

MINUTES
ZONING BOARD OF APPEALS
November 18, 2015

TOWN OF ORANGETOWN
2015 DEC 8 PM 2 02
TOWN CLERKS OFFICE

MEMBERS PRESENT: DAN SULLIVAN
PATRICIA CASTELLI
JOAN SALOMON
LEONARD FEROLDI, ALTERNATE
MICHAEL BOSCO

ABSENT: THOMAS QUINN

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

POSTPONED ITEM:

BRIGHTVIEW SENIOR LIVING 31 Hunt Road, Pearl River, NY 73.15 / 1 / 10;R-80 zone	§ 3.11, COLUMN 3 USES BY SPECIAL PERMIT, FRONT YARD AND REAR YARD § 3.11, R-80, COLUMN 6 # 6 PARKING SPACES PER BED; § 3.12 , R-80, COLUMN 4 FLOOR AREA RATIO; § 3.11, COLUMNS #12 SIGN SIZE AND LOCATION APPROVED	ZBA#15-90
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NEW ITEMS:

CARR/SHAW 180 Washington Street Tappan, NY 77.11 / 1 / 49; R-15 zone	FLOOR AREA RATIO, LOT WIDTH, STREET FRONTAGE, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED § 5.21 (C) UNDERSIZED LOT APPLIES	ZBA#15-98
RIELLY 124 Washington Spring Road Palisades, NY 78.18 / 1 / 31; R-22 zone	GRAVEL DRIVEWAY VARIANCE APPROVED	ZBA#15-99
CHRISS 49 Woods Road Palisades, NY 78.18 / 1 / 10; R-40 zone	FRONT YARD FENCE HEIGHT VARIANCE APPROVED	ZBA#15-100
FIESTA MEXICO 380 Route 303 Orangeburg, NY 74.11 / 1 / 7; CC zone	POSTPONED	ZBA#15-101

BREUING
185 Center Street
Pearl River, NY
68.15 / 2 / 7; R-15 zone

SIDE YARD AND
TOTAL SIDE YARD VARIANCES
VARIANCES APPROVED

ZBA#15-102

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications:
Verizon Wireless Site plan Fuel Storage Expansion Plan, 2000 Corporate Drive, Orangeburg, NY 73.15 / 1 / 19; LIO zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 10:30 P.M.

Dated: November 18, 2015

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

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DECISION

**§ 3.11, COLUMN 3 USES BY SPECIAL PERMIT:
FRONT YARD & REAR YARD; § 3.11, R-80 DISTRICT, COLUMN 6 #6
PARKING SPACES PER BED; § 3.12, R-80 DISTRICT, COLUMN 4 :FLOOR
AREA RATIO AND FROM § 3.11, COLUMN 5, #12 SIGN SIZE AND LOCATION
VARIANCES APPROVED**

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

ZBA #15-90
Date: November 18, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-90:Application of Brightview Senior Living for a Special Use Permit as per Zoning Code (Chapter 43) of the Town of Orangetown Code, R-80 District, Group H, Section 3.11, Column 3 Uses by Special Permit Zoning Board #3 Institutions for the Aged and for variances from the following: (no building shall be located within 300' of a lot line: 67' proposed for front yard; 46' proposed for side yard, 24' proposed for rear yard); Section 3.11, R-80 District, Column 6, #6 (Parking 1 space per bed: 160 beds proposed, 160 spaces required, 92 spaces provided); from Section 3.12, R-80 District, Column 2, Group D, Column 4 (Floor Area Ratio: .10 permitted, .67 proposed) and from Section 3.11, R-80 District (part 2) , Column 5, #12 (Sign: 1 (One) sign not more than 20 sq. ft. located 25' from any lot line permitted: 0' proposed, location in county right-of-way) for a Senior Living Facility. The premises are located at 31 Hunt Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Michael Glinn, Shelter Development, Diego Villarele, P.E., JMC Associate principal, Andrew Teeters, Shelter Group, Vice President, and Eric D. Anderson, Architect, JAL Architecture & Engineering, P.C., appeared and testified.

The following documents were presented:

1. Preliminary Site Plan Approval Drawings "Brightview Senior Living Lake Tappan" (14 pages) by JMC Site Development Consultants signed and sealed by Diego A. Villareale P.E.. dated 06/08/2015.
2. Architectural drawings labeled Brightview Senior Living Lake Tappan showing exterior elevations in color dated September 9, 2015 by JAL Architecture & Engineering ,P.C. not signed or sealed (3 pages).
3. Planning Board Decision dated September 9, 2015.
4. A memorandum dated July 22, 2015 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
5. A letter dated October 19, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated October 21, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
7. A letter dated October 19, 2015 from Jean McAvoy, Region 3, Division of Environmental Permits, New York State Department of Environmental Conservation.

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

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On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and on September 9, 2015, rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e., a "Negative Declaration" or "Neg. Dec"), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation § 617,6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Mr. Quinn was absent.

Donald Brenner, Attorney testified that the applicant has appeared before the Planning Board and on September 9, 2015 was granted a preliminary approval and a neg dec for SEQRA review; that the property is zoned for this use; and they have changed some of the design of the building to work with the neighbors and the Planning Board; that he DEC is involved in the process and they will be watching that any Eagles are protected, that the applicants have been working with the neighbors to reduce the visual impact of the building and to add additional parking for the Little League and the Legion and they are hooking up the neighbors to utilities for sewer and water; that the facility will pay full property taxes.

Michael Glinn, Shelter Development, testified that this facility would allow couples to remain under the same roof as they age; that they can start out in an independent living unit and as needed move to an assisted living unit and if need by a memory care unit; that they offer health services, buses, dining and housekeeping; that they hire local people; that they are sensitive to their neighbors; that they are happy to be located near a Little League field because it is good for the people living in the facility to be involved in activities; that they have a ratio of 69 independent units/ 45 assisted living units and 26 memory care units and this ratio works successfully; that it breaks down further to 17 independent (2) two bedroom units, 48 independent (1) one bedroom units and 4 independent studios; that the assisted living units breaks down to two (2) – two bedroom units, 16 (1) one bedroom units; and 27 studios; and the memory care breaks down to two (1) bedroom units and 24 studios; that they have been working with the Planning Board and have changed the design of the building from four stories to three stories and have made the building look more residential; that they have offered public utility hook up for all of the neighbors for both water and sanitary sewer.

Diego Vilareale, P.E., JMC, testified that the aerial photo shows the five acre site and surrounding area with the wooded area to the reservoir, the parking are by the American Legion Association and Little League Fields; Hunt Avenue and Orangeburg Road with R-80 zoning and LI zone to the south; that the main access for the site will be off of Hunt Road up the hillside to the plateau, where the building is planned; that the carport entrance is at the second driveway and that is where the buses would pick up and drop off; on the southern side is where the loading space and supplemental parking is located; that the code requires one (1) parking space per bed but this code is more geared toward outpatient care at hospitals; that they have a parking summary on a display board to show for six Brightview facilities that works successfully; that the formula that is used for parking is .75 spaces per independent living unit and .50 spaces per assisted unit; that the International Transportation Engineers supports this data; that the residents that move into these facilities are usually in their 80's and are giving up driving or will soon; that the facility meets many of the needs for the residents, dining and social spaces and by the time they move into a facility like this, they are driving less, if at all; that the outdoor

spaces are an integral part of the design of the facility; that the garden areas are designed for the residents to enjoy; that there is a secure space labeled the well spring garden for Alzheimer's patients; that they also have a side walk area that surrounds the space and a two additional garden areas in the back that face the reservoir and the ball fields; that being near the ball fields is an asset for the facility because it feels like part of the community with young people playing nearby; that the facility is surrounded on the south by the American Legion, and three single-family residences on Hunt Avenue and this area will be heavily landscaped with a berm and plantings; that they originally came to the Planning board with plans for a taller building and they have modified the roof lines and the east elevation has come down from the original 54 feet to 38 ½ feet; that the building is residential in character with the dormers and these take away from the over scale of the building; that the new stormwater management design will mitigate improve the conditions in the area; that public utilities will be brought in for the existing residents and buildings for sanitary sewer and water; and that gas will be brought back to the site and the residents and other buildings could hook up to that also if they choose; that peak trips for traffic would be 24 trips in the morning and 34 trips in the evening; that in order for the facility to function at a profit this is the number of units needed; that the loading dock will have limited truck activity for loading and unloading; that there will not be the typical tractor trailers; that box trucks are usually used for deliveries and the trash facility will be fully enclosed within a fence.

Public Comment:

Grace Meyer, 49 Hunt Road, testified that she abuts the property; that she thinks the project is too large for the area; that she is also concerned about the nests for the eagles on the property.

Tom Warren, 49 Minuteman Circle, testified that he is a on the Board for the Legion Association and that they are 100% behind the project; that the applicant has been working with the planning Board and the Legion could definitely use the help with parking improvements,

Dennis Scherer, 99 Orangeburg Road, testified that James Crosby was on the Boar the last time he spoke to the Zoning board; that he appreciates the great care that has been taken in the planning of the facility with gardens and gazebos; that the improvements will be positive for the youth and the neighbors because of being able to hook up to public sewer and water; that the parking could be shared at peak times with a liability protection provided.

Bob Kingsley, 65 Oriole Street, Pearl River, testified that he has a question regarding the location of the loading docks and the service entrance to the facility and was confused regarding the designated parking for the ball field.

Joan Bourke, 40 Phillips Lane, testified that she is the president of the Pearl River Little League; that the applicant offer to pave the road, ad parking and utilities will benefit the Little League and the American Legion and the residents; that presently families park at Verizon and they start using the parking after five and they are out by eleven the latest; and they welcome the residents to come and support the concession stand.

Randall Weishaur, 2 The Promenate, New City, testified that he is a member of the Legion and he is speaking in support of the project because to all of the support that the applicant is offering the residents, Little League and the Legion.

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 Special Permit and 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 Special Permit for Institutions for the Aged will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.
2. The requested Special Permit for Institutions for the Aged will not cause undue traffic congestion or create a traffic hazard.
3. The requested Special Permit for Institutions for the Aged will not create, at any point of determination set forth in Zoning Code §§ 4.16, 4.16, and 4.18, any more dangerous and objectionable elements referred to in Zoning Code § 4.11 than is characteristic of the uses expressly permitted as of right in the same district.
4. The requested Special Permit for Institutions for the Aged will not adversely affect the character of or property values in the area.
5. The Special Permit will not otherwise impair the public health, safety, morals, convenience comfort, prosperity and other aspects of the general welfare of the town.
6. The requested Special Permit for Institutions for the Aged will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, all referred to herein as "dangerous or objectionable elements", in a manner or amount as to adversely affect the surrounding area.
7. The requirements of Section 4.31 of the Zoning Code regarding the granting of Special Permits have been met.

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8. The requested § 3.11, Column 3 uses by Special Permit, front & rear yard; § 3.11 , R80, Column 6, #6 Parking Spaces per bed; § 3.12, R-80 District, Column 4 Floor Area Ratio, and § 3.11, Column 5, #12 Sign Size & Location variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
9. The requested § 3.11, Column 3 uses by Special Permit, front & rear yard; § 3.11 , R80, Column 6, #6 Parking Spaces per bed; § 3.12, R-80 District, Column 4 Floor Area Ratio, and § 3.11, Column 5, #12 Sign Size & Location variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
10. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
11. The requested § 3.11, Column 3 uses by Special Permit, front & rear yard; § 3.11 , R80, Column 6, #6 Parking Spaces per bed; § 3.12, R-80 District, Column 4 Floor Area Ratio, and § 3.11, Column 5, #12 Sign Size & Location 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.
12. 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 § 3.11, Column 3 Uses by Special Permit for Institutions for the Aged is APPROVED; and that the Disapproval from the Rockland County Department of Planning letter dated 10/19/2015 and signed by Douglas J. Schuetz, Acting Commissioner, 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested § 3.11, Column 3 uses by Special Permit, front & rear yard; § 3.11 , R80, Column 6, #6 Parking Spaces per bed; § 3.12, R-80 District, Column 4 Floor Area Ratio, and § 3.11, Column 5, #12 Sign Size & Location variances are APPROVED; and that the Disapproval from the Rockland County Department of Planning letter dated 10/19/2015 and signed by Douglas J. Schuetz, Acting Commissioner, is overridden; and FURTHER RESOLVED, that the applicant must comply with comments "1 thru 9" of the Rockland County Department of Planning letter dated 10/19/2015; the letter dated 10/21/2015 from the Rockland County Department of Highways and the New York State Department of Environmental Conservation letter dated 10/19/2015; that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


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The foregoing resolution to approve the application for the requested § 3.11, Column 3 Uses by Special Permit for Institutions for the Aged, front & rear yard; § 3.11, R80, Column 6, #6 Parking Spaces per bed; § 3.12, R-80 District, Column 4 Floor Area Ratio, and § 3.11, Column 5, #12 Sign Size & Location variances are APPROVED; and that the Disapproval from the Rockland County Department of Planning letter dated 10/19/2015 and signed by Douglas J. Schuetz, Acting Commissioner, is overridden; and FURTHER RESOLVED, that the applicant must comply with comments "1 thru 9" of the Rockland County Department of Planning letter dated 10/19/2015; the letter dated 10/21/2015 from the Rockland County Department of Highways and the New York State Department of Environmental Conservation letter dated 10/19/2015; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Quinn 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: November 18, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

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DECISION

FLOOR AREA RATIO, LOT AREA, LOT WIDTH, STREET FRONTAGE, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED § 5.21 (c) UNDERSIZED LOT APPLIES

To: John Perkins (Carr/Shaw)
P.O. Box 271
Tomkins Cove, N.Y. 10986

ZBA #15-98
Date: November 18, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-98: Application of Lauren Carr for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .336 proposed), 5 (Lot Area: 15,000 sq. ft. required, 4,141 sq. ft. existing); 6 (Lot Width: 100' required, 43' existing), 7 (Street Frontage: 75' required, 45' existing), 8 (Front Yard: 30' required, 17.1' existing, 12.9' proposed), 9 (Side Yard: 15' required, 8' existing, 7.8' proposed), 10 (Total Side Yard: 30' required, 17.7' existing, 17.5' proposed), and 12 (Building Height: 7.8' permitted, 10' proposed); Section 5.21 (c) Undersized lot applies; for an addition to an existing single-family residence. The premises are located at 180 Washington Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.11, Block 1, Lot 49; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2015 at which time the Board made the determination hereinafter set forth.

Lauren Carr and John Perkins, Architect, appeared and testified.

The following documents were presented:

1. Copy of survey labeled " Proposed Addition Land Survey for Lauren Carr" dated August 18, 2014 with the latest revision date of October 23, 2015 signed and sealed by Robert E. Sorace, PLS (1 page).
2. Architectural plans labeled Carr Residence dated August 5, 2015 with the latest revision date of October 13, 2015 signed and sealed by John Perkins, Registered Architect (1 page).

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: Ms. Castelli, aye; Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; and Mr. Sullivan, aye. Mr. Quinn was absent.

John Perkins, Architect, testified that they are adding an additional 33 sq. ft. to the existing house in order to add a powder room on the first floor of the house; that the lot is extremely undersized for the R-15 District; that 15,000 sq. ft. is required and this lot is only 4,141 sq. ft.; that he house is non-conforming on the lot and the lot line does not run straight along the side of the house; that the increase in the side yard is caused because of the way the house sits on the lot; that the existing side yard is 8' and the proposed is 7.8' that they need a powder room on the first floor to accommodate Lauren's mom because she is unable to go upstairs to the second floor to use the only bathroom in the house; and that although the variances seem many, most of them are for existing conditions with slight changes to accommodate the 33 additional sq. ft. that are being added to the house.

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Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. 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, lot area, lot width, street frontage, front yard, 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. Section 5.21 (c) Undersized lot applies and the lot area, lot width and street frontage variances are for existing conditions that are not changing. The lot is undersized by 10,859 sq. ft. and is 57' short of meeting the required 100' lot width; that these existing conditions trigger all of the other variances.
2. The requested floor area ratio, lot area, lot width, street frontage, front yard, 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. Section 5.21 (c) Undersized lot applies and the lot area, lot width and street frontage variances are for existing conditions that are not changing. The lot is undersized by 10,859 sq. ft. and is 57' short of meeting the required 100' lot width; that these existing conditions trigger all of the other variances.
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, lot width, lot area, street frontage, front yard, 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. Section 5.21 (c) Undersized lot applies and the lot area, lot width and street frontage variances are for existing conditions that are not changing. The lot is undersized by 10,859 sq. ft. and is 57' short of meeting the required 100' lot width; that these existing conditions trigger all of the other variances.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, lot area, lot width, street frontage, front yard, 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.

The foregoing resolution to approve the application for the requested floor area ratio, lot area, lot width, street frontage, Section 5.21 (c) Undersized lot applies, front yard, side yard, total side yard and building height variances was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Quinn 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: November 18, 2015

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
2015 DEC 8 PM 2 03
TOWN OF ORANGETOWN

DECISION

GRAVEL DRIVEWAY VARIANCE APPROVED

To: James Rielly
124 Washington Spring Road
Palisades, New York

ZBA #15-99
Date: November 18, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-99: Application of James Rielly for a variance from Zoning Code Chapter 43 of the Code of the Town of Orangetown, R-22 District, Section 6.332 (Asphalt driveway required; gravel driveway existing and proposed) for an existing driveway at an existing one-family residence. The premises are located at 124 Washington Spring Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 31 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2015 at which time the Board made the determination hereinafter set forth.

James Rielly appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page).

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: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Mr. Quinn was absent.

James Rielly testified that they had originally proposed pavers for the driveway but after completely so much of the work on the house; they are re-thinking the gravel driveway and have decided to ask permission to keep the existing gravel driveway because they would be the only driveway in the area to have pavers.

TOWN CLERKS OFFICE
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Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. 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 gravel driveway variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Most of the neighbors have gravel driveways because there tends to be drainage issues in the area.
2. The requested gravel driveway variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Most of the neighbors have gravel driveways because there tends to be drainage issues 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 gravel driveway variance is not substantial, and affords benefits to the applicant the surrounding neighborhood or nearby community. Most of the neighbors have gravel driveways because there tends to be drainage issues in the area.
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 variance.

TOWN CLERKS OFFICE

2015 DEC 8 PM 2 03

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested gravel driveway 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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TOWN CLERKS OFFICE


Rielly
ZBA#15-99
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The foregoing resolution to approve the application for the requested gravel driveway variance was presented and moved by Mr. Bosco, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Quinn 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: November 18, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
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BUILDING INSPECTOR-R.A.O.

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FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERKS OFFICE
2015 DEC 8 PM 2 03
TOWN OF ORANGETOWN

DECISION

FRONT YARD FENCE HEIGHT VARIANCE APPROVED

To: William Bosley (Chriss Fence)
12 Sugarhill Road
Nyack, New York 10960

ZBA #15-100
Date: November 18, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-100: Application of Neil Chriss for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 5.226 (Front Yard fence: 4 ½' permitted, 6' proposed) for a front yard at a single-family residence. The premises are located at 49 Woods Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 10; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2015 at which time the Board made the determination hereinafter set forth.

William Bosley and Natasha Chriss appeared and testified.

The following documents were presented:

1. Landscape plan for Chriss Residence Entrance Gate & Piers dated October 16, 2015 by Daniel Sherman not signed or sealed (1 page).

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: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Mr. Quinn was absent.

William Bosley testified that the applicant purchased the house one year ago; that he has been doing some renovation work on the house and was asked to construct a gate on the driveway; that Dan Sherman, landscape Architect was designed the planting plan and suggested that the existing six-foot fence be removed and a new steel powder coated bronze fence be put in place to match the proposed gate; that they are requesting a variance for the six-foot fence and submitting pictures of similar fences and gates in the immediate area.

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Chriss
ZBA#15-100
Page 2 of 4

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 fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed fence and gate is a steel powder coated bronze that will blend into the background and is easily seen through and compliments other fences in the immediate area.
2. The requested front yard fence height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed fence and gate is a steel powder coated bronze that will blend into the background and is easily seen through and compliments other fences in the immediate 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 front yard fence height 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 proposed fence and gate is a steel powder coated bronze that will blend into the background and is easily seen through and compliments other fences in the immediate area.
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 variance.

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

General Conditions:

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

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

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

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

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN


Chriss
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The foregoing resolution to approve the application for the requested front yard fence height variance was presented and moved by Mr. Feroldi, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Quinn 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: November 18, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE
2015 DEC 8 PM 2 04
TOWN OF ORANGETOWN

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Robert Breunig
185 Center Street
Pearl River, New York 10965

ZBA #15-102

Date: November 18, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-102: Application of Robert Breunig for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Columns 9 (Side Yard: 20' required, 18.4' existing & proposed), 10 (Total Side Yard: 50' required, 36.2' existing & proposed) for existing decks at an existing single-family residence. The premises are located at 185 Center Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.15, Block 2, Lot 7; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 18, 2015 at which time the Board made the determination hereinafter set forth.

Robert Breuning appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page).
2. A letter dated September 2, 2015 from Robert Hoene, Architect.

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: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Mr. Quinn was absent.

Robert Breunig testified that he built the deck 17 years ago without a permit and it is 1 ½ feet too close to the property line; that they are in the process of selling the house and would like to legalize the existing deck.

TOWN CLERKS OFFICE

2015 DEC 8 PM 2 04

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 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. Similar decks exist in the neighborhood and this deck has existed for 17 years without incident.
2. The requested 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. Similar decks exist in the neighborhood and this deck has existed for 17 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 side yard and total side yard variances are not substantial. Similar decks exist in the neighborhood and this deck has existed for 17 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.

TOWN CLERKS OFFICE
2015 DEC 8 PM 2 04
TOWN OF ORANGETOWN

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

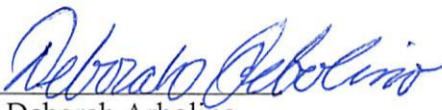
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The foregoing resolution to approve the application for the requested side yard and total side yard variances was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Quinn 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: November 18, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
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2015 DEC 8 PM 2 04
TOWN OF ORANGETOWN