

MINUTES
ZONING BOARD OF APPEALS
MARCH 2, 2011

MEMBERS PRESENT:

DANIEL SULLIVAN
JOAN SALOMON
NANETTE ALBANESE
PATRICIA CASTELLI

ABSENT:

WILLIAM MOWERSON

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: 30 P.M. by Ms. Castelli, Acting Chair.

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:

CONTINUED ITEM:

EDEN PLACE ENTERPRISES 70.18 / 2 / 2; CS zone	EXTENSION OF NON-CONFORMING USE LESS THAN 50% APPROVED WITH SPECIFIC CONDITIONS	ZBA#11-06
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NEW ITEMS:

PLOWE 78.18 / 1 / 10; R-80 zone	CONTINUED	ZBA#11-17
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9W FILLING STATION 78.18 / 1 / 2; R-80 zone	SIGN SIZE APPROVED AS MODIFIED, SETBACK APPROVED AS PRESENTED	ZBA#11-18
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VALENTINE 69.20 / 1 / 49; R-15 zone	FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#11-19
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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 10:10 P.M.

Dated: March 2, 2011

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DECISION

§ 9.34 EXTENSION OF NON-CONFORMING USE VARIANCE APPROVED WITH
CONDITION

To: Robert Prier (Eden Place)

ZBA # 11-06

17 South Broadway
P.O.Box 205
Nyack, New York 10960-0205

Date: January 19, 2011
March 2, 2011

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 11-06: Application of Eden Place Enterprises, L.L.C. for a variance from Chapter 43 (Zoning), CS District, Section 9.34 (Extension of a non-conforming use: proposed conversion of a portion of an existing deli into residential space) in an existing multi-family/commercial building. The premises are located at 535 Western Highway, Blauvelt, New York an identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 2; CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, January 19, 2011 and March 2, 2011 at which time the Board made the determination hereinafter set forth.

Robert Prier, Esq., Attorney and Farouk and Teresa Shehada, owners, appeared and testified.

The following documents were presented:

1. Site plan not dated.
2. Hand drawn layout of proposed apartment/ store area.
3. One page explanation of the proposed percentage of expansion.
4. One page statement of financial hardship.
5. A letter dated January 18, 2011 from the County of Rockland Department of Planning signed by Arlene Miller, Deputy Commissioner of Planning.
6. A letter dated January 6, 2011 from the County of Rockland Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
7. A letter dated January 27, 2011 from the County of Rockland Department of Planning overriding their previous letter.

Ms. Castelli 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, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7) (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. Castelli, aye; Ms. Salomon, aye; Ms. Albanese, aye. Mr. Mowerson was absent.

At the January 19, 2011 hearing Robert Prier, Esq., Attorney, testified that the Shehada's purchased the property in 2006; that the deli moved out several years ago; that they have not been able to rent the commercial space for the past three years; that they are attempting to convert 800 sq. ft. of the existing commercial space into residential space to offset their lack of income from that space; that they have submitted financial papers showing the hardship; that the existing commercial space is 2100 sq. ft. and they are proposing to use 800 sq. ft. of that space for a residential apartment; and that they would like a continuance to allow time for research to be done regarding a previous extension.

Public Comment:

Martin Cohen, owner of 533 Western Highway, testified that currently there are parking problems with the lot; that he owns the ice cream parlor and there have been constant problems with parking; that he had an argument with Carmine's Pizza and there was screaming and the Police were called; that there are broken windows, weeds, broken glass and water issues in the lot; that the non-conformity has already been extended; that he knows this because he was a fireman when there was a fire in the third apartment in the attic; that he should not be allowed to expand again; and that the Board should do research.

At the March 2, 2011 meeting Robert Prier, Esq., Attorney, and Farouk and Teresa Shehada appeared and testified.

Robert Prier, Esq., testified that research showed that the attic space that was converted into an apartment was always used as part of the residential space in the building; that this would be the first expansion of the conforming space to be used as a non-conforming use; that the space to be converted is less than a 50% expansion; and that the dumpster could be enclosed as a condition of an approval.

Public Comment:

Martin Cohen, owner of the adjacent property that shares the parking lot, testified that he is not opposed to the apartment but he is opposed to the way the property is kept, or not kept; that the existing dumpster is in the easement and is always overflowing; that the Pizzeria is a problem; that water from this property runs onto his property and has ruined his rear yard; and that the maintenance is a constant problem.

The Board members made personal inspections of the premises the week before the meetings 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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Albanese 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 extension of the non-conforming use variance, pursuant to Zoning Code § 9.34, will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has testified that the commercial space has been hard to rent since he purchased the property in 2006; reducing the space by almost half could make the commercial space more appealing to a business. The applicant has agreed to completely screen, on all sides, the

commercial dumpster prior to the issuance of a building permit, so that the container/dumpster shall not be visible at ground level/adjacent grade elevation however said screening, fencing or wall shall not exceed 6' in height.

2. The requested extension of non-conforming use variance, pursuant to Zoning Code § 9.34, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has testified that the commercial space has been hard to rent since he purchased the property in 2006; reducing the space by almost half could make the commercial space more appealing to a business. The applicant has agreed to completely screen, on all sides, the commercial dumpster prior to the issuance of a building permit, so that the container/dumpster shall not be visible at ground level/ adjacent grade elevation, however said screening, fencing or wall shall not exceed 6' in height.
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 extension of a non-conforming use variance pursuant to Zoning Code § 9.34, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The applicant has testified that the commercial space has been hard to rent since he purchased the property in 2006; reducing the space by almost half could make the commercial space more appealing to a business. The applicant has agreed to completely screen, on all sides, the commercial dumpster prior to the issuance of a building permit, so that the container/dumpster shall not be visible at ground level/adjacent grade elevation, however said screening, fencing or wall shall not exceed 6' in height.
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 extension of a non-conforming use variance pursuant to Zoning Code § 9.34 is APPROVED with the SPECIFIC CONDITION that the applicant shall completely screen, on all sides, the commercial dumpster prior to the issuance of a building permit, so that the container/dumpster shall not be visible at ground level/ adjacent grade elevation, however said screening, fencing or wall shall not exceed 6' in height; 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 extension of a non-conforming use variance pursuant to Zoning Code § 9.34, with conditions was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; and Ms. Salomon, aye. Mr. Mowerson 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: March 2, 2011

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DECISION

SIGN SIZE AS MODIFIED AND SETBACK VARIANCES APPROVED

To: Steve Galanis (9W Filling Station) ZBA # 11-18

745 Route 9W South Date: March 2, 2011
Nyack, New York 10960

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 11-18: Application of 9W Filling Station for variances from Chapter 43 (Zoning), Section 3.11, R-80 District, Column 5 # 12 (Signs: One sign with less than 20 sq. ft. permitted, Two signs with 60 sq. ft. proposed; 25' setback required, 16' proposed for one sign) for the addition of two signs at an existing business located at 243 Route 9W, Palisades, New York and are identified on the Orangetown tax Map as Section 78.18, Block 1, Lot 2; R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2011 at which time the Board made the determination hereinafter set forth.

Burt Dorfman, Esq., Attorney, Fotis Katsideoreis, Agata and Steve Galanis appeared and testified.

The following documents were presented:

1. Architectural plans not dated or signed by Metropolis showing the placement of the signs on the buildings.
2. Route 9W Station site plan by greater Hudson Valley Engineering.
3. Drawing of signs.
4. Zoning Board of Appeals Decision # 05-59 dated 7/6/05.
5. A letter dated February 18, 2011 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.
6. A letter dated February 28, 2011 from the County of Rockland Department of Planning signed by Arlene Miller, Deputy Commissioner of Planning.

Ms. Castelli 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, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7), (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. Castelli, aye; Ms. Salomon, aye; and Ms. Albanese, aye. Mr. Mowerson was absent.

Ms. Castelli explained to the applicant that they need all four members to approve in order to over ride the negative letter from Rockland County Department of Planning.

Burt Dorfman, Esq., Attorney, testified that the Department of Transportation has no objection to the signage and the business is located on the state highway; that the signs are proposed to be placed on the existing buildings; that the signs could be reduced in size from 19.5 to 18 sq. ft. for the two sided Market sign and the Filling Station sign could be reduced to 15 sq. ft.; that the total signage would be 51 sq. ft. which is not unreasonable for location on a highway with a 45 m.p.h. speed limit; that the signs could not be placed in front of the buildings because they would be in the state right-of-way; that the previous owner left about three months ago; that the rumors started by the previous business owner are false and malicious; that the DEC closed the spill on October 29, 2010.

Public Comment:

Mary Ellen Ledwidth, 55 Woods Road, asked what the required setback should be; and stated that she does not like this.

Leo Keegan, 20 Woods Road, testified that he doesn't think increased signage should be allowed in a residential neighborhood; that the sign will not make or break the business; that it is not necessary.

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.

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

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the

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

1. The requested sign size as modified to 51 sq. ft. and setback variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed "Market" sign has been reduced from 19.5 sq. ft. per side to 18 sq. ft. per side and the "Filling Station" sign has been reduced from 21 sq. ft. to 15 sq. ft.; and are proposed to be placed on the existing buildings.
2. The requested sign size as modified to 51 sq. ft. and setback variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed "Market" sign has been reduced from 19.5 sq. ft. per side to 18 sq. ft. per side and the "Filling Station" sign has been reduced from 21 sq. ft. to 15 sq. ft.; and are proposed to be placed on the existing buildings.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested sign size as modified to 51 sq. ft. and setback variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The proposed "Market" sign has been reduced from 19.5 sq. ft. per side to 18 sq. ft. per side and the "Filling Station" sign has been reduced from 21 sq. ft. to 15 sq. ft.; and are proposed to be placed on the existing buildings.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested sign size as modified to 51 sq. ft. and setback variances is APPROVED with the SPECIFIC CONDITIONS that: (1) the "The Market" sign which is two sided be reduced to 18 sq. ft per side., and the "Filling Station" sign be reduced to 15 sq. ft.; and (2) the Historic Areas Board of Review approve the aesthetics of the signs; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation,

the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

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

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

The foregoing resolution to approve the application for the requested sign size as modified to 51 sq. ft. (The Market sign, two sided, reduced to 18 sq. ft per side.; Filling Station sign, one sided, reduced to 15 sq. ft. for a total of 51 sq. ft.) and setback variances was presented and moved by Ms. Albanese, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; and Ms. Salomon, aye. Mr. Mowerson 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: March 2, 2011

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DECISION

FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, AND BUILDING
HEIGHT VARIANCES APPROVED

To: Paul and Nancy Valentine

ZBA # 11-19

20 Buttonwood Place

Date: March 2, 2011

Blauvelt, New York 10913

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 11-19: Application of Paul and Nancy Valentine for variances from Chapter 43 (Zoning), Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20

permitted, .19 existing, .23 proposed), 9 (Side Yard: 20' required, 13.05' existing and proposed), 10 (Total Side Yard: 50' required, 37.97' existing, 29.95' proposed), 12 (Building Height: 13.5' permitted, 15.5' existing, 19.5' proposed) to be build and extend an existing single-family residence that was damaged by fire. The premises are located at 20 Buttonwood Place, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.20, Block 1, Lot 49; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 2, 2011 at which time the Board made the determination hereinafter set forth.

Paul Valentine and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Plot plan based on survey by William Yuda dated April 28, 1989 signed and sealed by Jane Slavin, Architect.
2. Architectural plans dated 2/7/2011 signed and sealed by Jane Slavin, Architect.
3. Three letters in support of the application.

Ms. Castelli 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, Ms. Catelli 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. Castelli, aye; Ms. Salomon, aye; Ms. Albanese, aye. Mr. Mowerson was absent.

Paul Valentine testified that his house was damaged by fire on October 16, 2010; that the damage I beyond repair and the house needs to be rebuilt; that they are proposing to extend the kitchen adding a wrap around porch and making the ceilings upstairs full height; the existing ceilings were cape style with dormers; that his neighbors know what improvements he is planning and would have been at the hearing except that one of the kids in the neighborhood is playing in the playoffs and the neighborhood went to the game to support him; that the new deck will have sun across the back of the house because it won't be recessed within the house.

Jane Slavin, Architect, testified that the house needs to be ripped down and rebuilt; that the existing foundation is being used; that it makes sense to build eight foot ceiling heights; that the rear center of the house was a deck that always had moisture because it was shaded by the house; that the deck area will become part of the kitchen, adding 201 sq. ft.; that the wrap around porch will add 209 sq. ft.' and adding the master bedroom over the existing family room will add an additional 465 sq. ft.; that the total expansion is 925 sq. ft.; that there are other houses in neighborhood that have recently renovated with similar looks; and that they are not adding a lot of bulk to 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.

Ms. Castelli 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, 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 neighborhood.
2. The requested floor area ratio, 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 neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, 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 neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, 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 floor area ratio, side yard, total side yard and building height variances was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Albanese, aye; Ms. Salomon, aye. Mr. Mowerson 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: March 2, 2011

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

