

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:
Brereton & Messina Re-subdivision Plan, 53 and 55 North Williams Street, Pearl River, NY 68.16 / 4 / 30 & 31; RG zone; Artists Studio Site Plan, 183 Oak Tree Road, Tappan NY 77.15 / 1 / 32; LJO (CO,CS) zoning districts; 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: September 25, 2013

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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TOWN CLERKS OFFICE

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Carol Dolan
5 Van Wardt Place
Tappan, New York 10983

ZBA # 13-66
Date: September 25, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-66: Application of Carol Dolan for variances from Chapter 43 (Zoning), Section 3.12, R-15 District, Group M, Section 5.21 undersized lot applies; Columns 9 (Side Yard: 15' required, 4.6' existing & proposed), 10 (Total Side Yard: 30' required, 24.3' existing 7 proposed) for a sunroom addition and deck at an existing single-family residence, The premises are located at 5 Van Wardt Place, Tappan New York and identified on the Orangetown Tax Map as Section 77.15, Block 1, Lot 70; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 25, 2013 at which time the Board made the determination hereinafter set forth.

Carol Dolan and Meg Fowler, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated May 16, 2013 signed and sealed by Margaret Fowler, Architect. (8 pages).
2. A letter dated August 12, 2013 from the County of Rockland Department of Planning signed by Thomas Vanderbeek, P.E., Commissioner of Planning.
3. A letter dated September 4, 2013 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
4. A letter dated August 26, 2013 from the County of Rockland Drainage Agency signed by Vincent Altieri.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Mr. Sullivan, aye.

Meg Fowler, Architect, testified that they are planning to remove the existing deck that is in desperate need of repair and using that footprint to build a screened in porch and to construct a deck along side of the proposed enclosed porch in the rear of the house; that the applicants are fair skinned and would like a shaded area to enjoy the yard from; that the screened in porch would also help protect them from the mosquitoes that come from the creek behind the house; that the deck was designed two steps down from the screened in porch area; that he side yard and total side yard are existing conditions and are not changing.

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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. 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 side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposal of the enclosed sunroom and deck and does not change the existing side yard or total side yard. The proposed enclosed sunroom is being constructed using the footprint from the existing deck that is being removed.
2. The applicant has applied for a permit from the Rockland County Drainage Agency and shall provide all pertinent information from the agency to the Building Inspector prior to the issuance of a building permit.
3. 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. The proposal of the enclosed sunroom and deck and does not change the existing side yard or total side yard. The proposed enclosed sunroom is being constructed using the footprint from the existing deck that is being removed.
4. 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 sunroom is being constructed on the same footprint as the deck that is being removed and the requested variances are for pre-existing non-conforming conditions.
5. The requested side yard and total side yard 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 proposed sunroom is being constructed on the same footprint as the deck that is being removed and the requested variances are for pre-existing non-conforming conditions.
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 side yard and total side yard variances are APPROVED with the Specific Condition that the applicant obtain a permit from the County of Rockland Drainage Agency; 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, with the Specific Condition that the applicant obtain a permit from the Rockland County Drainage Agency, was presented and moved by Ms. Salomon, seconded by Ms.

Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Albanese, aye ;Ms. Castelli, aye; Ms. Salomon, 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: September 25, 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 -B.vw.

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, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND REAR YARD FOR LOT #1; LOT AREA AND LOT WIDTH FOR LOTS #1 & #2; APPROVED

To: Kathy Kopunek
20 Stueben Avenue
Tappan, New York 10983

ZBA # 13-68

Date: September 25, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-68: Application of Kopunek Subdivision for a variances from Chapter 43 (Zoning) Town of Orangetown, R-15 District, Group M, Columns 4 (Floor Area Ratio: .2 permitted, .26 existing for lot #1); 5 (Lot Area: 15,000 sq. ft. required, 7,486 sq. ft. proposed for lot #1 & #2); 6 (Minimum Lot Width: 100' required, 75' proposed for lot #1 & #2). 8 (Front Yard: 30' required, 25.1' existing for lot #1), 9 (Side Yard: Section 5.21 (c) applies: 15' required, 10.9' existing for lot #1); 10 (Total Side Yard: 30' required, 22.5' existing for lot #1) and 11 (Rear Yard: 35' required, 33.6' proposed for lot #1) for a proposed two-lot subdivision. The property is located at 20 Stueben Avenue, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.06, Block 2, Lot 69; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 25, 2013 at which time the Board made the determination hereinafter set forth.

Kathy Kopunek and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Survey dated April 11, 2013 signed and sealed by Robert E. Sorace, PLS.
2. Planning Board Decision # 13-16 dated April 24, 2013 and #13-24 dated July 10, 2013.
3. A memorandum dated August 22, 2013 from the County of Rockland Department of Planning.
4. A letter dated September 13, 2013 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
5. A letter dated September 18, 2013 from the County of Rockland Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated March 29, 2013 from Kathy Kopunek.
7. A portion of a tax map showing similar sized lots in the neighborhood.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that 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 environmental review for the application, and on July 10, 2013, rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action, the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations §617.6 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Mr. Bosco, aye; and Ms. ~~Castelli~~, ~~aye~~. **IT IS SO ORDERED**

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Donald Brenner, Attorney, testified that the applicant was before the Planning Board twice and received a 'neg dec' and preliminary approval from the Planning board on July 10, 2013; that it was questionable if the applicant needed to appear because the property was shown on a 1929 subdivision as two tax lots; that at some time in the past the lots were merged by the tax assessors office; that the applicant is requesting to return it to two lot; that it is the kind of development that has existed in the area; that it fits with the neighborhood and that they have agreed to come back to the Board for drainage review at the time a developer proposed to build on the lot.

Kathy Kopunek testified that she purchased her house in July of 2009 and was told by the owner that the property consisted of two separate tax lots; that they were 75' x 100' lots that fronted on Stueben and Sterling; that she believed the cost of the house supported that fact; that she always thought of the additional property as a safety net for her retirement ; that she is asking the Board to approve the subdivision because the subdivide lot would conform to other properties in the surrounding neighborhood; and pointed out that there are six lots on Stueben, six lots on Sterling and six lots on Summit that are approximately the same size as her requested subdivide lots; and that she intends to stay in her home after the subdivision and her house sits lower than her rear property; and that she would want the person developing the lot to be conscious of drainage and that is why a drainage review would be conducted at the time of any development..

Public Comment:

Michael Davies, 26 Stueben Ave., Tappan testified that he is concerned about the development of the lot because of the topography of the lot; that it sits higher than his lot and he does not want water running onto his lot during and after construction.

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 and building height variance for lot #1 and the lot area and lot width variances for lot #1 and #2 will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The subject property was shown on a subdivision plat filed in 1929; but, for an unknown reason the tax assessor merged the lots. There are at least 18 other lots within three blocks that are the same size or smaller than the proposed subdivision lots, and the owner of the new subdivided lot, that is presently not developed, must return to the Planning Board at the time of development for drainage review.

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2. The requested floor area ratio, front yard, side yard, total side yard and building height variance for lot #1 and the lot area and lot width variances for lot #1 and #2 will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The subject property was shown on a subdivision plat filed in 1929; but, for an unknown reason the tax assessor merged the lots. There are at least 18 other lots within three blocks that are the same size or smaller than the proposed subdivision lots, and the owner of the new subdivided lot, that is presently not developed, must return to the Planning Board at the time of development for drainage review.
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 and building height variance for lot #1 and the lot area and lot width variances for lot #1 and #2 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 subject property was shown on a subdivision plat filed in 1929; but, for an unknown reason the tax assessor merged the lots. There are at least 18 other lots within three blocks that are the same size or smaller than the proposed subdivision lots, and the owner of the new subdivided lot, that is presently not developed, must return to the Planning Board at the time of development for drainage review.
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, front yard, side yard, total side yard and building height variance for lot #1 and the lot area and lot width variances for lot #1 and #2 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.

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(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, front yard, side yard, total side yard and building height variance for lot #1 and the lot area and lot width variances for lot #1 and #2 was presented and moved by Ms. Castelli, seconded by Ms. Albanese and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Albanese, aye; Ms. Castelli, aye; Ms. Salomon, 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: September 25, 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 - 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

LOT WIDTH VARIANCE FOR LOTS #3 & #4; STREET FRONTAGE VARIANCE FOR LOT # 1; AND TOTAL SIDE YARD VARIANCES FOR LOTS #1, #2, #3, & #4 APPROVED

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

ZBA # 13-69
Date: September 25, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-69: Application of Deans Subdivision for variances from Chapter 43 (Zoning) Town of Orangetown, Section 3.12, R-15 District, Group M, Columns 6 (Lot Width: 100' required, 95' proposed for lots #3 & #4), 7 (Street Frontage: 75' required, 66.92' proposed for lot #1), and 10 (Total Side Yard: 50' required, 45' proposed for lot #1, #2, #3 & #4) for a proposed four lot subdivision. The property is located at 30 Pine Tree lane, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.07, Block 2, Lot 26; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 25, 2013 at which time the Board made the determination hereinafter set forth.

Jennifer Dean, Jay Greenwell, Land Surveyor and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Survey dated 08/12/2012 with the latest revision date of 06/05/2013 signed and sealed by Jay A. Greenwell PLS..
2. Planning Board Decision #13-14 dated July 10, 2013.
3. A letter dated September 12, 2013 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
4. A letter dated September 12, 2013 from the County of Rockland Department of Highways signed by Sonny Lin. P.E..
5. A letter dated September 18, 2013 from the County of Rockland Sewer District No.1 signed by Joseph la Fiandra, Engineer II.
6. A Google map that shows the widths of other lots on Pine Tree Lane.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that 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 environmental review for the application, and on July 10, 2013, rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action, the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations §617.6 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Mr. Bosco, aye; and Ms. Castelli, aye.

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Donald Brenner, Attorney, testified that the first time this application appeared before the Planning Board it only required one (1) variance; that the Planning Board requested changes to the plan and it now needs several variances in order to accommodate the changes that the Planning Board and the Highway and Engineering Departments required; that this modified plan is the plan that the Board liked the best; that SEQRA has been completed and a "neg dec" has been issued; that the Town Engineer wanted the crumbling retaining wall that is in the Town right-of-way removed at the cost to the applicant; that the new construction will increase property values for the neighbors and the environmental review was completed by the Planning Board.

Jay Greenwell, Land Surveyor, testified that the original four lot subdivision application required only one variance but one of the lots was entered by the access from Kings Highway; that it would have given lot #1 a long skinny driveway and there was discussion that the proposed area has water ponding; that the neighbors were not happy with the entrance from Kings highway; that the Highway Department and the Engineering Department wanted the crib wall removed because it was built over fifty years ago and was in need of repair; that the revised four lot subdivision plan has the black top removed from the long skinny driveway and seeded; that the crib wall is being removed along with the scrub trees; that all four lots are accessed off of Pine Tree Lane and these changes are causing the need for more variances; that the lot widths proposed are in keeping with the character of the neighborhood; that there are lot widths between 88 to 107 feet along Pine Tree Lane; that the cost of dismantling the retaining wall for the developer has made the fourth lot necessary; and that the houses could be anywhere from 3,200 sq. ft. to 3,800 sq. ft. and not require a variance for floor area ratio; that as a result of this second plan there will be less impervious surface after the construction of the four new house than presently exists; that they have added four additional drywells to the project and the individual lots will come back for ACABOR approval.

Public Comment:

Paul Doctor, 56 Pine Tree Lane, testified that he lives on the southern end of lot #4; that he is concerned about the size of the houses; that houses between 3,200 and 3,800 sq. ft. would not be in keeping with the character of the neighborhood; and he questioned if his taxes would go up because of these large house.

Mary Cardenas, 66 Pine Tree Lane, testified that she has concerns regarding the size of the proposed houses; and asked questions regarding the side yard variances and asked who would maintain the strip of property once it is seeded.

Mary Danner testified that she is speaking on her father's behalf; that her dad is Thomas Walsh and he lives at 39 Pine Tree Lane and she asked if building three houses would eliminate the need for variances.

Robert Crocus, 35 Autumn Drive, testified that he lives behind three of these proposed lots; that he has many drainage concerns; that this proposal does not fit with the neighborhood; that many deer, turkeys and fox will be displaced and he asked the board if they visited the property.

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.

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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 lot width variances for lot #3 & #4, Street frontage variance for lot #1 and the total side yard variances for lots #1, #2, #3 & #4 will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed lot widths are similar to existing lot widths in the area. In order to accomplish the requests from the Orangetown Highway Department and the Orangetown Department of Environmental Management and Engineering to remove the existing crib wall that was built over 50 years ago and to remove the access to lot #1 from Kings Highway these variances are necessary.
2. The requested lot width variances for lot #3 & #4, Street frontage variance for lot #1 and the total side yard variances for lots #1, #2, #3 & #4 will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed lot widths are similar to existing lot widths in the area. In order to accomplish the requests from the Orangetown Highway Department and the Orangetown Department of Environmental Management and Engineering, to remove the existing crib wall that was built over 50 years ago and to remove the access to lot #1 from Kings Highway, these variances are necessary.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The Planning Board reviewed the plans and suggested a change from the original application which would have requested only one variance because this plan dismantles an existing retaining wall that was built over 50 years ago, which both the DEME and Orangetown Highway Department want removed and directed the applicant to have access for all four lots on Pine Tree Lane instead of the original proposal for lot #1 to enter from Kings Highway.
4. The requested lot width variances for lot #3 & #4, Street frontage variance for lot #1 and the total side yard variances for lots #1, #2, #3 & #4; 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 lot widths are similar to existing lot widths in the area. In order to accomplish the requests from the Orangetown Highway Department, and the Orangetown Department of Environmental Management and Engineering to remove the existing crib wall that was built over 50 years ago and to remove the access to lot #1 from Kings Highway, these variances are necessary.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested lot width variances for lot #3 & #4, Street frontage variance for lot #1 and the total side yard variances for lots #1, #2, #3 & #4 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 lot width variances for lot #3 & #4, Street frontage variance for lot #1 and the total side yard variances for lots #1, #2, #3 & #4 was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Ms. Albanese, aye; Ms. Castelli, aye; Ms. Salomon, 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: September 25, 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 -N.A.

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

TOWN CLERKS OFFICE

2013 OCT 11 AM 9 39

TOWN OF ORANGETOWN

DECISION

FRONT YARD VARIANCE APPROVED

To: Stephen Magee
243 Edsall Terrace
Pearl River, New York 10965

ZBA # 13-70
Date: September 25, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 13-70: Application of Stephen Magee for a variance from Chapter 43 (Zoning) Town of Orangetown, R-15 District, Group M, Column 8 (Front Yard: 30' required, 26.7' proposed) for an addition to an existing single-family residence. The premises are located at 243 Edsall Terrace, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.14, Block 3, Lot 34; R-15 zoning district.

Held by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 25, 2013 at which time the Board made the determination hereinafter set forth.

Stephen Magee appeared and testified.

The following documents were presented:

1. Architectural plans dated 06/13/2013 signed and sealed by Robert J. Murphy Architect.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Mr. Sullivan, aye.

Stephen Magee testified that the existing house has a very small foyer and they are proposing to bump out in the front of the house to add a proper entry way with a coat closet and safer entry into the house; and that many houses in the neighborhood have added similar additions.

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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. 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 front yard 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 neighborhood.
2. The requested front yard 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 neighborhood.
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 variance is not substantial.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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TOWN OF ORANGETOWN

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

General Conditions:

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

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The foregoing resolution to approve the application for the requested front yard variance was presented and moved by Mr. Bosco, seconded by Ms. Albanese and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Albanese, aye ;Ms. Castelli, aye; Ms. Salomon, 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: September 25, 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
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERKS OFFICE

2013 OCT 11 AM 9 39

TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO AND FRONT YARD VARIANCES APPROVED

To: Gustavo Madera
116 Lawrence Street
Tappan, New York 10983

ZBA # 13-71

Date: September 25, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-71: Application of Gustavo Madera for variances from Chapter 43 (Zoning), Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .242 existing, .275 proposed) and 8 (Front Yard: 30' required, 26.1' existing and proposed) for an extension of an existing front porch at an existing single-family residence. The premises are located at 116 Lawrence Street, Tappan, New York and identified on the Orangetown Tax Map as Section 77.15, Block 3, Lot 23; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 25, 2013 at which time the Board made the determination hereinafter set forth.

Gustavo Madera appeared and testified.

The following documents were presented:

1. Site plan with proposed front porch drawn on it.
2. Zoning Board Decision #12-04 dated January 4, 2012.
3. Two letters in support of the application from abutting property owners.

Mr. Sullivan, Chair, 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. Albanese, aye; Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Mr. Sullivan, aye.

Gustavo Madera testified that the present entry to the house is narrow; that they are proposing to extend the existing area across the length of the house to make the entry into the house more comfortable and to have a front porch; that other houses in the area have added similar front porches; that the house situated across the street from the rails-to-trails and it would be nice to have a sitting area in the front of the house; and that he has submitted letters of support from his neighbors on both sides of him.

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TOWN OF ORANGETOWN

Public Comment:

No public comment.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio and front 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 neighborhood.
2. The requested floor area ratio and front 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 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 and front 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.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio and front 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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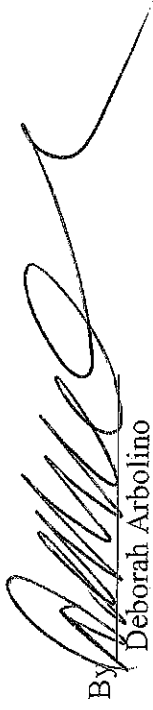
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio and front yard variances was presented and moved by Ms. Albanese, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Albanese, aye ;Ms. Castelli, aye; Ms. Salomon, 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: September 25, 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 -B.vw.

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

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

FLOOR AREA RATIO AND TOTAL SIDE YARD VARIANCES APPROVED

To: Kristen Pupo
38 Skyview Oval
Tappan, New York 10983

ZBA # 13-73

Date: September 25, 2013

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#13-73: Application of Kristen Pupo for variances from Chapter 43 (Zoning), Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .225 proposed), and 10 (Total Side Yard: 50' required, 49.5' proposed) for an addition to an existing single-family residence. The premises are located at 38 Skyview Oval, Tappan, New York and identified on the Orangetown Tax Map as Section 74.18, Block 1, Lot 35; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 25, 2013 at which time the Board made the determination hereinafter set forth.

Kristen Pupo and John Perkins, Architect, appeared and testified.

The following documents were presented:

1. Survey dated March 29, 2013 with the latest revision date of July 24, 2013 signed and sealed by Robert E. Sorace, Land Surveyor.
2. Architectural plans dated February 28, 2013 with latest revision dated of June 6, 2013 signed and sealed by John Perkins, Architect.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Albanese, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Mr. Sullivan, aye.

John Perkins, Architect, testified that the proposal is to expand the existing second floor; that they are proposing to add more living area to the master bedroom; that they are also renovating the existing front porch floor; that the proposed addition is for an additional 346 square feet of living area; that they are going to add gables to the front porch and over the addition over the garage to add more character to the exterior of the house; that the total side yard is 49.6 feet; and that similar additions have been constructed in the neighborhood.

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Public Comment:

Rhonda Goldstein, 12 Wayne Lane, testified that she was concerned about drainage but if there is no change to the footprint of the building, she has no concerns.

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 and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition is for 346 sq. ft. and is proposed for the second floor of the existing house. The total side yard is existing at 49.6 feet and is not changing. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed addition is for 346 sq. ft. and is proposed for the second floor of the existing house. The total side yard is existing at 49.6 feet and is not changing. 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. The proposed addition is for 346 sq. ft. and is proposed for the second floor of the existing house. The total side yard is existing at 49.6 feet and is not changing.
4. The requested floor area ratio and total side yard variances are not substantial.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN CLERKS OFFICE

2013 OCT 11 AM 9 40

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 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 floor area ratio and total side yard variances was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Albanese, aye; Ms. Castelli, aye; Ms. Salomon, 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: September 25, 2013

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbetino
Administrative Aide

DISTRIBUTION:

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

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TOWN OF ORANGETOWN