

MINUTES
ZONING BOARD OF APPEALS
JUNE 18, 2014

MEMBERS PRESENT: JOAN SALOMON
PATRICIA CASTELLI
THOMAS QUINN
LEONARD FEROLDI, ALTERNATE
DANIEL SULLIVAN, CHAIRMAN

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:

QUINN CONTINUED ZBA#14-43
PERFORMANCE STANDARDS
77.15 / 1 / 42; CS zone

SHEELEY TOTAL SIDE YARD AND ZBA#14-44
70.10 / 2 / 3; R-15 zone REAR AYRD VARIANCES APPROVED

HOLMES FLOOR AREA RATIO VARIANCE ZBA#14-45
77.10 / 2 / 82; R-15 zone APPROVED

MURPHY FLOOR AREA RATIO, FRONT YARD, ZBA#14-46
69.14 / 3 / 38; R-15 zone SIDE AYRD, TOTAL SIDE YARD,
BUILDING HEIGHT, § 4.52 AND § 3.11,
COLUMN 2 #7 VARIANCES APPROVED

TOWN OF ORANGE TOWN
2014 JUN 30 PM 2 00
TOWN CLERKS OFFICE

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 9:25 P.M.

Dated: June 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 OF ORANGETOWN
2014 JUN 30 PM 2 00
TOWN CLERKS OFFICE

DECISION

TOTAL SIDE YARD AND REAR YARD VARIANCES APPROVED

To: Barry Terach (Sheeley)
8 Turner Road
Central Valley, New York 10917

ZBA # 14-44
Date: June 18, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-44: Application of Michael and Ann Marie Sheeley for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Columns 10 (Total Side Yard: 50' required, 48.1' proposed) and 11 (Rear Yard: 35' required, 31.4' proposed) for an addition to an existing single-family residence. The premises are located at 12 Garber Hill Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.10, Block 2, Lot 3; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 18, 2014 at which time the Board made the determination hereinafter set forth.

Michael and Ann Marie Sheeley and Barry Terach, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated April 24, 2014 signed and sealed by Barry Terach, Architect. (4 pages)
2. A letter dated June 17, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated May 23, 2014 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
4. A letter dated June 16, 2014 from the County of Rockland Department of Highways 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 Ms. Castelli and carried as follows: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Barry Terach testified that the applicant would like to enhance the existing spaces and add a master suite, mudroom, laundry room and bathroom; that the property is pie shaped and the house is located toward the rear of the property; that the rear yard is not large; that there are four in the family; that the existing rear yard deck is 26 ½' from the rear property line and the proposed rear addition will be 31.4' from the rear property line; that they cannot see a pool from their deck and that the neighbors might be mixing this property up with a different lot.

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Public Comment:

Paul Markatos, 90 Yale Terrace, testified that he would like to make three points, (1) there is a drainage problem in the area and he would like to request that the application be reviewed by the DEME to ensure no increase in run-off; (2) the addition is jutting very close to the location of his pool and he would like to request that some planting be done between the properties for privacy; and that if not greenery a fence be constructed.

Sandra Markatos, 90 Yale Terrace, testified that she is concerned about how close the addition will be to their existing pool and about privacy.

Matthey Levy, 8 Garber Hill, testified that his home is two houses away from the property; that he is in favor of this improvement; that presently the drainage runs down the driveway across the cul-de-sac into the storm drain.

The applicant and the concerned neighbors had a private conversation and the Markatos' withdrew their concern because the subject property is not abutting them.

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 total side yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested total side 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 additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested total side yard and rear 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.

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 total side 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.

TOWN CLERKS OFFICE
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The foregoing resolution to approve the application for the requested total side yard and rear yard variances were presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was 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: June 18, 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
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE.ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERKS OFFICE
2014 JUN 30 PM 2 00
TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO VARIANCE APPROVED

To: Eric Holmes
12 Central Avenue
Tappan, New York 10983

ZBA # 14-45
Date: June 18, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-45: Application of Eric Holmes for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-15 District, Group M, Column 4 (Floor Area Ratio: .20 permitted, .29 proposed) (Section 5.21 undersized lot applies) for an addition to an existing single-family residence. The premises are located at 12 Central Avenue, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.10, Block 2, Lot 82; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 18, 2014 at which time the Board made the determination hereinafter set forth.

Eric and Rosary Holmes appeared and testified.

The following documents were presented:

1. Architectural plans dated 03/05/2013 with the latest revision date of 04/25/ 2014 signed and sealed by Robert Hoene, Architect. (2 pages)
2. A letter dated June 11, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated County of Rockland Department of Highways 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 Ms. Castelli and carried as follows: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Eric Holmes testified that they purchased the house in 2008; that they have three children; that they are proposing to add a master bedroom and bathroom at the rear of the house; that the addition is approximately 450 sq. ft.; that they will have four bedrooms when the construction is done and the girls will not have to share a room.

TOWN OF ORANGETOWN
2014 JUN 30 PM 2 00
TOWN CLERKS OFFICE

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 floor area ratio variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested floor area ratio 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.
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 OF ORANGETOWN
2014 JUN 30 PM 2 01
TOWN CLERKS OFFICE

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

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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Homes
ZBA#14-45
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The foregoing resolution to approve the application for the requested floor area ratio variance was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was 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: June 18, 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
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
2014 JUN 30 PM 2 01
TOWN CLERKS OFFICE

DECISION

FLOOR AREA RATIO, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, BUILDING HEIGHT, § 4.52, § 3.11, COLUMN 2 #7 VARIANCES APPROVED; § 4.54 VARIANCE IS NOT NECESSARY

To: Michael Murphy
86 Buchanan Street
Pearl River, New York 10965

ZBA # 14-46
Date: June 18, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA:14-46: Application of Michael Murphy for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-15 District, Group M, Columns 4 (Floor Area ratio: .20 permitted, .25 proposed), 8 (Front Yard: 30' required, 29' existing & proposed), ((Side Yard: 20' required, 6.5' proposed), 10(Total Side Yard: 50' required, 29.1' existing, 15.6' proposed), 12 (Building Height: 6.5' permitted, 20' proposed) and from Sections 4.52 (No exterior change within the past 10 years to create an additional dwelling unit), 4.54 (only one front entrance permitted, two front entrances proposed) and from Section 3.11, Column 2 #7 (unit limited to 600 sq. ft., 806 sq. ft. proposed) for an addition to an existing single-family residence. The premises are located at 86 Buchanan Street, Pearl River, New York, and identified on the Orangetown Tax Map as Section 68.14, Block 3, Lot 38; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 18, 2014 at which time the Board made the determination hereinafter set forth.

Michael and Jane Murphy and Lisa Mecurio, Designer, appeared and testified.

The following documents were presented:

1. Architectural plans dated 07/13/2013 with the latest revision date of 04/16/ 2014 signed and sealed by Bart Rodi, P.E.. (3 pages)
2. Survey dated March 20, 2014 signed and sealed by Robert Sorace, PLS.
3. A letter dated June 17, 2014 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated June 16, 2014 from the County of Rockland Drainage Agency signed by Vincent Altieri.
5. A letter dated May 23, 2014 from the County of Rockland Department of Health signed by Scott McKane, Senior Public Health Engineer.
6. Nine computer generated pictures of house in the area with additions.

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

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Michael Murphy testified that they are proposing the addition to accommodate his in-laws; that his father-in-law is 82 and uses a wheelchair; that they presently live in a basement apartment and it is getting very difficult to navigate; that they are very nervous being in the basement apartment since super storm sandy; that they are requesting a larger apartment than is permitted to accommodate the handicap access; that the hallways and bathroom are much larger to accommodate the wheelchair; that they have lived in the house for seventeen years and have three children.

Jane Murphy testified that she visited her friends house in Pearl River and looked at the apartment that her mom lives in, which is the required 600 sq. ft.; that the apartment is fine for a single person that does not require a wheelchair but it would be too small to accommodate two people and a wheelchair; and that she would like her parents to be comfortable in the house.

Lisa Mecurio, Designer; testified that they tried to be respectful of the neighborhood character in the design; that the size can't be down sized too much because of the required widths of the hallway and doorways to accommodate the wheelchair; that they stepped the addition back and put the door on the side of the wrap around porch to be able to accommodate a handicap entrance; that the existing house drops by a story and there is a full walkout basement at the rear of the property; that there will be little to no impact at the street level; and she submitted pictures of other houses in the area.

The Board discussed the comment from Rockland County Planning regarding structures being places on adjoining properties and commented to the applicant that they would need to remove those structures if the property owner complained.

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 floor area ratio, front yard, side yard, total side yard, building height, and Zoning Code § 4.52, § 3.11, Column 2 #7 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area. The requested variance from Zoning Code Section 4.54 for a second front door is not necessary because the second door is on the side of the wrap around porch.

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2. The requested floor area ratio, front yard, side yard, total side yard, building height, and Zoning Code § 4.52, § 3.11, Column 2 #7 variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area. The requested variance from Zoning Code Section 4.54 for a second front door is not necessary because the second door is on the side of the wrap around porch.
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 floor area ratio, front yard, side yard, total side yard, building height, and Zoning Code § 4.52, § 3.11, Column 2 #7 variances, 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 requested variance from zoning Code Section 4.54 for a second front door is not necessary because the second door is on the side of the wrap around porch.
5. The Board acknowledged the additional comment from the Rockland County Planning Department regarding the trampoline, fence and shed being located on the adjacent parcel to the south, however they did not condition the variances on their relocation. The applicant acknowledged that the fence, trampoline and shed are located on property that they do not own.
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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, front yard, side yard, total side yard, building height, and Zoning Code § 4.52, § 3.11, Column 2 #7 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.

TOWN OF ORANGETOWN
TOWN CLERKS OFFICE
2014 JUN 30 PM 2 01

(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, front yard, side yard, total side yard, building height, and Zoning Code § 4.52, § 3.11, Column 2 #7 variances was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

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: June 18, 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 JUN 30 PM 2 01
TOWN OF ORANGETOWN