

MINUTES  
ZONING BOARD OF APPEALS  
November 17, 2010

MEMBERS PRESENT: WILLIAM MOWERSON  
JOAN SALOMON  
DANIEL SULLIVAN  
PATRICIA CASTELLI

ABSENT: NANETTE ALBANESE

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

CONTINUED ITEM:

ROONEY 64.17 / 2 / 19; R-15 zone	POSTPONED	ZBA#10-67
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NEW ITEMS:

INGERSOLL 70.18 / 3 / 9; R-15 zone	SIDE YARD AND REAR YARD VARIANCES APPROVED	ZBA#10-88
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ACQUA CAPITAL LLC 77.11 / 1 / 28.3; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#10-89
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OTHER BUSINESS:

ORECCHIO 78.13 / 1 / 3.5; R-40 zone	APPROVE INSTALLED WINDOWS WITH THE CONDITION THAT THE WINDOWS ON THE FRONT FACADE SHALL BE THE TYPE OF WINDOWS THAT WERE APPROVED BY THE HISTORIC AREAS BOARD OF REVIEW	ZBA#10-87
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ADDITIONAL BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting 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 applications: Hiep Subdivision Plan, 372 Kings Highway, Tappan, N.Y., 77.07 / 3 / 9; RG zone; Tappan

Shopping Center/Retro Fitness Gym Internal Subdivision Plan; 51-57 Route 303. Tappan, N.Y., 77.15 / 1 / 41; CS 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 9:00 P.M.

## DECISION

### **SIDE YARD AND REAR YARD VARIANCES APPROVED**

To: Richard and Kathleen Ingersoll

ZBA # 10-88

55 Moehring Drive

Date: November 17, 2010

Blauvelt, New York 10913

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-88: Application of Richard and Kathleen Ingersoll for variances from Chapter 43 (Zoning), Section 3.12, R-15 District, Column 9 (Side Yard: 20' required, 10' existing and proposed) and from Section 5.227 (Required rear yard for pool: 20' required, 15' existing and proposed) to remove and replace existing in-ground pool at an existing single-family residence. Premises are located at 55 Moehring Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 3, Lot 9; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 17, 2010 at which time the Board made the determination hereinafter set forth.

Richard and Kathleen Ingersoll and Lenny Lesin appeared and testified.

The following documents were presented:

1. Copy of site plan showing the pool.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and /or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Albanese was absent.

Lenny Lesin testified the pool has existed since 1970 and a certificate of occupancy exists for the pool; that the first owners of the property installed the pool; that Richard Ingersoll's parents purchased the property and had use of the pool for many years; that

the pool is past its prime and once the water is let out of the pool the wood walls will collapse; that the construction is going to be for a new pool installed in the same location as the existing pool; that the property to the south is an open field owned by Orange & Rockland Utilities; that the neighbor to the west has a large hedge row between the properties that they are planning to protect during construction; and that the pool will be 16' x 32'.

Kathleen Ingersoll testified that there is eight feet distance from the new deck and the pool; and the pool will be 16' x 32'.

Public Comment:

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Mowerson made a motion to close the Public Hearing which motion was seconded by Ms. 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 side yard and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The pool has been in this location for many years and is being replaced.
2. The requested side yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The pool has been in this location for many years and is being replaced.
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 side yard and rear yard variances, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area. The pool has been in this location for many years and is being replaced.
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 and rear 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 rear yard variances was presented and moved by Mr. Mowerson, seconded by Mr. Sullivan and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Albanese 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.

## DECISION

### **REAR YARD VARIANCE APPROVED**

To: Louis Zazzarino ( Acqua Capital LLC)

ZBA # 10-89

333 Mamaroneck Avenue

Date: November 17, 2010

White Plains, New York 10605

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-89: Application of Acqua Capital LLC for a variance from Chapter 43 (Zoning), Section 3.12, R-15 District, Column 11 (Rear Yard: 35' required, 31.25' existing) for an existing gazebo at an existing single-family residence. Premises are

located at 3 Conor Court, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.11, Block 1, Lot 28.3; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 17, 2010 at which time the Board made the determination hereinafter set forth.

Louis Zazzarino, owner, appeared and testified.

The following documents were presented:

1. As built site plan dated 10/25/10 signed and sealed by Jon C. Fellgraff, Architect.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Mowerson moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and /or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Albanese was absent.

Louis Zazzarino testified that the gazebo was existing when he purchased the house a year ago; that there is no certificate of occupancy for the gazebo; that he is selling the house and the contract purchaser would like to keep the gazebo; and that he is before the Board to legalize the gazebo in order to get a certificate of occupancy for it.

Public Comment:

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Mowerson made a motion to close the Public Hearing which motion was seconded by Ms. 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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing gazebo is not unfavorably impacting surrounding properties.
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 existing gazebo is not unfavorably impacting surrounding properties.
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 rear yard variance, although substantial, will not have an adverse

effect or impact on the physical or environmental conditions of the area. . The existing gazebo is not unfavorably impacting surrounding properties.

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 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 rear yard variance was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Albanese 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.

## DECISION

### **APPROVE INSTALLED WINDOWS ON REAR AND BOTH SIDES OF HOUSE WITH THE SPECIFIC CONDIION THAT THE FRONT FAÇADE BE THE TYPE OF WINDOWS THAT WERE APPROVED BY THE HISTORIC AREAS BOARD OF REVIEW**

To: Glen Orecchio

ZBA # 10-87

335 East Brinkerhoff Ave.

Date: November 3, 2010

Palisades Park, New Jersey 07650

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-87: Application of Glen Orecchio to appeal a decision, pursuant to Orangetown Code §12-4 9 (c), by the Historic Areas Board of Review (HABR) that was rendered on September 14, 2010 in HABR# 09-13A for review of the applicant's request for changes to windows that were previously approved by HABR in its Decision HABR#09-13, at the proposed new single family residence. Premises are located at 10 Kopac Lane, Palisades, New York are identified on the Orangetown Tax Map as Section 78.13, Block 1, Lot 3.5; R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 3, 2010 at which time the Board made the determination hereinafter set forth.

Glen Orecchio, Ellen Ettz and Donald Tracey, Attorney, appeared and testified.

The following documents were presented:

1. Historic Areas Board of Review Decision HABR # 09-13 and HABR #09-13A.
2. A two page cover letter from Glen Orecchio and Ellen Ettz.
3. Transcript from the September 14, 2010 Historic Areas Board of Review meeting.
4. Seven pictures of windows, houses in the area and the Orecchio house.
5. A letter dated October 4, 2010 in support of the application from Jared Cohen, 6 Kopac Lane, Palisades
6. Price quotes from Andersen Windows on windows with finelight grilles-between the glass and windows with divided light with spacer.
7. A letter dated October 28, 2010 from Barbara Hess, Architect.
8. Anderson window quote to replace window sashes with  $\frac{3}{4}$ ' profile RPL-\$55,484.70.
9. A six page booklet with attachments prepared by Donald Tracey, Esq. dated November 3, 2010.

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), (13) and /or (31); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Albanese was absent.

Donald Tracey, Attorney, testified that the Orecchio's built a very expensive house in an historic area that was a golf range; that the house has thirty windows; that they were

directed by the Historic Board to use a particular window with an outside grille; that when they left that meeting they told their architect, Mr. Hess, that they did not want to install windows with outside grilles, that they preferred windows with grilles inside the glass; that Mr. Hess told them not to worry about that, as long as the windows have the same appearance it would be o-k; that the Orecchio's were wrong to listen to the architect but Mr. Orecchio will testified to his reason for believing the architect; that the applicants did return to the Board for other changes that they wanted to make to the house; that he has provided the Board with evidence of the financial hardship of installing the windows; that although the Orecchio house is very nice, he doesn't know how it can be considered to have any historic value since it is not a house that was replicated from any historic period; that the criteria set forth in Section 12.4 of the code speaks to harmonizing; that there are no specific guidelines for a new subdivision; that the Board can, without distinct guidelines impose their own likes and dislikes on applicants appearing before them; that the applicant did appear before the Historic Board and ask for relief but there was no attempt at discussion; that the transcript from that meeting has been provided to the Board; that he has appeared before the Board many years ago and is familiar with its intent; that without clear guidelines the Board is unfettered in its ability to impose its style on applicants; that they are before this board for relief and guidance; that this is a substantial tasteful house and removing the existing windows and putting in new windows with exterior grilles would cost 108,591.41, even retrofitting the windows would cost \$55,000.00.

Ellen Ettz testified that she took the photographs of the windows that were submitted to the Board from a distance of ten feet; that she also took the picture of the house; that they were not trying to get away with anything; that when they wanted changes that changed the look of the house they went back to the Board for permission; that they asked to change the color of the front door, the brick color; changing from clapboard to brick on the back of the house ; that they even asked about changing from brick to Belgium block on the driveway; that they did not think these windows being set back 2 ½ inches in brick looked any different any the ones with the grilles on the outside.

Glen Orecchio testified that there are four houses in the neighborhood; that one other house has the grilles inside the window; that his was the second house to be built and he compared his to the first house and thought it would be o-k to have the grilles inside the glass; that afterward he found out that the first house had problems because of the windows; that he went before the Historic Board and tried to explain what happened; that they did not want to hear it; that he did go back for other changes and would have went back about the windows if he thought they made a change to look of the house; and that now it is an economic hardship to change them.

#### Public Comment:

Larry Bucciarelli, Chairman of the Historic Board, read a letter into the record from William Walters, another member of the Board:

I apologize for not being able to attend this meeting in person, but I would appreciate your allowing me to have my statement read into the minutes of tonight's meeting. First of all, whatever the outcome, I know the issues presented before you will be thoroughly considered and a thoughtful decision will result.

In my opinion, the issue that is before you is not about the HABR decision which was neither arbitrary nor capricious. The issue is much larger than HABR. This is about the responsibilities applicants assume when they request an appearance before any board in our community.

The facts: The applicant appeared before HABR, presented windows for a new home and the board approved the applicant's submission. The applicant and the board made an agreement that certain things would be done under the approval granted. It was only in a subsequent presentation that the board members voted "no" (5 to 1, 1 absent) to the applicant's request to substitute windows that were significantly different than what was agreed upon, but were now 100% installed without the board's approval.

Once again, it is my opinion, that if you approve the applicant's request to overturn the HABR decision and allow the windows installed to remain in place, you will establish a



precedence that will negatively affect not just HABR, but all boards in the Town of Orangetown. Any agreement made between an applicant and the board will essentially be non binding and therefore, unenforceable. And if that is the case, why have boards at all?

Respectfully submitted,  
Bill Walther

and testified that the Historic Areas Board of Review is an appearance Board; that these windows do not have an exterior profile; that from the street a flat pane of glass is seen; That they came before the Board for the change and were denied and the same night they were approved for a pool; and that it was suggested at the meeting that the Andersen sashes typically are interchangeable.

Margaret Raso, Historic Board member, testified that the house has no historic value but it is in a historic district; that the applicant broke the law; that if they abided by the decision they would not be here; that the Board decided one way and the applicant chose another; and why wouldn't they come back about the windows if they came back about other changes?

Thano Schoppel, Historic Board member, testified that he has been a member of the Historic Board since 1985; that every once in a while people come before the board after they have done work and ask us to approve it; that this is the first time that an applicant came before the Board and got a decision from us and then came back to us after they did want they wanted; and that this is "jealous of prerogatives".

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 Orecchio's Attorney admitted that his clients were wrong to listen to their Architect's opinion that the windows that they wanted (the installed windows) would have the same appearance as the HABR approved windows and would conform to HABR's Decision; that they should have asked the Historic Board's permission prior to installing the existing (changed) windows;; that they made a mistake; that they went back to the Historic Board for relief; and that it is a financial hardship to change all of the existing windows to the HABR approved windows.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application to keep the installed windows is **APPROVED FOR BOTH SIDES AND REAR OF THE HOUSE** with the **SPECIFIC CONDITION** that the windows on the front façade only shall be the type of windows that were approved by the Historic Areas Board of Review; 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 to the extent of allowing the applicants to keep the installed windows on both sides and the rear of the house, with the condition that the windows on the front façade only be the type of windows that were approved by the Historic Areas Board of Review, was presented and moved by Mr. Mowerson, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Mowerson, aye. Ms. Albanese 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: November 17, 2010

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By \_\_\_\_\_  
Deborah Arbolino

**Administrative Aide**

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE

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

BUILDING INSPECTOR -R.O.















