

MINUTES
ZONING BOARD OF APPEALS
JANUARY 2, 2008

MEMBERS PRESENT: WILLIAM MOWERSON
NANETTE ALBANESE
JOHN DOHERTY
PATRICIA CASTELLI
DANIEL SULLIVAN

ABSENT: NONE

ALSO PRESENT: Kevin Mulhearn, Esq. Deputy Town Attorney
Jackie Padilla, Official Stenographer
Deborah Arbolino, Administrative Aide

This meeting was called to order at 7: 00 P.M. by Chairman William Mowerson.

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:

BLAUVELT CAR WASH POSTPONED ZBA#07-106
70.10 / 3 / 16; CC zone

BYRNE SUBDIVISION POSTPONED ZBA#07-116
69.05 / 4 /41; R-15 zone

NEW ITEMS:

MEDAGLIA RESTRICTED ZBA#08-01
74.14 / 1 / 29; R-15 zone
OWNER OCCUPIED TWO-FAMILY
APPROVED WITH COVENANT

LOUGHRAN FLOOR AREA ZBA#08-02
72.08 / 2 / 19; RG zone
RATIO, BUILDING HEIGHT
VARIANCES APPROVED

CURCIO OWNER OCCUPIED ZBA#08-03
68.12 / 6 / 32; RG zone
TWO-FAMILY APPROVED
WITH COVENANT

RICCI OWNER OCCUPIED ZBA#08-04
70.13 / 2 / 16; R-15 zone
TWO-FAMILY APPROVED
WITH COVENANT

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 9:30 P.M.

Dated: January 2, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

DISTRIBUTION:

Deborah Arbolino
Administrative Aide

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

DECISION

OWNER OCCUPIED RESTRICTED TWO-FAMILY VARIANCE APPROVED WITH COVENANT

To: Susan Medaglia
67 Lester Drive
Orangeburg, New York 10962

ZBA # 08-01
Date: 1/ 2/ 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-01: Application of Susan Medaglia for a variance from Chapter 43, R-15 District, Section 3.12, Group M, Column 3 (Single-family residence permitted: two-family residence proposed). Premises are located at 67 Lester Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.14, Block 1, Lot 29; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 2, 2008 at which time the Board made the determination hereinafter set forth.

Susan Medaglia appeared and testified.

The following documents were presented:

1. Copy of builder's survey.
2. Building layout plan (2 Pages).

Susan Medaglia testified that she would like to add a kitchenette and shower stall at the back portion of her existing garage because her adult daughter and grandchild are moving back home; that she has owned her house for 12 ½ years; that it is a typical high ranch house; that there will be five people living in the house including her daughter and grandchild; that there will not be separate entrance within the house because she would have to go through her daughters living space to get to the washer and dryer; and that she would file a covenant.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Castelli,

aye; Ms. Albanese, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

1. The requested owner occupied two-family variance as conditioned by the covenant would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar restricted two-family residences exist in the area.
2. The requested owner occupied two-family variance as conditioned by the covenant would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested owner occupied two-family variance is **APPROVED**; with the **SPECIFIC PRIOR CONDITION** that a covenant with the Town of Orangetown acceptable in form and substance to the Town Attorney be submitted and filed with the Town Attorney's office that occupancy in the second apartment be limited to an immediate family member, to with: father, mother, son, daughter, brother, sister and any parent of child of applicants; 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 owner occupied restricted two-family variance was presented and moved by Mr. Sullivan, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: January 2, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR -J.P.

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

DECISION

FLOOR AREA RATIO AND BUILDING HEIGHT VARIANCES APPROVED

To: Terrance and Carolyn Loughran
36 Cherry Lane
Pearl River, New York 10965

ZBA # 08-02
Date: 1/ 2/ 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-02: Application of Terrence and Carolyn Loughran for variances from Chapter 43, Section 3.12, RG District, Group Q, Columns 4 (Floor Area Ratio: .30 permitted, .417 proposed), 12 (Building height: 16' permitted, 22' proposed) for an addition to an existing single-family residence. Premises are located at 36 Cherry Lane, Pearl River,

New York and are identified on the Orangetown Tax Map as Section 72.08, Block 2, Lot 19 ; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 2, 2008 at which time the Board made the determination hereinafter set forth.

Terrance Loughran and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

3. Architectural plans dated October 16, 2007 signed and sealed by Sanford Lend, P.E.
4. A letter in support of the application signed by six neighbors.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Sullivan and carried as follows: Mr. Doherty, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; and Mr. Mowerson, aye.

Terrance Loughran testified that the house is a 49' ranch; that it originally had 2 ½ bedrooms and bedrooms were added years ago; that he and his wife have a 14 year old boy, a 5 year old girl; a 2 year old boy and are expecting their fourth child soon; that he grew up in the house and loves the neighborhood and wants to stay in the house; that they know their fourth child will have special needs and they are bursting at the seams already and need more room.

Donald Brenner, Attorney, testified that his client grew up in the house; that he has a business in town; that they know that their fourth child has medical problems and they will need more space for the child; that this family would like to stay in the local school system and the house.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

1. The requested floor area ratio and building height variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.

2. The requested floor area ratio and building height variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining 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 and building height variances is APPROVED with the condition that the applicant submit a corrected bulk table; 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 and building height variances was presented and moved by Ms. Albanese, seconded by Mr. Doherty, and carried as follows: Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, aye. Mr. Sullivan abstained because he is an abutting property owner.

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: January 2, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

DECISION

OWNER OCCUPIED TWO-FAMILY VARIANCE APPROVED WITH COVENANT

To: Linda Curcio
216 Cardean Place
Pearl River, New York 10962

ZBA # 08-03
Date: 1/ 2/ 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-03: Application of Linda Curcio for a variance from Chapter 43, Section 3.11, R-80 District, Column 2, #7(Owner –occupied, single-family dwelling to add one additional dwelling unit clearly subordinate to the main One-family use to occupy not more than 600 sq. ft. subject to § 4.5: 665 sq. ft. proposed) for an owner occupied two-family dwelling. Premises are located at 216 Cardean Place, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 6, Lot 32; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 2, 2008 at which time the Board made the determination hereinafter set forth.

Linda Curcio appeared and testified.

The following documents were presented:

5. Copy of builder's survey.
6. Architectural plan of the basement floor plan signed and sealed by Michael Shilale Architects.
7. Four letters in support of the application.

Linda Curcio testified that she and her husband bought their house 37 years ago; that this apartment existed when they purchased the house; that she wants to make sure that the apartment is legal because she might have to rent it someday if she is alone in the house; that she would need to rent the space in order to stay in the house; and that if she needs to sign a covenant that the new owner would revert back to a one family, she would.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Castelli,

aye; Ms. Albanese, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

1. The requested owner occupied two-family variance as conditioned by the covenant would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar restricted two-family residences exist in the area.
2. The requested owner occupied two-family variance as conditioned by the covenant would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested owner occupied two-family variance is **APPROVED**; with the **SPECIFIC PRIOR CONDITION** that a covenant with the Town of Orangetown acceptable in form and substance to the Town Attorney be submitted and filed with the Town Attorney's office that when the current owner ceases ownership the house reverts back to a single-family dwelling; 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 owner occupied two-family variance was presented and moved by Mr. Doherty, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: January 2, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR -J.P.

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

DECISION

OWNER OCCUPIED TWO-FAMILY VARIANCE APPROVED WITH COVENANT

To: Rosemary and Philip Ricci
21 Renie Lane
Blauvelt, New York 10913

ZBA # 08-04
Date: 1/ 2/ 08

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#08-04: Application of Rosemary and Philip Ricci for a variance from Chapter 43, Section 3.11, R-80 District, Column 2, #7(Owner -occupied, single-family dwelling to add one additional dwelling unit clearly subordinate to the main one-family use to occupy not more than 600 sq. ft. subject to § 4.5: 814 sq. ft. existing) for an owner occupied two-family dwelling at an existing single-family residence. Premises are located at 21

Renie Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.13, Block 2, Lot 16; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 2, 2008 at which time the Board made the determination hereinafter set forth.

Rosemary and Phillip Ricci appeared and testified.

The following documents were presented:

8. Architectural plan of the floor plan by John P. Flynn, P.E.

Rosemary Ricci testified that she and her husband purchased the house from her husband's parents; that the apartment has always existed; that her in-laws built the house in 1969; that on the original plans the space was a recreation room but they were told that they could convert it into an apartment; that there is a stove, sink and cabinets in what use to be a garage; that they have been taxed as two-family residence for over thirty years; that they assumed it was a legal tow-family; that they would like to keep the apartment; that her in-laws come back and forth from the Carolina's and she thought this would be a grandfathered situation; that she called the Building Department and found out that it wasn't legal and that is why they are here now.

Philip Ricci testified that he grew up in the house; that he purchased it from his parents 8 ½ years ago; that his two kids use the apartment now but he would like o keep it in case his parents need to move back; and that they would sign a covenant if necessary.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; Mr. Doherty, aye; and Mr. Mowerson, aye.

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.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing the documents presented, the Board found and concluded that:

1. The requested owner occupied two-family variance as conditioned by the covenant would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar two-family residences exist in the area.

2. The requested owner occupied two-family variance as conditioned by the covenant would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested owner occupied two-family variance is APPROVED; with the SPECIFIC PRIOR CONDITION that a covenant with the Town of Orangetown acceptable in form and substance to the Town Attorney be submitted and filed with the Town Attorney's office that when the current owner ceases ownership the house reverts back to a single-family dwelling; 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 owner occupied two-family variance as conditioned by the covenant was presented and moved by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, nay; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Doherty, aye; and Ms. Albanese, 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: January 2, 2008

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

