Manager, testified that this system will take wasted heat and cool it, bringing it back in to generate power; that it is capable of generating 95kw of power; that it will be used during work hours and testing sometimes at night; that it can save 450 megawatts a year; that the company makes boilers and hot water heaters; that this system will help to recover some of the heat generated by this operation; that the company would like to market and sell this technology; that it runs relatively quietly at 70 decibels; that it is approximately 300' from the nearest neighbor, that is uphill from the site; and that this is a unique technology for the U.S..

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were thereupon reviewed in detail.

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 the documents presented, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment, the Fire Prevention Supplement, the letter dated November 4, 2014 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.) concluding that the applicant conforms to Orangetown Zoning Code § 4.1 Performance Standards, and the memorandum dated November 24, 2014 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the other documents presented to the Board and the testimony of applicant's representatives, the Board finds and concludes that conformance with the Performance Standards set forth in Zoning Code Section 4.1 will result sufficient to warrant the issuance of a Building Permit and/or Certificate of Occupancy, 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.

TOWN OF ORANGETOWN
DEC 24 09 10 20
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the SPECIFIC CONDITION that the applicant adhere to all of the requirements set forth by the Chief Fire Inspector, Town of Orangetown B.F.P.; 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, Performance Standards, 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, performance Standards, 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, Performance Standards, 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, Performance Standards, or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

The foregoing Resolution to approve, with aforesaid Conditions, the application for Zoning Code § 4.1 Performance Standards Conformance was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Sullivan; aye. Mr. Bosco 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: December 3, 2014

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Deborah Arbolino*
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR -B.vw.
Changed to R.A.O.

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

TOWN OF ORANGETOWN
2014 DEC 24 09:10:20
TOWN CLERKS OFFICE

DECISION
PERFORMANCE STANDARDS APPROVED

To: Harry Demakis (Zimi's)
38 N. Middletown Road
Pearl River, New York 10965

ZBA # 14-86
Date: December 3, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-86: Application of Zimi's Bagel Cafe for Performance Standards Review pursuant to Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 4.12 for an emergency generator. The building is located at 38 North Middletown Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.13, Lot 1, Block 8; in the CC Zoning District.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 3, 2014 at which time the Board made the determination hereinafter set forth.

Spylos Loukakos appeared and testified.

The following documents were presented:

1. Plans labeled Zimi Bagel Bakery Café Generator Installation shows the left side and rear elevation of the building.
2. Generac Guardian Series Standby Generators Liquid Cooled Gas Engines (8 pages).
3. Use Subject to Performance Standards Resume of Operations and Equipment form and Fire Prevention Supplement form.
4. A letter dated November 4, 2014 from the Town of Orangetown, Department of Environmental Management and Engineering signed by Joseph J. Moran, P.E., Commissioner.
5. A letter dated November 5, 2014 from the Town of Orangetown, Bureau of Fire Prevention signed by Michael B. Bettmann, Chief Fire Inspector.
6. A letter dated November 21, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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 based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since the application entails the ZBA engaging in a review to determine compliance with technical requirements, 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) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco and Ms. Castelli were absent.

Sylos Loukakos testified that the 60 kw generator will be placed on the roof in the back of the building; that there are parking lots on all four sides of the building; and that they are getting reviewed by ACABOR.

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were reviewed in detail.

TOWN CLERKS OFFICE

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 Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

Based upon the information contained in the applicant's Resume of Operations and Equipment, the Fire Prevention Supplement, the letter dated November 4, 2014 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.) concluding that the applicant conforms to Orangetown Zoning Code § 4.1 Performance Standards, and the memorandum dated November 5, 2014 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the other documents presented to the Board and the testimony of applicant's representatives, the Board finds and concludes that conformance with the Performance Standards set forth in Zoning Code Section 4.1 will result sufficient to warrant the issuance of a Building Permit and/or Certificate of Occupancy, 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 presented, the Board: **RESOLVED**, that the application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is **APPROVED** with the **SPECIFIC CONDITION** that the applicant adhere to all of the requirements set forth by the Chief Fire Inspector, Town of Orangetown B.F.P.; **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, Performance Standards, 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.

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TOWN OF ORANGETOWN

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

The foregoing Resolution to approve, with aforesaid Conditions, the application for Zoning Code § 4.1 Performance Standards Conformance was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan aye, Mr. Bosco 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: December 3, 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
ZIM DEC 24 10 24
TOWN OF ORANGETOWN

DECISION
SIGN AREA VARIANCE APPROVED WITH SPECIFIC CONDITION TO
REVERSE COLORS ON SIGN

To: Danielle Hanken (Caminez Chiropractic)
27 North Middletown Road
Nanuet, New York 10954

ZBA #14-87
Date: December 3, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-87: Application of Caminez Chiropractic for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.11, Column 5 #6 (Sign Area: 12 sq. ft. permitted, 37.5 sq. ft. proposed) for a proposed sign to be installed on the building. The premises are located at 60 Dutch Hill Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.10, Block 1, Lot 70; CO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 3, 2014 at which time the Board made the determination hereinafter set forth.

George Hanken and Danielle Hanken, Signarama, appeared and testified.

The following documents were presented:

1. A computer generated picture of the proposed sign with measurements and a computer generated picture of the sign on the building.
2. A letter dated November 24, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated November 24, 2014 from the County of Rockland Department of Highways signed by Sonny Lin, P.E.

Mr. Sullivan, Chair, 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 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 Ms. Solomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco were absent.

George Hanken testified that the style of the sign is a light box similar to the other signs on the building; that the size is also similar to the other signs on the building; that the customer would like the orange background because it is noticeable from the road; and that if they need to reverse the colors to get the variance, they can do that.

Danielle Hanken testified that the color of the sign is part of the logo of the business; that a black and white sign is not part of the customers logo; that there are other colored signs on the building; and that they would like to keep the orange color and will reverse it if need be.

TOWN CLERKS OFFICE
2014 DEC 24 PM 10:21
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 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 sign area variance as amended will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed size of the sign is in keeping with the other signs already in place on the building and the applicant has agreed to reverse the colors of the sign, creating a sign with a white background and orange letters.
2. The requested sign area variance as amended will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed size of the sign is in keeping with the other signs already in place on the building and the applicant has agreed to reverse the colors of the sign, creating a sign with a white background and orange letters.
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 sign area variance, as amended, although somewhat substantial, affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The proposed size of the sign is in keeping with the other signs already in place on the building and the applicant has agreed to reverse the colors of the sign, creating a sign with a white background and orange letters.
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 is 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 sign area variance is APPROVED with the Specific Condition that the colors of the sign be reversed: white background/ orange letters; 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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2014 DEC 29 09:10:21

TOWN OF ORANGETOWN


Caminez Chiropractic
ZBA#14-87
Page 4 of 4

The foregoing resolution to approve the application for the requested sign area variance as amended by reversing the colors of the sign to a white background and orange letters; was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco 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: December 3, 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.v.W.

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

TOWN CLERKS OFFICE
2014 DEC 24 PM 10 21
TOWN OF ORANGETOWN

DECISION
SIGN SET BACK VARIANCE APPROVED

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

ZBA #14-88
Date: December 3, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-88: Application of Skae for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.11, CO District, Column 5 # 11 (Sign set back: 20' required, 3' proposed N.Y.S.D.O.T. right-of-way) for the installation of a sign. The premises are located at 348 Route 9W, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.09, Block 1, Lot 26; in the CO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 3, 2014 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. As Built Survey dated 4/15/2011 with the latest revision date of 6/3/2014 by Atzl, Scatassa & Zigler, P.C..
2. A letter dated November 21, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

Mr. Sullivan, Chair, 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) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco were absent.

Donald Brenner, attorney testified that the owners of the property put the sign there thinking that it was their property; that the sign was placed in the same spot that the previous owner had a sign; that the sign would never be seen if it were placed back the required twenty feet because of the topography in the area; that the building was built approximately 25 years ago and there has always been a sign in this location.

TOWN CLERKS OFFICE
DEC 24 09 10 21
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 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 sign set back variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed location of the sign is at the same location that the previous owner of the property had a sign. The topography of the area would not allow the sign to be seen by passing motorists if the sign was set back twenty feet. The building and the signage has existed in the same location for approximately 25 years without incident.
2. The requested sign set back variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed location of the sign is at the same location that the previous owner of the property had a sign. The topography of the area would not allow the sign to be seen by passing motorists if the sign was set back twenty feet. The building and the signage has existed in the same location for approximately 25 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 sign set back variance, although substantial, affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The proposed location of the sign is at the same location that the previous owner of the property had a sign. The topography of the area would not allow the sign to be seen by passing motorists if the sign was set back twenty feet. The building and the signage has existed in the same location for approximately 25 years without incident.
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 sign setback variance is APPROVED and the disapproval from the County of Rockland Department of Planning is overridden; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


TOWN CLERKS OFFICE
DEC 24 10 10 AM
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested sign set back variance was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco 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: December 3, 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 -M.M.

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

TOWN CLERKS OFFICE

2014 DEC 24 AM 10 21

TOWN OF ORANGETOWN

DECISION
OVER NIGHT PARKING VARIANCE APPROVED

To: Brian Levine (25 Ramland Road)
35 West Jefferson Avenue
Pearl River, New York 10965

ZBA #14-89
Date: December 3, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-89: Application of 25 Ramland Road for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.11, LJO District, Column 7 refers to LO District, Column 7, item 2 (All accessory storage shall be within completely enclosed buildings: overnight storage of vehicles proposed) for overnight parking in the parking lot. The premises are located at 25 Ramland Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.20, Block 1, Lot 26; in the LJO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 3, 2014 at which time the Board made the determination hereinafter set forth.

Brian Levine and Robert Lagana appeared and testified.

The following documents were presented:

1. Site plan dated 5/12/1981 by Adler, Caruso & Young, P.C..(1 page)

Mr. Sullivan, Chair, 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) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Mr. Bosco and Ms. Castelli were absent.

Robert Lagana testified that they just moved the business from Pearl River to the building at 25 Ramland Road; that they have leased the building; that they are before the Board for a variance to park the delivery vehicles overnight at the site; that they have between 15 and 20 box trucks; that they start the day around 5:00 A.M. and return around 5:00 P.M.; that typically they work Monday thru Friday and occasionally on week-ends; that they pull into the buildings to load the trucks; that they have cable wire and equipment to load; that they are requesting to park overnight; that some of the vehicles that will be stored overnight are work vans; and not all technicians start at 5:00 A.M.;

Brian Levine testified that he has worked for the company for over twenty-five years and they were good neighbors when they were located in Nyack and surrounded by residences and they have been good neighbors in Pearl River and will continue to be good neighbors; and that they can park all of vehicles with the headlights facing the building so that the neighbors will not be disturbed by car headlights in the morning.

TOWN CLERKS OFFICE

2014 DEC 24 PM 10 21

TOWN OF ORANGETOWN

Public Comment:

Ravi Ubriani, 146 Valley Forge Place, testified that his parents own the house a little to the south of this proposal; that they purchased the house 35 years ago; that the lights and noise and fumes will be intrusive.

Pat McIlmurray, 138 Penn Court, testified that he has had a number of communications with Subaru regarding noises of the trucks with the engines idling while they are waiting to load; and the beeper noises that the trucks make when they are backing up and jockeying for position to load; and that he would request limited hours of operation and asked how many bays.

Ramesh Ubriani, 146 Valley Forge Place, testified that he lives behind the parking lot and is concerned about noise at night and early in the morning; and that there was no complex behind the house when he purchased the house.

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. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested overnight parking of vehicles variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to park all of the vehicles that will be stored overnight with the headlights facing west (away from the neighboring properties).
2. The requested overnight parking of vehicles variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has agreed to park all of the vehicles that will be stored overnight with the headlights facing west (away from the neighboring properties).
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 overnight parking of vehicles variance 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 applicant has agreed to park all of the vehicles that will be stored overnight with the headlights facing west (away from the neighboring properties).

TOWN CLERKS OFFICE
2014 DEC 24 10 10 AM
TOWN OF ORANGETOWN

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 overnight parking of vehicles variance is APPROVED with the Specific Condition that all cars parked overnight shall be parked with the headlights facing west (away from the neighboring properties); and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE

2014 DEC 24 10 21 AM

TOWN OF ORANGETOWN

25 Ramland Road
ZBA#14-89
Page 4 of 4

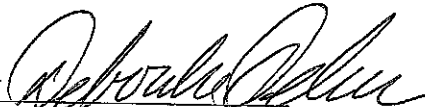
The foregoing resolution to approve the application for the requested overnight parking of vehicles variance with the Specific Condition that all vehicles parked overnight must be parked with the headlights facing west (away from the neighboring properties); was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Bosco 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: December 3, 2014

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By


Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
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CHAIRMAN, ZBA, PB, ACABOR

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