

MINUTES
ZONING BOARD OF APPEALS
July 21, 2010

MEMBERS PRESENT: WILLIAM MOWERSON
 JOAN SALOMON
 NANETTE ALBANESE
 DANIEL SULLIVAN

ABSENT: PATRICIA CASTELLI

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:

Mc ERLEAN 77.20 / 2 / 23; R-15 zone	SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#10-50
SHINDELE 77.08 / 5 / 19; RG zone	FLOOR AREA RATIO, LOT AREA, LOT WIDTH, FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#10-51
LEE CONSTRUCTION 78.18 / 2 / 7.2; R-40 zone	LOT AREA, LOT WIDTH, FRONT YARD, REAR YARD, BUILDING HEIGHT AS AMENDED AND §6.332 VARIANCES APPROVED	ZBA#10-52
ORR 68.15 / 3 / 36; RG zone	FLOOR AREA RATIO AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#10-53
MURPHY 68.16 / 1 / 53; RG zone	FRONT YARD, SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#10-54
DiMENNA 70.13 / 2 / 90; R-15 zone	ACCESSORY STRUCTURE DISTANCE VARIANCE APPROVED	ZBA#10-55
KEARNEY 74.09 / 1 / 5; RG zone	FLOOR AREA RATIO VARIANCE APPROVED	ZBA #10-56
DOMINIK 68.14 / 2 / 21; R-15 zone	SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#10-57
McCARTHY 68.19 / 3 / 37; R-15 zone	FLOOR AREA RATIO AND SIDE YARD VARIANCES APPROVED	ZBA#10-58
LTS RESEARCH PERFORMANCE STANDARDS 76.08 / 1 / 6; LIO zone	APPROVED WITH CONDITIONS	ZBA#10-59

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 11:10 P.M.

Dated: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Lynda McErlean

ZBA # 10-50

769 Route 340

Date: July 21, 2010

Palisades, New York 10964

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-50: Application of Lynda Mc Erlean for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-15 District, Group M, Section 3.12, Columns 9 (Side Yard: 15' required, 10.8' proposed), 10 (Total Side Yard: 30' required, 27.7' proposed), Zoning Code Section 5.21c (Undersized lot) for an addition to an existing single-family residence. The premises are located at 769 Route 340, Palisades, New York, and are identified on the Orangetown Tax Map as Section 77.20, Block 2, Lot 23; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Lynda McErlean appeared and testified.

The following documents were presented:

1. Architectural plans (9 pages) not dated and not signed or sealed by Jonathan Hodash Architect.
2. Survey dated April 10, 1989 signed and sealed by William J. Simons, L.S.
3. A letter dated July 19, 2010 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
4. A letter dated July 13, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
5. A letter dated June 9, 2010 from the County of Rockland Drainage Agency signed by Edward F. Devine, Executive Director.

Mr. Mowerson 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 Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Linda McErlean testified that she would like to replace the existing 90 year old porch that is in need of repair with a new porch that would be eight foot wide instead of the existing six foot width.

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 Mr. Sullivan and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and total side yard variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.
- 6.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for the requested side yard and total side yard variances are **APPROVED**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the

Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested side yard and total side yard variances was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DECISION

FLOOR AREA RATIO, LOT AREA, LOT WIDTH, FRONT YARD, SIDE YARD, TOTAL SIDE YARD, REAR YARD, AND BUILDING HEIGHT VARIANCES APPROVED

To: Robert and Martha Schindele

ZBA # 10-51

12 Paulding Place
Sparkill, New York 10976

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-51: Application of Robert and Martha Schindele for variances from Chapter 43, (Zoning) of the Code of the Town of Orangetown Section 3.12, RG District, Group Q, Columns 4 (Floor Area ratio: .30 permitted, .408 proposed), 5 (Lot Area: 10,000 sq. ft. required, 4,746.6 sq. ft. existing), 6 (Lot Width: 75' required, 51.44' existing), 8 (Front Yard: 25' required, 21.6' existing and proposed), 9 (Side Yard; 10' required, 7' existing and proposed), 10 (Total Side Yard: 20' required, 19.9' existing and proposed), 11 (Rear Yard: 25' required, 17' existing and proposed), and 12 (Building Height: 10' permitted, 21' 10 ½ " proposed), Zoning Code Section 5.21 (Undersized Lot Applies) for an addition to an existing single-family residence. The premises are located at 12 Paulding Place, Sparkill, New York, and are identified on the Orangetown Tax Map as Section 77.08, Block 5, Lot 19; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Robert and Martha Schindele and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 4/28/2010 (2 pages) signed and sealed by Jane Slavin, Architect.
2. Site plan signed and sealed by Jane Slavin, Architect, based on survey dated July 25, 1991 by William Youngblood, L.S.
3. A letter dated July 13, 2010 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
4. A letter dated July 19, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
5. A letter dated June 9, 2010 from the County of Rockland Drainage Agency signed by Edward F. Devine, Executive Director.
6. Six pictures of the existing house.

Mr. Mowerson 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 Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Jane Slavin, Architect, testified that all of the requested variances are existing conditions except for the floor area ratio and the building height; that the second floor of the house has a 6'6" ceiling height in the center of the room with sloped ceilings; that the two

teenage daughters share this space; that they are proposing to remove the existing roof and make straight walls with a new framed roof that meets building code standards for living space; that the roof ridge will be raised by six feet; and that the house will be 1,941 square feet when it is finished.

Martha Schindele testified that they have owned the house for 19 years; that their two daughters are aged 13 and 15; that they have been sharing one bedroom and they are proposing to make two bedrooms and a bathroom; that they only have one bathroom in the house presently.

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 Mr. Sullivan 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 lot area, lot width, front yard, side yard, total side yard and rear yard variances are for existing conditions and the floor area ratio and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The majority of the requested variances are for pre-existing non-conforming conditions, the new variances are for building height and floor area ratio and similar additions have been constructed in the area.
2. The requested lot area, lot width, front yard, side yard, total side yard and rear yard variances are for existing conditions and the floor area ratio and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The majority of the requested variances are for pre-existing non-conforming conditions, the new variances are for building height and floor area ratio and similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested lot area, lot width, front yard, side yard, total side yard and rear yard variances are for existing conditions; the floor area ratio and building height variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The majority of the requested variances are for pre-existing non-conforming conditions, the new variances are for building height and floor area ratio and similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged

difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested lot area, lot width, front yard, side yard, total side yard and rear yard variances are for existing conditions; the floor area ratio and building height variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested lot area, lot width, front yard, side yard, total side yard and rear yard variances are for existing conditions; the floor area ratio and building height variances was presented and moved by Ms. Albanese, seconded by Mr. Sullivan and carried as follows: Ms. Salomon, aye; Mr. Sullivan, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DECISION

**LOT AREA, LOT WIDTH, FRONT YARD, REAR YARD, BUILDING HEIGHT
AS AMENDED, AND § 6.332 GRAVEL DRIVEWAY VARIANCES APPROVED**

To: Jay Greenwell

ZBA # 10-52

85 Lafayette Avenue
Suffern, New York 10901

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-52: Application of Lee Construction for variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-40 District, Group E, Section 3.12, Columns 5 (Lot Area: 40,000 sq. ft. required, 16, 485 sq. ft. existing) 6 (Lot Width: 150' required, 130' existing), 8 (Front Yard: 50' required, 42' proposed), 11 (Rear Yard: 50' required, 35' proposed), and 12 (Building Height: 20' permitted, 27' proposed, 25' granted), (Undersized Lot Applies) and from Zoning Code Section 6.332 (Driveway: Pavement required, Gravel proposed) for the proposed construction of a new single-family residence. The premises are located at 60 Highland Avenue, Palisades, New York, and are identified on the Orangetown Tax Map as Section 78.18, Block 2, Lot 7.2; R-40 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Jay Greenwell, Land Surveyor and Walter Lee appeared and testified.

The following documents were presented:

1. Architectural plans dated 5/21/10 (4 pages) signed and sealed by Andrew Nuzzi, Architect.
2. Plot plan dated 5/21/10 signed and sealed by Jay Greenwell, L.S.
3. Plot plan labeled "Family Affair Productions dated 12/9/03 signed and sealed by William Youngblood, L.S.
4. Grading plan dated 1/12/07 by Brooker Engineering.
5. A letter dated July 20, 2010 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
6. A letter dated July 13, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
7. A letter dated June 15, 2010 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
8. A letter dated June 28, 2010 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E..
9. Six computer generated pictures of the proposed house.

Mr. Mowerson made a motion to open the Public Hearing which motion was seconded by Ms. Albanese 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; and Mr. Mowerson, aye. Ms. Castelli was absent.

Jay Greenwell testified that Walter Lee purchased the property from the previous owner, with two previous approvals; that the previously granted variances had expired and because they had to come back to re-new those variances, Mr. Lee decided to improve upon the design of the previous house while keeping the basic footprint; that the drainage plan, trees, swale, septic shall remain as is; that the house will be at the same location as previously approved; that the box shape changes from 40' x 35' to 42' x 35 ½'; that they do not need a floor area ratio variance; that a gravel driveway was shown on the previous two sets of plans but a variance for the gravel driveway was not requested; that the height variance is necessary because the height is determined by the closest yard at this time; that at the previous submissions the height was measured from the front yard, and that if the height was measured from the front yard on this submission, a height variance would not be necessary; that the dwelling to the north is about 65' from the property line; that Mr. Lee purchased this property based on review of the Town papers; that the proposed house is modest at 2,300 sq. ft.; that it is not a large house for this neighborhood; that the house could be shifted two feet to the north and the roof pitch could be changes from 12 on 12 to 10 on 12 to lower the height to 25'; and that 22.5' would be the permitted height.

Walter Lee testified that he purchased the property nine months ago; that he could lower the roof pitch from 12 to 10 but would rather not because of the aesthetic effect; that the house is not a large house at 2,325 sq. ft.; that it has a clear story above the living room; and that the neighborhood is very mixed with two cottages and mega mansions.

Public Comment:

Jeanne Boose, 99 Washington Spring Road, testified that she is objecting to the house; that it is too big a house for too small a lot; that it is too wide and high; that it is a spec house and it doesn't need to be this big; that it is all about profit and it will change the character of the neighborhood.

Deborah Sears, 24 Lawrence Lane, Palisades, testified that she objects for all of the same reasons as Jeanne; that she was listening to the other applicant's and they were asking for minor variances and this case is different; that this lot is not a buildable lot; that this is not a dense neighborhood; that after this waiver there will be more requests for similar exceptions; and that if granted those will change the character of the neighborhood.

Michael Tersigni, 141 Washington Spring Road, testified that the granting of this variance will set a precedent and ad-hock changing the zoning; that all the lots should be 40,000 sq. ft. and this lot is too undersized; that the nature of the property is that it is wet and swampy; that his house is at 200 and the this house is proposed at 201; that the water will be running to the gully along his backyard; that he is concerned with drainage and the environment; that the lot size is very important; and that he has owned his house for five years.

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 Mr. Sullivan 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 lot area, lot width, front yard, rear yard, building height as modified and Zoning Code §6.332 gravel driveway variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to change the pitch of the roof to 10 on 12 and to move the house two feet to the north which lowered the height of the house to 25'.
2. The requested lot area, lot width, front yard, rear yard, building height as modified and Zoning Code §6.332 gravel driveway variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has agreed to change the pitch of the roof to 10 on 12 and to move the house two feet to the north which lowered the height of the house to 25'.
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 lot area, lot width, front yard, rear yard, building height as modified and Zoning Code §6.332 gravel driveway variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The applicant has agreed to change the pitch of the roof to 10 on 12 and to move the house two feet to the north which lowered the height of the house to 25'. The drainage plan shall be reviewed and approved by the Department of Environmental Management and Engineering of the Town of Orangetown.
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 lot area, lot width, front yard, rear yard, building height as modified by reducing the pitch of the roof to 10 on 12 and moving the house two feet to the north and Zoning Code § 6.332 gravel driveway variances are APPROVED with the SPECIFIC CONDITION that the drainage plan be reviewed and approved and comply with any and all requirements set forth by the Department of Environmental Management and Engineering, Town of Orangetown; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

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

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

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

The foregoing resolution to approve the application for the requested lot area, lot width, front yard, rear yard, building height as modified to 25' and Zoning Code Section 6.332 gravel driveway variances was presented and moved by Ms. Salomon, seconded by Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Albanese, nay; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN
Deborah Arbolino

DECISION

FLOOR AREA RATIO VARIANCE APPROVED FRONT YARD, TOTAL SIDE YARD, ACCESSORY DISTANCE VARIANCES APPROVED IN ZBA#10-31

To: Brian and Kerry Orr

ZBA # 10-53

74 Lincoln Avenue
Pearl River, New York 10965

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 10-53: Application of Brian and Kerry Orr for an amendment to ZBA#10-31 which granted the following variances from Chapter 43, RG District, Group Q, Section

3.12, Column 8 (Front Yard: 25' required, 23.3' existing and proposed) 10 (Total Side Yard: 30' existing, 27.2' existing, 23.2' proposed) and from Section 5.153 (Accessory Structure distance from principal building: 15' required, 12.676' proposed) and are proposing to add Column 4 (Floor Area Ratio: .30 permitted, .36 proposed) to add a second floor to the previously approved addition to an existing single family residence. The premises are located at 74 Lincoln Avenue, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.15, Block 3, Lot 36; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Brian and Kerry Orr appeared and testified.

The following documents were presented:

1. Architectural plans dated 1/25/10 (3 pages) revised June 6, 2010 signed and sealed by Sanford Lent, P.E.
2. Survey dated December 24, 2009 with a revision date of January 6, 2010 signed and sealed by Jay A. Greenwell, L.S.
3. A copy of the survey with the proposed addition drawn in.
4. A petition in support of the application with 14 signatures from surrounding neighbors.

Mr. Mowerson made a motion to open the Public Hearing which motion was seconded by Mr. Sullivan 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 Mr. Sullivan and carried as follows: Ms. Salomon, aye; Ms. Albanese, aye; Mr. Sullivan, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Kerry Orr testified that they are proposing to add a second floor over the originally proposed rear addition; that they always planned to do this addition but sometime in the future; that they found out that financially feasible to it now and doing a renovation once instead of twice would be great.

Brian Orr testified that Bert came out and did a pre-inspection after they were approved last time and that night they found out that the bank approved them for enough to add the second floor.

Public Comment:

Margaret Roche, Lincoln Avenue, testified that the Orr's are great neighbors and that she would love to see them stay on the block; and that she is in support of the granting of the variances.

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 floor area ratio variance, in addition to the previously granted front yard, total side yard and accessory structure distance variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio variance, in addition to the previously granted front yard, total side yard, and accessory structure distance variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio variance, in addition to the previously granted front yard, total side yard and accessory structure distance variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area 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, in addition to the previously granted front yard, total side yard and accessory structure distance variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a

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

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

The foregoing resolution to approve the application for the requested floor area ratio variance in addition to the previously granted front yard, total side yard and accessory structure distance variances was presented and moved by Mr. Mowerson, seconded by Ms. Salomon, and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DECISION

**FRONT YARD, SIDE YARD AND BUILDING HEIGHT VARIANCES
APPROVED**

To: Kevin and Margaret Murphy

ZBA # 10-54

101 N. Main Street
Pearl River, New York 10965

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-54: Application of Kevin and Margaret Murphy for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, RG District, Group Q, Columns 8 (Front Yard: 25' , 19' 4" existing), 9 (Side Yard: 10' required, 6' 10" existing), and 12 (Building Height: 20' permitted, 20' 4" existing, 22' 9" proposed) , Zoning Code Section 5.21 (Undersized Lot Applies) for a restoration and addition to an existing single-family residence. The premises are located at 101 N. Main Street. Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.16, Block 1, Lot 53; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Margaret and Kevin Murphy and Kathryn O'Connell, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated June 7, 2010 (4 pages) signed and sealed by Kathryn L. Connell, Architect.
2. A letter dated July 19, 2010 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
3. A letter dated July 13, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
4. A letter dated June 17, 2010 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A petition in support of the application dated 7/12/10 signed by nine abutting property owners.
6. A letter in support of the application from an abutting property owner.

Mr. Mowerson 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 Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Margaret Murphy testified that they purchased the house five years ago; that there are presently three in the family; and submitted pictures for the Board's review.

Kathryn O'Connell, Architect, testified that the Murphy's came to her for the renovation after the fire in their home; that the fire started in the kitchen and traveled up through the old balloon framing and into the roof where it burned out along the northwest eaves and up and through the ridge; that the existing house was built in the 1920's and is about 830 sq. ft. per floor; that it is a 1 ½ story building; that it has an original front porch that is 7' x8' and was enclosed by the previous owner; that the house is non-conforming in the north side yard by about three feet; and the original old porch is also three feet into the side yard and five and half feet into the front yard; that the existing second floor occupied space was 455 sq. ft., 52% of which was sloped at less than 7'6"; that they are proposing to raise the roof and walls to make the second level all livable, usable space; that the Murphy's would like to return the original porch to an open air porch; that this would be more in keeping with the neighborhood and the style of the house; that in order to regain some of the lost square footage from the old porch the Murphy's would like to expand the second floor plan to the full footprint of the existing first floor and add a rear dormer; that they tried their best to limit the impacts of the new structure on the existing non-conforming conditions; and they believe that the variances if approved would not cause a detriment to the neighborhood but will be a benefit.

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 Mr. Sullivan 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, side yard, and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested front yard, side yard, and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard, side yard, and building height variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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

General Conditions:

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

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

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

variances being requested.

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

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

The foregoing resolution to approve the application for the requested front yard, side yard, and building height variances was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN
Deborah Arbolino

DECISION

ACCESSORY STRUCTURE DISTANCE VARIANCE APPROVED

To: Alex and Lisa DiMenna

ZBA # 10-55

54 Blauvelt Road
Blauvelt, New York 10913

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-55: Application of Alex and Lisa DiMenna for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-15 District, Group M, Section 5.153 (Accessory Structure Distance: 15’ required to principal building, 7’ proposed) for the construction of a 20’ x 24’ garage/shed at an existing single-family residence. The premises are located at 54 Blauvelt Road, Blauvelt, New York, and are identified on the Orangetown Tax Map as Section 70.13, Block 2, Lot 90; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Alex DiMenna appeared and testified.

The following documents were presented:

1. A picture and specifications of the proposed garage.
2. Survey dated May 6, 2003 signed and sealed by Robert Rahnefeld, L.S.

Mr. Mowerson 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 Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Alex DiMenna testified that he would like to install a prefab garage seven feet from his house to store cars, a motorcycle, and landscape equipment; that he chose this location for accessibility from the driveway and to keep the structure a distance away from his neighbor on that side of the house; that his house is set on an angle from the property line; that he plans to side the structure to match the house; that he does not have vehicles with commercial lettering and the garage would be a place to store the cars and recreational vehicles that he owns.

Public Comment:

Robert Crane, 37 Bluefields Lane, testified that there is no chain link fence on the property; that Mr. DiMenna runs a construction business and parks construction vehicles on his property; that this is a violation in a residential zone and he should not be able to get variances when he is in violation.

Anita Alpuche, 46 Blauvelt Road, testified that she has owned the house for 46 years; that seven years ago Mr. DiMenna moved in and changed the character of the neighborhood; that he runs his construction business from the house; that worker meet there early in the morning; that it is noisy because they are getting the equipment they need for their jobs; that the trailer truck is an eyesore; and that the Board should protect the neighbors.

Alex Di Menna Jr. testified that his parents purchased the house in 2003; that is was very run down at the time; that they have improved the property with their renovations; that the proposed garage is for residential use and it will conceal the three cars, motorcycle and truck from the neighbors.

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 accessory structure distance variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar structures have been constructed in the area.
2. The requested accessory structure distance variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar structures have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested accessory structure distance variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar structures have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested accessory structure distance 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 accessory structure distance variance was presented and moved by Mr. Mowerson, seconded by Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Albanese, nay; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO VARIANCE APPROVED

To: Peter and Eileen Kearney

ZBA # 10-56

135 Edgewood Drive
Orangeburg, New York 10962

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-56: Application of Peter and Eileen Kearney for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, RG District, Group Q, Column 4 (Floor Area Ratio: .30 permitted, .378 proposed) for an addition to an existing single-family residence. The premises are located at 135 Edgewood Drive, Orangeburg, New York, and are identified on the Orangetown Tax Map as Section 74.09, Block 1, Lot 5; RG zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Peter and Eileen Kearney and Glen Lumia appeared and testified.

The following documents were presented:

1. Architectural plans dated 6/2/10 (5 pages) signed and sealed by Robert J. Murphy Architect.
2. Survey dated 6/1/10 signed and sealed by Leonardo E. Ponzio, P.E..

Mr. Mowerson 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. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Peter Kearney testified that his youngest son, Kevin has muscular dystrophy and they are adding onto and reconfiguring the house to make it handicap accessible; that he will need a wheelchair in the future; that they are moving Kevin's bedroom to the first floor and adding a handicap accessible bathroom; that they are also making the kitchen handicap accessible; and that they also have two other children Brian and Shannon.

Public Comment:

Robert Fairclough, 130 Edgewood Drive, testified that he is in support of the application; that the Kearney's are wonderful neighbors.

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. Similar additions have been constructed in the area.
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. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested floor area ratio variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area 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 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 was presented and moved by Ms. Salomon, seconded by Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

DECISION

SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES

APPROVED

To: Wojciech and Anna Dominik

ZBA # 10-57

21 Buchanan Street

Date: July 21, 2010

Blauvelt, New York 10965

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-57: Application of Wojciech and Anna Dominik for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, R-15 District, Group M, Columns 9 (Side Yard: 20' required, 14.82' existing), 10 (Total Side Yard:50' required, 38.7' existing) and 12 (Building Height: 14.82' permitted, 22' proposed) for an addition to an existing single-family residence. The premises are located at 21 Buchanan Street, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.14, Block 2, Lot 21; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Wojciech Dominik appeared and testified.

The following documents were presented:

1. Architectural plans dated June 1, 2010 (3 pages) signed and sealed by Robert Hoene, Architect.
2. Survey dated March 10, 2010 signed by Robert E. Sorace, L.S.

Mr. Mowerson 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 Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Wojciech Dominik testified that he would like to add a second floor to the existing house; that the footprint is not getting larger; that the side yard and total side yard are existing conditions; that he needs a height variance because of the existing side yard; and that the addition is cantilevered in the rear of 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.

Mr. Mowerson made a motion to close the Public Hearing which motion was seconded by Mr. Sullivan 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, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested side yard, total side yard, and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard, total side yard, and building height variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested side yard, total side yard and building height variances was presented and moved by Mr. Sullivan, seconded by Ms. Albanese and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

DECISION

FLOOR AREA RATIO AND SIDE YARD VARIANCES APPROVED

To: Ken and Kim McCarthy

ZBA # 10-58

155 West Park Avenue
Pearl River, New York 10965

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-58: Application of Ken and Kim McCarthy for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .286 proposed) and 9 (Side Yard: 20' required, 19.6' proposed) for an addition to an existing single-family residence. The premises are located at 155 West Park Avenue, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 68.19, Block 3, Lot 37; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Ken and Kim Mc Carthy appeared and testified.

The following documents were presented:

1. Architectural plans dated April 12, 2010 (2 pages) signed and sealed by Robert Hoene, Architect.
2. A petition in support of the application signed by five abutting property owners.

Mr. Mowerson 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. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Albanese, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Kim McCarthy testified that she and her husband have owned their home for fourteen years; that during that time they have made improvements within the original space of the home; that over the past 14 years they have had three children; that the existing bedrooms are very small; that they have one bathroom in the house; that the limited space is becoming a burden; that with the assistance of Mr. Hoene, their architect, they have come up with plans that include four bedrooms, one for each child and a master bedroom, two new bathrooms and a family room; that they made an effort to design the addition to appropriately fit into the neighborhood; that at this time their house is the smallest home on the block and these improvements will blend well with the surrounding houses.

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 Mr. Sullivan and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio and side yard variances, although substantial, will

not have an adverse effect or impact on the physical or environmental conditions of the area. Similar additions have been constructed in the area.

5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area 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 side yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested floor area ratio and side yard variances was presented and moved by Ms Albanese, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Albanese, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Castelli 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: July 21, 2010

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

DECISION

PERFORMANCE STANDARDS APPROVED WITH CONDITIONS

To: Rostislav Kogan (LTS Research)
37 Ramland Road
Orangeburg, New York 10962

ZBA # 10-59

Date: July 21, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-59: Application of LTS Research pursuant to Chapter 43 (Zoning) of the Code of the Town of Orangetown, Sections 4.12 and 10.334 for Use Subject to Performance Standards review and approval with respect to a testing laboratory performing tests for drinking water, non potable water and soil analysis. The premises are located at 37 Ramland Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 76.08, Block 1, Lot 6 ; LIO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on the following Wednesday, July 21, 2010 at which time the Board made the determination hereinafter set forth.

Rostislav Kogan and Hiram Karmaker appeared and testified.

The following documents were presented:

1. Floor plan of analytical laboratory- first floor and second floor plan offices.
2. Brochure of Advanced Analytical Technologies Inc. (5pages).
3. Analytical Equipment list (73 items: 3 pages).
4. Laboratory Reagents as of June 23, 2010 listing solids, liquids and gases (3 pages)
5. Safety Data Sheets for all of the above.
6. A letter of explanation from Slava Kogan.
7. Use Subject to Performance Standards and Fire Prevention Supplement.
8. A letter dated June 7, 2010 from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
9. A memorandum dated July 9, 2010 from Douglas Sampath, Assistant Fire Inspector, Town of Orangetown.
10. A memorandum dated July 7, 2010 from Ronald Delo, Director, Department of Environmental Management and Engineering, Town of Orangetown.

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

On the 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 exempt from the State Environmental Quality Review Act (SEQRA) pursuant to SEQRA Regulations §617.5 (c) (28) engaging in a review to determine compliance with technical requirements which does not require SEQRA environmental

review. The motion was seconded by Mr. Sullivan and carried as follows: Ms. Salomon, aye; Ms. Albanese, aye; Mr. Sullivan, aye; and Mr. Mowerson, aye. Ms. Castelli was absent.

Rostislav Kogan testified that they had relocated under emergency conditions from Chestnut Ridge; that they found this place and moved in and continued to do the water testing for the County; that in their business there are very difficult time constraints; that each analysis turn around time is 72 hours; that on Monday, January 4, 2010 there was a frozen pipe in the facility that they leased in Chestnut Ridge and they needed to continue to do testing; and that they will abide by all of the requests of the Fire Inspector.

Public Comment:

No public comment.

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were thereupon reviewed in detail.

The Board members made a personal inspection 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. Based upon the information contained in the applicant's Resume of Operations and Equipment; the Fire Prevention Supplement; the letter dated 07/09/2010 from Douglas Sampath, Assistant Fire Inspector, Bureau of Fire Prevention of the Town of Orangetown; the memorandum dated 07/07/2010 from Ronald Delo, Director of the Orangetown Department of Environmental Management and Engineering (DEME) concluding that there is no reasonable doubt as to the likelihood of applicant's conformance to the Performance Standards; the other documents presented to the Board; and the testimony of applicant's representatives, the Board finds and concludes that conformance with the Performance Standards set forth in Orangetown Zoning Code Section 4.1 will result and be sufficient to warrant the issuance of a Building Permit and/or Certificate of Occupancy, subject to compliance with the orders, rules and regulations of Orangetown's Office of Building, Zoning & Planning Administration & Enforcement (OBZPAE) and Bureau of Fire Prevention, and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: **RESOLVED**, that the application for Performance Standards Conformance is **APPROVED** with the **SPECIFIC CONDITION** that the applicant adhere to all of the requirements set forth by the Town of Orangetown's Bureau of Fire Prevention, and repair, remedy and correct all code violations, DEME and OBZPAE; **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 seeking conformance to the Orangetown Zoning Code's Performance Standards was presented and moved by Mr. Mowerson, seconded by Ms. Salomon, and carried as follows: Mr. Mowerson, aye; Ms. Salomon, aye; and Ms. Albanese, aye. Mr. Sullivan and Ms. Castelli were 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: July 21, 2010

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 -BvW

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

