

MINUTES
ZONING BOARD OF APPEALS
May 6, 2009

MEMBERS PRESENT: DANIEL SULLIVAN
NANETTE ALBANESE
WILLIAM MOWERSON
JOAN SALOMON

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 Chairman Mr. Mowerson.

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

BIONDI 75.05 / 1 / 13; R-22 zone	POSTPONED	ZBA#09-22
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NEW ITEMS:

CUSACK 74.11 / 2 / 11; R-22 zone	REAR YARD VARIANCE APPROVED	ZBA#09-23
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ACCETTA-PUGH 77.06 / 1 / 29.23; R-15 zone	FRONT YARD, SIDE YARD VARIANCES APPROVED	ZBA#09-24
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KOLENOVIC 77.10 / 2 / 25; R-15 zone	POSTPONED	ZBA#09-25
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THE PROMENADE 73.05 / 1 / 53.1; PAC zone	SIDE YARD, TOTAL SIDE YARD, BUILDING HEIGHT VARIANCES APPROVED USE RE-AFIRMED	ZBA#09-26
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OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following application: Kennedy Site Plan, 23 Shadyside Avenue, Upper Grandview, NY 66.17 / 1 / 11; R-22 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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 11:00 P.M.

Dated: May 6, 2009

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

DECISION

REAR YARD APPROVED

To: John and Christine Cusack

ZBA # 09-23

2 Deer Park Road
Orangeburg, New York 10962

Date: 5 /6 / 09

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#09-23: Application of John and Christine Cusack for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, R-22 District, Section 3.12, Group I, Column 11 (Rear Yard: 45' required, 40' proposed) for a deck at an existing single-family residence. The premises are located at 2 Deer Park Road, Orangeburg, New York, and are identified on the Orangetown Tax Map as Section 74.11, Block 2, Lot 11; R-22 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2009 at which time the Board made the determination hereinafter set forth.

John and Christine Cusack appeared and testified.

The following documents were presented:

1. Copy of survey.
2. Survey showing pool and deck expansion.

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

John Cusack testified that he is replacing and expanding the existing deck and replacing the pool; that he would like to expand the deck from 12' wide to 20' wide; that they should have submitted the plans with the proposed deck at 20' wide; that they changed from 18' to 20' after discussion with the contractor; that they would like the Board to grant the necessary rear yard for the 20' wide deck, but if not they will work with the variance that was published; and that he understands that the pool needs to be in compliance with the Town Codes..

Christine Cusack testified that there are a row of trees in the rear of the property and then there is a strip of land that is owned by Rockland County and beyond that is the neighbors' back yard.

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 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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The rear of the property abuts a wooded uninhabited area.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The rear of the property abuts a wooded uninhabited area.
3. The benefits sought by the applicant cannot be achieved by any other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear yard variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) are 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 40' rear yard variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested 40' rear yard 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: May 6, 2009

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

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

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

DECISION

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: Teresa Accetta-Pugh

ZBA # 09-24

201 Western Highway
Tappan, New York 10983

Date: 5 /6 / 09

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#09-24: Application of Teresa Accetta-Pugh for variances from Chapter 43(Zoning) of the Code of the Town of Orangetown, Section 3.12, R-15 District, Group M, Columns 8 (Front Yard: 30' required, 27.4' existing non-conforming no change) and 9 (Side Yard: 20' required, 18.1' existing, 17' proposed) for an addition and deck to an existing single-family residence. The premises is located at 201 Western Highway, Tappan, New York, and are identified on the Orangetown Tax Map as Section 77.06, Block 1, Lot 29.23; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2009 at which time the Board made the determination hereinafter set forth.

Teresa Accetta- Pugh and Richard Scott Pugh appeared and testified.

The following documents were presented:

1. Architectural plans not dated, not signed or sealed by Robert Murphy, Architect.
2. Copy of survey.

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

Richard Scott Pugh testified that they would like to extend the rear of the house to add a dining room, office mudroom and deck; that they are planning to shift interior walls to

make the utility room large enough to accommodate the washer and dryer; and that they do not need a total side yard.

Teresa Accetta-Pugh testified that she purchased the house in 1987.

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 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 and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested front yard 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 front yard and side yard variances although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and are 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 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 front yard and side yard variance was presented and moved by Mr. Castelli, seconded by Ms. Nanette, 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: May 6, 2009

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

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

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

DECISION

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

To: Donald Brenner (The Promenade)

ZBA # 09-26

4 Independence Avenue
Tappan, New York 10983

Date: 5 /6 / 09

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#09-26: Application of The Promenade for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 3.12, Group EE, OP District, Column 9 (Side Yard: 100' to Parking Required, 26' to existing parking, previously approved), 12 (Building Height: 11.6' permitted, 18' existing) for Building I; Columns 9 (Side Yard: 200' required, 55' proposed for southeast corner, 104' proposed for west side, 15.9' to parking), 10 (Total Side Yard: 200' required, 159' proposed) and 12 (Building height: 13.8' permitted on southeast side, 35.5' proposed; 31' permitted for north side, 38' proposed; 26' permitted for west side tower, 42.3' proposed) for an alternate living facility. The site is located at 582 Veterans Memorial Drive, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 73.05, Block 1, Lot 53.1; OP zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2009 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Thomas Vanderbeek, Engineer, and David Lawrence, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 3/ 11 /09 (2 pages) signed and sealed by David Lawrence Mammina, Architect.
2. Planimetric Site Plan dated 3/5/09 signed and sealed by Thomas Vanderbeek, Professional Engineer.
3. Two memorandums dated September 24, 2008 and February 11, 2009 from John Giardiello, Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
4. Planning Board decisions #08-54 dated October 6, 2008 and PB# 08-55 dated February 11, 2009.
5. A letter dated April 30, 2009 from the County of Rockland Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated May 6, 2009 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
7. A letter dated May 4, 2009 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
8. A letter dated April 9, 2009 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
9. Five letters of support for the application.
10. Four page memorandum submitted by Donald Brenner, Attorney.

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

Since the Planning Board noticed its intent to declare itself Lead agency and distributed that notice of intention to all involved agencies, including the Zoning Board of Appeals who consented or did not object to the Planning Board acting as Lead Agency on 9/3/2008, pursuant to coordinated review under the State Environmental Quality Review Act Regulation § 617.6 (b) (3); and since the Planning Board conducted SEQRA review and rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e. a "Negative Declaration" or "Neg Dec") on 10/6/2008, the Zoning Board of Appeals is bound by the Planning Board's Neg Dec and the Zoning Board of Appeals cannot require further SEQRA review pursuant to SEQRA Regulations § 617.5 (b) (3).

Donald Brenner, Attorney, testified that on September 2, 1998 the Zoning Board of Appeals granted a “use variance” for the property located at the triangular intersection of Veterans Memorial Drive and Gilbert Avenue; that the project was two independent buildings, one housing an assistant living residence specializing in dementia and memory care and the second housing an alternative living residence for seniors; the developer built the first building at the northwestern corner of the triangle; that this building has been in operation continually since 2001; that the current operator of the residence has applied to the Planning Board to build the second structure based on apartment-style senior residence which was formerly presented in the 1998 application; that due to the fact that the parcel is being subdivided into two tracts, the developer is requesting re-approval of the use and several area variances for the existing building as well as the proposed building; that the residence will cater only to senior citizens with an age restriction of 62; that the facility will provide amenities benefiting an older lifestyle, such as pub bistro, card room and library.

Thomas Vanderbeek, Engineer, highlighted the requested variances; and testified that the building that is already built is requiring variances from the new lot line set back to parking and a height variance; that the proposed building is being built within the approved footprint and is actually a little smaller than the previous submission; that the setbacks changed because the new structure has decks and the setback is measured to the deck; that the building at the rear of the property is 125.7’ off the property line and the side yard variances are requested between the two buildings; and that the height variance is measured to the tower which is a 22’ height request as compared to the previously granted 20’ height variance.

David Lawrence, Architect, displayed a color rendering of the proposed building; and testified that the proposed tower is an important design element and is located 290’ from the road; that this building has more of a residential context to it than the previous building; that the added balconies and horizontal siding with colonial window details and stone add to the residential look of the building; that the south and north side of the building are two-stories; that a small portion of the rear is three stories; that there is a central court yard with a pool; that the parking for the building is under the building and built into the natural topography of the site; and there will be 75 units.

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 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. The property is in the process of being subdivided for

financial purposes, however the owner of both parcels will remain the same. The proposed subdivision is creating some of the requested area variances.

2. No significant change in circumstances has occurred since the use variance was granted which would warrant the Board's reconsideration of their approval. .
3. 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. There shall remain a sufficient green area between the project and the residential area of the neighborhood. The property is in the process of being subdivided for financial purposes, however the owner of both parcels will remain the same. The proposed subdivision is creating some of the requested area variances.
4. The benefits sought by the applicant cannot be achieved by any other means feasible for the applicant to pursue other than by obtaining variances.
5. 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.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and are 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 the Use variance that was granted on March 3, 1999 (ZBA#99-20) is upheld; 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 and to re-affirm the use variance was presented and moved by Mr. Mowerson, seconded by Mr. 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: May 6, 2009

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

Deborah Arbolino

Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
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MGMT. and ENGINEERING
FILE,ZBA, PB
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