

MINUTES
ZONING BOARD OF APPEALS
DECEMBER 5, 2012

MEMBERS PRESENT: WILLIAM MOWERSON
JOAN SALOMON
PATRICIA CASTELLI
DANIEL SULLIVAN
MICHAEL BOSCO, ALTERNATE
NANETTE ALBANESE

ABSENT: NONE

ALSO PRESENT: Dennis Michaels, Esq. Deputy Town Attorney
Ann Marie Ambrose, Official Stenographer
Deborah Arbolino, Administrative Aide

This meeting was called to order at 7: 00 P.M. by Mr. 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

NEW ITEMS:

MULLEN 69.16 / 2 / 21; R-15 zone	FLOOR AREA RATIO VARIANCE APPROVED AS MODIFIED	ZBA#12-80
KENEALLY 68.12 / 5 / 2; RG zone	SIDE YARD VARIANCE APPROVED	ZBA#12-81
PARSEGHIAN SITE PLAN 70.10 / 3 / 18; CC zone	§§ 13.10 B (2), (10) & (11)	ZBA#12-82

The Zoning Board of Appeals congratulated Bill Mowerson on thirty-four years of service to the Board and wished him a very healthy, happy retirement. We will miss you!!

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 8:30 P.M.

Dated: December 5, 2012

DECISION

FLOOR AREA RATIO VARIANCE APPROVED AS MODIFIED

To: Patrick Mullen

ZBA # 12-80

7 Michael Drive
Blauvelt, New York 10913

Date: December 5, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#12-80: Application of Patrick Mullen for a variance from Chapter 43 (Zoning), Section 3.12; R-15 District; Group M, Column 4 (Floor Area Ratio: .20 permitted, .22 existing, [granted in ZBA#06-75] and .235 proposed) for a shed at an existing single-family residence. The premises are located at 7 Michael Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.16, Block 2, Lot 21 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 5, 2012 at which time the Board made the determination hereinafter set forth.

Patrick Mullen appeared and testified.

The following documents were presented:

1. Copy of site plan with proposed shed drawn on it.
2. Zoning board of Appeals Decision #06-75 dated July 5, 2006.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. 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. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Mr. Bosco, aye; and Mr. Mowerson, aye. Ms. Castelli was not present for this hearing.

Patrick Mullen testified that he would like to install a 13' x 16' shed next to his house; that six years ago, he gave up a larger shed to get a floor area ratio variance for an addition to his house; that his architect volunteered to remove the shed in order to get the variance for the addition; that he did not object because his wife was in love with the proposed changes to the house; that he was not happy about giving up the shed; that he has lived six years without the shed and is in need of more storage area; that he has two large ladders, roto-tiller and lawn equipment and power tools that he is storing in the yard under tarps and it does not look neat; that constructing two 10' x 10' sheds would not solve the problem because they would have to be 15' apart from each other and would not accommodate his long ladders; that the concrete pad is still in the yard from the previous shed and he would use this for the new shed; that he cannot shrink the shed to less than 13' and use the existing footings; that he would be willing to make it 13' x 15' and to lower the height to 11' at the peak'; and that he would build it to match the house with windows and window boxes.

Public Comment:

Thomas Mullen, 1 Pine Street, Orangeburg, testified that he is the applicant's brother; that his brother is asking for a smaller shed than he had six years; that he needs a shed to

store all of his tools and that the shed would look better than storing equipment and ladders outside.

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. 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has offered to reduce the size of the shed from the proposed 13' x 16' to 13' x 15'; which is less than 200 square feet; and the proposed height of the shed has been reduced to 11' at the peak. The increase in the requested floor area ratio is minimal.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has offered to reduce the size of the shed from the proposed 13' x 16' to 13' x 15'; which is less than 200 square feet; and the proposed height of the shed has been reduced to 11' at the peak. The increase in the requested floor area ratio is minimal.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. Constructing two 10' x 10' sheds spaced fifteen feet apart would not accommodate the items that need to be stored, and the existing concrete slab with footings could not be utilized for two smaller sheds.
4. The requested floor area ratio 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested floor area ratio variance as modified (13' x 15', and 11' height) 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 floor area ratio variance as modified (13' x 15', and 11' height) was presented and moved by Ms. Salomon, seconded by Mr. Mowerson and carried as follows: Mr. Sullivan, aye; Mr. Bosco, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli was absent for this hearing.

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: December 5, 2012

DECISION

UNDERSIZED LOT: SIDE YARD VARIANCE APPROVED

To: Jeremiah and Rosaleen Keneally

ZBA # 12-81

40 Forest Avenue
Pearl River, New York 10965

Date: December 5, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 12-81: Application of Jeremiah and Rosaleen Keneally for a variance from Chapter 43 (Zoning), Section 3.12, Group Q, Column 9 (Side Yard: 10' required, 9.73' existing and proposed) Section 5.21 (Undersized lot applies) for an addition to an existing single-family residence. The premises are located at 40 Forest Avenue, Pearl River, New

York and are identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 2; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 5, 2012 at which time the Board made the determination hereinafter set forth.

Jeremiah Keneally appeared and testified.

The following documents were presented:

1. Copy of site plan with proposed addition drawn on it.
2. Five pages of hand drawn plans for the proposed addition.
3. A letter in support of the application signed by eight (8) neighbors.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. 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. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; Ms. Castelli, aye; and Mr. Mowerson, aye.

Jeremiah Keneally testified that he is proposing to add a six foot addition to the existing bedroom; that presently the bedroom is 11' x 11' and he would like to enlarge it slightly; that recently they did the family room and bathroom downstairs and he would like to expand the bedroom now; that the extension would be built on piers; that they have three bedrooms and a bath upstairs; and the additional six foot will make a big difference in the bedroom.

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. 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicants' lot is undersized and the proposed addition is extending an existing condition.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicants' lot is undersized and the proposed addition is extending an existing

condition.

3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard 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.

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

was presented and moved by Ms. Albanese, seconded by Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Mr. Bosco, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli was absent was for this hearing.

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: December 5, 2012

DECISION

§§ 13.10 B (2), (10) & (11) ROUTE 303 OVERLAY VARIANCES APPROVED

To: Joseph Caruso (Parseghian)

ZBA # 12-82

777 Chestnut Ridge Road
Chestnut Ridge, New York 10977

Date: December 5, 2012

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#12-82: Application of Parseghian Site Plan for variances from Chapter 43 (Zoning) Section 13.10, B (2): (25' buffer required; 12' landscaped berm shown to the designated street line and an additional 12.5' landscaped berm shown between the designated street line and the right-of-way [this area is not considered part of the front yard]); Section 13.10, B (10): (Not more than 35% of all parking with in the front yard of any lot or parcel and 100% of all parking is shown in the front yard); Section 13.10, B (11): (Connections between abutting parking lots shall be provided and none are shown); for reaffirmation of a previously granted final site plan approval. The property is located on the west side of Route 303, 600 feet north of the intersection of Erie Street, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.10, block 3, Lot 18 in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 5, 2012 at which time the Board made the determination hereinafter set forth.

Joseph Caruso, Maser Consulting, Eric Gordon, Attorney and Masis Parseghian, owner, appeared and testified.

The following documents were presented:

1. Preliminary Layout & Dimension Plan for Masis Parseghian dated 03/20/ 2012 with the latest revision date of 09/25/2012.
2. Architectural plans dated 04/25/2008 by Hess Architects.
3. A narrative summary (3 pages) from Maser Consulting.
4. A letter dated November 20, 2012 from the County of Rockland Department of Highways signed by Joseph Arena, Senior Engineering Technician.
5. A letter dated October 22, 2012 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
6. A letter dated June 20, 2012 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.
7. A letter dated November 5, 2012 from the County of Rockland Department of Planning signed by Thomas Vanderbeek, P.E., Commissioner of Planning.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that since the Planning Board

noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for this application, pursuant to coordinated review under the State environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and, on July 27, 2011, rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action (i.e., a Negative Declaration or Neg Dec), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA 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; Ms. Castelli, aye; and Mr. Mowerson, aye.

Eric Gordon, Attorney, testified that the subdivision was originally approved in 1990; that since that time the Route 303 Overlay District was created; that Mr. Parseghian did not construct the shopping center in 1990 but is ready to start construction soon; that they are before the Board to request variances that were not required at the time the site plan was approved; that the site has restrictions because of the stream at the rear of the lot; that the drainage needs to be in the rear of the property and the parking in the front of the building; that the 53 parking spaces must stay in the front of the building to satisfy the required parking spaces for the proposed building; that it is not feasible to build a smaller building because economically there would be no return on the property; and that he would like to turn it over to Mr. Caruso to explain the site further.

Joseph Caruso testified that the applicant had to transfer property to the town to get the road extension; that the previously approved site plan had a connection of the driveway to the north but it was removed by the Department of Transportation because they proposed a jug handle turn-around; that the buffer provided is 12' but effectively it is really 20' to the designated street line and the plantings will go to that line if permitted by the DOT; that to provide a connection to the north would require a bridge to be built to go over the stream; and to the south is the gas station; that they are not going to build the roadway but are providing easements to the properties to the north and south; that all of the fill has been tested; and they will appear before ACABOR with a planting plan.

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. 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 §§ 13.10 B (2), (10) & (11) Route 303 Overlay District variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to comply with the conditions set forth in the letter dated June 20, 2012 from the State of New York Department of Transportation- (1) Existing roadside drainage in front of the property

Parseghian

ZBA#12-82

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is accommodated by sheet flow into low lying area. By directing this runoff to basins in the driveway and directly outletting it without detention to the neighboring property, there will be an increase in flow off the property. A swale shall be maintained in the right of way to maintain sheet flow or the runoff shall be temporarily directed to the detention system. When the NYSDOY contract places curb along the frontage, a closed drainage system will be placed to collect the runoff and all temporary connections will be closed; (2) The driveway shall be graded away from the road. A Driveway profile shall be provided; and from the letter dated November 5, 2012 from the County of Rockland Department of Planning: (1) The landscape plan must include vegetation that will block the headlights of the parked vehicles from shining into the State right-of-way, especially since the buffer proposed is less than half of what is required; (2) The proposed access easements should be recorded in the deed to ensure that future property owners are aware of their existence.

2. The requested §§ 13.10 B (2), (10) & (11) Route 303 Overlay District variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The applicant has agreed to comply with the conditions set forth in the letter dated June 20, 2012 from the State of New York Department of Transportation- (1) Existing roadside drainage in front of the property is accommodated by sheet flow into low lying area. By directing this runoff to basins in the driveway and directly outletting it without detention to the neighboring property, there will be an increase in flow off the property. A swale shall be maintained in the right of way to maintain sheet flow or the runoff shall be temporarily directed to the detention system. When the NYSDOY contract places curb along the frontage, a closed drainage system will be placed to collect the runoff and all temporary connections will be closed; (2) The driveway shall be graded away from the road. A Driveway profile shall be provided; and from the letter dated November 5, 2012 from the County of Rockland Department of Planning: (1)The landscape plan must include vegetation that will block the headlights of the parked vehicles from shining into the State right-of-way, especially since the buffer proposed is less than half of what is required; (2) The proposed access easements should be recorded in the deed to ensure that future property owners are aware of their existence.
3. The requested §§ 13.10 B (2), (10) & (11) Route 303 Overlay District variances, although 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 applicant has agreed to comply with the conditions set forth in the letter dated June 20, 2012 from the State of New York Department of Transportation- (1) Existing roadside drainage in front of the property is accommodated by sheet flow into low lying area. By directing this runoff to basins in the driveway and directly outletting it without detention to the neighboring property, there will be an increase in flow off the property. A swale shall be maintained in the right of way to maintain sheet flow or the runoff shall be temporarily directed to the detention system. When the NYSDOY contract places curb along the frontage, a closed drainage system will be placed to collect the runoff and all temporary connections will be closed; (2) The driveway shall be graded away from the road. A Driveway profile shall be provided; and from the letter dated November 5, 2012 from the County of Rockland Department of Planning: (1) The landscape plan must include vegetation that will block the headlights of the parked vehicles from shining into the State right-of-way, especially since the buffer proposed is less than half of what is required; (2) The proposed access easements should be recorded in the deed to ensure that future property owners are aware of their existence.
4. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area

variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested §§ 13.10 B (2), (10) & (11) Route 303 Overlay District variances are APPROVED with the following SPECIFIC CONDITIONS: (1) Existing roadside drainage in front of the property is accommodated by sheet flow into low lying area. By directing this runoff to basins in the driveway and directly outletting it without detention to the neighboring property, there will be an increase in flow off the property. A swale shall be maintained in the right of way to maintain sheet flow or the runoff shall be temporarily directed to the detention system. When the NYSDOY contract places curb along the frontage, a closed drainage system will be placed to collect the runoff and all temporary connections will be closed; (2) The driveway shall be graded away from the road. A Driveway profile shall be provided; (3) The landscape plan must include vegetation that will block the headlights of the parked vehicles from shining into the State right-of-way, especially since the buffer proposed is less than half of what is required; (4) The proposed access easements should be recorded in the deed to ensure that future property owners are aware of their existence; 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 §§ 13.10 B (2), (10) & (11) Route 303 Overlay District variances was presented and moved by Mr. Mowerson, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, 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: December 5, 2012

