

MINUTES  
ZONING BOARD OF APPEALS  
MARCH 6, 2013

MEMBERS PRESENT:

DANIEL SULLIVAN  
JOAN SALOMON  
PATRICIA CASTELLI  
NANETTE ALBANESE  
LEONARD FEROLDI, ALTERNATE

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:

WHELAN 72.08 / 3 / 88; R-15 zone	FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#13-17
SULLIVAN 77.05 / 1 / 3; R-22 zone	FLOOR AREA RATIO, REAR YARD, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#13-18
DAIKIN AMERICA 73.15 / 1 / 15; LJO zone	SECTION 3.11, LO DISTRICT, COLUMN 5 # 11 SIGN SIZE AND LOCATION VARIANCES APPROVED WITH SPECIFIC CONDITION	ZBA#13-19

TOWN CLERKS OFFICE

2013 MAR 14 PM 12:49

TOWN OF ORANGETOWN

ADDITIONAL BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: **RESOLVED**, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications:  
Walther Minor Subdivision Plan, 694 Oak Tree Road, Palisades, New York, 78.17 / 2 / 20; R-40 zone; 155 Corporate Drive Site Plan Amendment, 155 Corporate Drive, Orangeburg, New York 73/19 / 1 / 1; LJO zone; Deans Subdivision Plan (4 lots), 30 Pine Tree Lane, Tappan, NY, 77.07 / 2 / 26; R-15 zone; Henry Kaufman Campgrounds Inc.- conditional use permit, 667 Blauvelt Road, Pearl River, NY 69.14/1/28; R-80 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 9:00 P.M.

Dated: March 6, 2013

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By 

Deborah Arbolino  
Administrative Aide

**DISTRIBUTION:**

APPLICANT  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
ASSESSOR  
HIGHWAY DEPARTMENT  
SUPERVISOR  
TOWN BOARD MEMBERS  
BUILDING INSPECTOR (Individual Decisions)  
DEPT. of ENVIRONMENTAL MGMT. and ENGINEERING  
Rockland County Planning

TOWN CLERKS OFFICE

2013 MAR 14 PM 12:49

TOWN OF ORANGETOWN

DECISION

**FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED**

To: Patrick and Stephanie Whelan  
44 Phyllis Drive  
Pearl River, New York 10965

ZBA # 13-17

Date: March 6, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-17: Application of Patrick and Stephanie Whelan for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-15 District, Section 3, 12 Columns 4 (Floor Area Ratio: .20 permitted, .24 proposed), 9 ( Side Yard; 20' required, 15.5' existing & proposed) and 10 ( Total Side Yard: 50' required, 48.6' proposed) and 12 ( Building Height: 15.5' permitted, 25'2" proposed) for an addition to an existing single-family residence. The premises are located at 44 Phyllis Drive, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 72.08, Block 3, Lot 88; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 6, 2013 at which time the Board made the determination hereinafter set forth.

Patrick Whelan and John Perkins, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated January 3, 2013 with the latest revision date of January 17, 2013 signed and sealed by John Perkins, Architect.
2. A letter dated February 14, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
3. A letter dated March 4, 2012 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
4. A letter dated February 5, 2013 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli 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: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Feroldi, aye. Mr. Bosco was absent.

John Perkins, Architect, testified that the existing house is a three bedroom ranch; that they are proposing to extend out the rear of the house by 6 ½' and add a second floor; that when the addition is finished there will be one bedroom on the first floor and four additional bedrooms upstairs; that there are other similar houses in the area with similar heights; and that it would be difficult to lower the height because they are not proposing a big pitch.

Patrick Whelan testified that he has a wife and two daughters but is hoping to have more children; and that they would like to have enough room in the house for parents and in-laws.

TOWN OF ORANGETOWN  
2013 MAR 14 PM 12:49

TOWN CLERKS

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 floor area ratio, side yard, total side yard and building height 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 neighborhood.
2. The requested floor area ratio, side yard, total side yard and building height 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 neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, side yard, total side yard and building height 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.

TOWN CLERKS OFFICE

2013 MAR 14 PM 12:49

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, side yard, total side yard and building height 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

2013 JUN 14 PM 12:49


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio, side yard, total side yard and building height variances was presented and moved by Ms. Albanese, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Ms. Castelli, 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: March 6, 2013

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.O.

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

TOWN CLERKS OFFICE

2013 MAR 14 PM 12:49

TOWN OF ORANGETOWN

DECISION

**FLOOR AREA RATIO, REAR YARD, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED AND RE-AFFIRMED**

To: Michael Sullivan  
10 Redcoat Lane  
Tappan, New York 10983

ZBA # 13-18  
Date: March 6, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-18: Application of Michael Sullivan for variances from Chapter 43 (Zoning), Section 3.12, R-22 District, Group I, Columns 4 (Floor Area Ratio: .20 required, .21 existing, .26 proposed) and 9 (Rear Yard: 45' required, 35.5' proposed) and to reaffirm/extend variances that were granted in ZBA#11-14: Column 7 (Front Yard: 40' required, 34.8' existing), 9 (Side Yard: 25' required, 18' granted); 10 (Total Side Yard: 60' required, 50.4 proposed, 48.4' previously granted) and 12 (Building Height: 22.8' permitted, 25' proposed) for an addition to an existing single-family residence. Premises are located at 10 Redcoat Lane, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.05, Block 1, Lot 3; R-22 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 6, 2013 at which time the Board made the determination hereinafter set forth.

Michael Sullivan appeared and testified.

The following documents were presented:

1. Architectural plans dated 10/15/2012 signed and sealed by Stephen Mitchell, Architect (2 pages).
2. Survey by Adler & Young dated 11/14/1958
3. Zoning Board of Appeals Decision #11-14 dated February 16, 2011.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli 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: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Feroldi, aye. Mr. Bosco was absent.

Michael Sullivan testified that they are proposing to add an additional bedroom above the existing garage; that they are moving the laundry room upstairs and adding a master bath; that his father-in-law is moving in with them and will take an existing bedroom; that they have four children aged 14 to 19; that the lot is oddly shaped; that he appeared before the Board last year or two years ago and received a variance for the front porch; that the side yard and total side yard, rear yard and front yard are existing conditions; that the proposed addition is 1,000 sq. ft.; and that they plan on being the house for many years.

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2013 MAR 14 PM 12:49

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 floor area ratio, front yard, side yard, total side yard, rear yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is undersized and oddly shaped and the proposed addition is in keeping with the character of the neighborhood.
2. The requested floor area ratio, front yard, side yard, total side yard, rear yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is undersized and oddly shaped and the proposed addition is in keeping with the character of the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, front yard, side yard, total side yard, rear yard and building height 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 lot is undersized and oddly shaped and the proposed addition is in keeping with the character of the neighborhood.
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

2013 JUN 14 PM 12:49

TOWN OF ORANGETOWN



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, rear yard and building height 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

2013 APR 14 PM 12:49


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio, front yard, side yard, total side yard, rear yard and building height variances was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Ms. Albanese, nay; Ms. Salomon, aye; and Ms. Castelli, 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: March 6, 2013

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

2013 MAR 14 PM 12:19

TOWN OF ORANGETOWN

DECISION

**SIGN LOCATION AND SIZE VARIANCES APPROVED WITH CONDITIONS**

To: Robert Meister (Daikin America)  
Daikin America  
20 Olympic Drive  
Orangeburg, New York 10962

ZBA # 13-19  
Date: March 6, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-19: Application of Daikin America for variances from Chapter 43 (Zoning) Town of Orangetown, Section 3.11, LIO District refers to LO District Column 5, #11 Allows 60 sq. ft. sign 20' from lot line; 136 sq. ft. proposed for three existing signs and two new proposed signs and one sign is proposed in Town Right -of -Way at minus 2" (Hold harmless must be applied for with Town Highway); One sign is 4' from the property line and the last sign is 15' from the property line. The business is located at 20 Olympic Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 15; LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 6, 2013 at which time the Board made the determination hereinafter set forth.

Richard Meister, Warehouse Manager and Marilyn Van Orden, Communications Manager, appeared and testified.

The following documents were presented:

1. Copy of site plan with sign locations drawn on it.
2. Three pages of computer generated pictures of the signs.
3. Eight pages of pictures generated by Bin Maps.
4. A memorandum from the County of Rockland Department of Planning dated February 5, 2013.
5. A letter dated February 28, 2013 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. Castelli 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. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Feroldi, aye. Mr. Bosco was absent.

Richard Meister testified that they are proposing to add two logo signs to the building; that when they applied for the permit for these signs they were denied and told that the other signs were too close to the road; that the Daikin signs are in the same location as the signs for Clarins; that two of the existing signs are directional signs with the company name; that the building is set back 200 feet from the road and the proposed building signs are not illuminated; and that they will execute and file a hold harmless agreement with the Orangetown Highway Department.

TOWN CLERKS OFFICE

2013 MAR 14 PM 12:49

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 size and location variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed building signs will be installed on the building which is set back from the road approximately 200 feet and the existing street signs are similar in size and location to other signs that exist for adjacent businesses in the area. The applicant has agreed to execute and file a hold harmless agreement to the Orangetown Highway Department.
2. The requested sign size and location variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The proposed building signs will be installed on the building which is set back from the road approximately 200 feet and the existing street signs are similar in size and location to other signs that exist for adjacent businesses in the area. The applicant has agreed to execute and file a hold harmless agreement to the Orangetown Highway Department.
3. The requested sign size and location variances although somewhat substantial, afford 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. Similar size signs exist for adjacent businesses in the immediate area.
4. 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

2013 MAR 14 PM 12:49

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 size and location variances are APPROVED with the Specific Condition that the applicant execute and file a hold harmless agreement to the Town of Orangetown Highway Department; 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

2013 MAR 14 PM 12:49

TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested sign size and location variances with the Specific Condition that the applicant execute and file a hold harmless agreement to the Town of Orangetown highway Department; was presented and moved by Ms. Salomon, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Ms. Castelli, 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: March 6, 2013

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

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TOWN OF ORANGETOWN