

MINUTES
ZONING BOARD OF APPEALS
APRIL 27, 2011

MEMBERS PRESENT: WILLIAM MOWERSON
 JOAN SALOMON
 NANETTE ALBANESE
 PATRICIA CASTELLI

ABSENT: DANIEL SULLIVAN

ALSO PRESENT: Dennis Michaels, Esq. Deputy Town Attorney
 Melissa Pezzullo, Official Stenographer
 Deborah Arbolino, Administrative Aide

This meeting was called to order at 8: 00 P.M. by Mr. Mowerson, Chairman.

Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

MARKS/GARVEY 75.13 / 1 / 2; R-40 zone	CONTINUED	ZBA#11-02
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NEW ITEMS:

JORDAN 78.05 / 1 / 6; RG zone	ACCESORY STRUCTURE FRONT YARD DENIED	ZBA#11-25
WHAT'S COOKIN 74.10 / 1 / 70; CO zone	SIGN VARIANCE APPROVED	ZBA#11-26
LUNDY 64.17 / 2 / 35; R-15 zone	FENCE HEIGHT VARIANCE APPROVED	ZBA#11-27
COVINO 78.09 / 1 / 14; R-15 zone	FRONT YARD VARIANCE APPROVED	ZBA#11-28

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 11:20 P.M.

DECISION

ACCESSORY STRUCTURE LOCATION VARIANCE DENIED

To: Diana Jordan

ZBA # 11-25

1 New Street
Sparkill, New York 10976

Date: April 27, 2011

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#11-25: Application of Diana Jordan for a variance from Chapter 43 (Zoning), Section 5.153 (Accessory Structure shall not be located in a front yard) for the location of a 10' x 16' shed at a single-family residence. Premises are located at 1 New Street, Sparkill, New York and are identified on the Orangetown Tax Map as Section 78.05, Block 1, Lot 6; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 27, 2011 at which time the Board made the determination hereinafter set forth.

Diana Jordan appeared and testified.

The following documents were presented:

1. A photocopy of the existing shed.
2. Survey with the shed location drawn on it.

Mr. Mowerson 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. Mowerson 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; Ms. Albanese, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Diana Jordan testified that she would like to keep the existing shed in its present location; that she had the shed installed last summer and was misinformed by a neighbor that the location would be o-k; that it is 15' from the street; that she did not want to move it into the rear of the house because getting things in and out of it would be done over the lawn and could damage the lawn; that the present location is easy to get things in and out of the car; that the area that it is located on is near the paved area and has loose gravel; that the doors to the shed open to the back; that trees border it from the front yard; that there is a fence and lawn there; and that she could probably move it back to be 25' from the road.

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. Mowerson 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 are outweighed by the detriment to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested variance to locate an accessory structure in a front yard will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is large enough to accommodate the shed without the need of any area variances.
2. The requested variance to locate an accessory structure in a front yard will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is large enough to accommodate the shed without the need of any area variances.
3. The benefits sought by the applicant can be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, and was a factor in its denial 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 accessory structure located in a front yard variance is DENIED; 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 deny the application for the requested accessory structure located in a front yard variance was presented and moved by Ms. Salomon, seconded by Mr. Mowerson and carried as follows: Ms. Castelli, aye; Ms. Albanese, nay; Ms. Salomon, aye; and Mr. Mowerson, aye. Mr. Sullivan 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.

DECISION

SIGN VARIANCE APPROVED

To: Louis Monitto (What’s Cookin)

ZBA # 11-26

60 Dutch Hill Road
Orangeburg, New York 10962

Date: April 27, 2011

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 11-26: Application of “What’s Cookin” for a variance from Chapter 43 (Zoning), Section 3.11, Column 5 (Signage: 12 sq. ft. permitted, 31 sq. ft. proposed) for a proposed sign at a new business. The premises is located at 60 Dutch Hill Road, Orangeburg, New York an identified on the Orangetown tax Map as Section 74.10, Block 1, Lot 70; CO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 27, 2011 at which time the Board made the determination hereinafter set forth.

Louis Monitto appeared and testified.

The following documents were presented:

1. Computer generated picture of proposed sign on building.
2. Black & white picture of proposed sign with measurements.
3. A letter dated March 30, 2011 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Acting Commissioner.
4. A letter dated March 31 2011 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.

Mr. Mowerson 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. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7), which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Louis Monitto testified that he would like to install a sign that matches all of the other

signs for businesses located on this property; that the existing signs for the other businesses are 2' x 15' and that is the same size that he is proposing for his business; and that his sign would have back lighting, like all of the other signs.

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. Mowerson 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 sign size variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar size signs exist in this complex.
2. The requested sign size variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar size signs exist in this complex.
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 sign size variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar size signs exist in this complex.
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 sign size 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.

The foregoing resolution to approve the application for the requested sign size variance was presented and moved by Mr. Mowerson, seconded by Ms. Albanese and carried as follows: Ms. Castelli, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Mr. Sullivan 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.

DECISION

ZONING (Chapter 43) § 5.226 FRONT YARD FENCE VARIANCE APPROVED

To: William and Gail Lundy

ZBA # 11-27

64 Rolfe Place

Date: April 27, 2011

Pearl River, New York 10965

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#11-27: Application of William and Gail Lundy for a variance from Chapter 43 (Zoning), Section 5.226 (Fence: 4 ½ ‘ permitted in a front yard; 6’ proposed) for a six-foot fence at an existing single-family residence. The premises are located at 64 Rolfe Place, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 2, Lot 35 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 27, 2011 at which time the Board made the determination hereinafter set forth.

William and Gail Lundy appeared and testified.

The following documents were presented:

1. Survey of property with proposed fence location marked.
2. Four pictures of 6' privacy fences.

Mr. Mowerson 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. Mowerson 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; Ms. Albanese, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

William Lundy testified that they have had a four foot fence on the property for thirty years; that they recently installed an in-ground pool and would like to install a six-foot privacy fence on the street side of the property for privacy; that they have two front yards because they have a corner property; that they have spoken to their closest neighbors and they have no objection to the six-foot fence; and that the deck was already removed and a paver patio is being installed.

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. Mowerson 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 §5.226 front yard fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is a corner lot and has two front yards.
2. The requested §5.226 front yard fence height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
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 §5.226 front yard fence height variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of 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 variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested §5.226 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.

The foregoing resolution to approve the application for the requested §5.226 front yard fence height variance was presented and moved by Ms. Albanese, seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Mr. Sullivan 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.

DECISION

FRONT YARD VARIANCE APPROVED

To: Frank and Amy Covino

ZBA # 11-28

49 Van Terrace
Sparkill, New York 10976

Date: April 27, 2011

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#11-28: Application of Frank and Amy Covino for a variance from Chapter 43 (Zoning), Section 3.12, R-15 District, Group M, Column 8 (Front Yard: 30' required, 24.4' existing, 15.2' proposed) for an addition to an existing single-family residence. The premises are located at 48 Van Terrace, Sparkill, New York and are identified on the Orangetown Tax Map as Section 78.09, Block 1, Lot 14 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 27, 2011 at which time the Board made the determination hereinafter set forth.

Frank Covino and Michael O'Connor appeared and testified.

The following documents were presented:

1. Survey dated January 29, 2002 by Robert Rahnefeld
2. Architectural plans signed and sealed by Paul Gdanski, P.E. dated 12/12/10.
3. A letter dated January 23, 2011 signed and sealed by Paul Gdanski, P.E..
4. A letter dated March 30, 2011 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Acting Commissioner of Planning.
5. A letter dated April 15, 2011 from the County of Rockland Drainage Agency, signed by Shajan S. Thottakara, P.E..
6. A letter dated March 31, 2011 from the County of Rockland Sewer District No.1, signed by Joseph LaFiandra, Engineer II.
7. A letter dated April 1, 2011 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.

Mr. Mowerson 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. Mowerson 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; Ms. Albanese, aye; and Mr. Mowerson, aye. Mr. Sullivan was absent.

Michael O'Connor testified that the Covino's have three children and three bedrooms in the house; that they are proposing to add an additional bedroom and living area to the house; that presently the children share a bedroom; that the addition is proposed at the left of the house; that they need a front yard variance to accommodate the addition because the road curves in the area of the proposed addition; the front yard starts out at 24' and goes down to 15.2'; that the house is built on a steep incline; and that the neighbors were shown the plans and had no objections.

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. Mowerson 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing house sits on a uniquely configured lot at a bend in the road, and other 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. The existing house sits on a uniquely configured lot at a bend in the road, and other 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, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The existing house sits on a uniquely configured lot at a bend in the road, and other additions have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.
- 6.

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.

The foregoing resolution to approve the application for the requested front yard variance was presented and moved by Ms. Castelli, seconded by Ms. Albanese and carried as follows: Ms. Castelli, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Mr. Sullivan 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: April 27, 2011

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By _____
Deborah Arbolino

Administrative Aide

DISTRIBUTION:

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

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

