

MINUTES
ZONING BOARD OF APPEALS
November 3, 2021

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN
MICHAEL BOSCO
THOMAS QUINN
ROB BONOMOLO, JR
PATRICIA CASTELLI

ABSENT: BILLY VALENTINE

ALSO PRESENT: Deborah Arbolino, Administrative Aide
Denise Sullivan, Deputy Town Attorney
Anne Marie Ambrose Official Stenographer

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

| | | |
|---|---|-----------|
| SCHMITT/GRONET 350 South Middletown Road Pearl River, New York 73.09 / 1 / 11; R-15 zone | CONTINUED | ZBA#21-92 |
| HAHN 43 Old Tappan Road Tappan, New York 77.10 / 3 / 22; CS zone | SECTION 9.34 EXPANSION OF NON-CONFORMING BULK: APPROVED | ZBA#21-93 |
| MC GOVERN 94 Cedar Avenue Pearl River, New York 68.20 / 4 / 27; RG zone | FRONT YARD, SIDE YARD VARIANCES APPROVED: UNDERSIZED LOT ACKNOWLEDGED | ZBA#21-94 |
| KOTHARI/BHARAT 21 Shorn Drive Blauvelt, New York 70.10 / 1 / 74.17 R-15 zone | FLOOR AREA RATIO VARIANCE APPROVED | ZBA#21-95 |

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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 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 application; Doller Subdivision- Lot #2 Site Plan, 152 Kings Highway, Orangeburg, N.Y., 74.16 / 1 / 3.2; R-40 zone; 40 Washington Spring Road Re-subdivision Plan-Snedans Landing Tennis Association, 40 Washington Spring Road, Palisades, NY , 78.19 / 1 / 13; R-22 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings

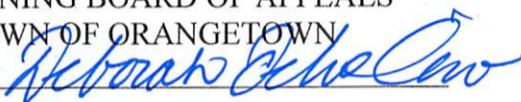
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:30 P.M.

Dated: November 3, 2021

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

DISTRIBUTION:
APPLICANT
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
TOWN BOARD MEMBERS
BUILDING INSPECTOR (Individual Decisions)
Rockland County Planning

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SECTION 9.34 ONE TIME 50% EXPANSION & ENLARGEMENT OF NON-CONFORMING USE OR BULK VARIANCE APPROVED: BOARD ACKNOWLEDGED 12.8' & 10.1 SIDE YARD, 15.2' FRONT YARD TO HOUSE; 7.7' & 38.8 SIDE YARD TO SHED AND 23.9' REAR YARD TO SHED

To: Walter Aurell (Hahn)
43 Old Tappan Road
Tappan, New York 10983

ZBA #21-93
Date: November 3, 2021
Permit #51514

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-93: Application of Jerry Hahn for a variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 9.34 (Expansion & Enlargement of a non-conforming use: one time 50% expansion permitted) for an addition to an existing single-family residence. The property is located at 43 Old Tappan Road, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.10, Block 3, Lot 22 in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 3, 2021 at which time the Board made the determination hereinafter set forth.

Walter Aurell, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Sunroom Addition for Father Jerry Hahn" dated 09/07/2021 signed and sealed by Walter Aurell, Architect. (7 pages).
2. A letter dated October 26, 2021 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated September 27, 2021 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
4. A letter dated October 28, 2021 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
5. A letter dated October 28, 2021 from Rockland County Health signed by Elizabeth Mello, P.E..

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine was absent.

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Walter Aurell, Architect, testified that his client expanded the existing shed on the property without a permit; that the shed does not have a certificate of occupancy; that the proposed sunroom is 206 sq. ft.; that it would be a 12.3% expansion of the existing non-conformity; that the house is approximately 1,900 sq. ft. that in the CS zoning district the side yard can be 12' or 0'; that the house next door was before the Board a few years back and was approved for the same variance that they were denied for, from Section 9.34, expansion of a non-conforming bulk; and he agrees with the Board that the applicant does not require a Special Permit.

Public Comment:

No public comment.

The Board members had a conversation regarding the Rockland County Department of Planning letter dated October 26, 2021 comment #3 which stated: "As per the Table of General Use Regulations for the CS zoning district, a special permit from the Zoning Board of Appeals is required for additions to existing residential structures. Therefore, a special permit is required for the addition to the dwelling, we request the opportunity to review the special permit, as required by New York State General Municipal Law, Section 239-m (3)(a)(iii)". The Board members stated that they disagree with Rockland County Planning's determination that a Special Permit is required; that the ZBA's past practice for many years has been a determination that similar existing houses in the CS District required a variance from Section 9.34 (Extension or Enlargement) and cited examples such as ZBA#98-103 for 81 Main Street, Tappan, NY; ZBA#02-59 for 173 Oak Tree Road, Tappan, NY; and ZBA#00-59 for 328 Oak Tree Road, Tappan, NY.. It has been the past determination of the ZBA that in these similar instances a Special Permit is NOT required.

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. Sullivan made a motion to close the Public Hearing which motion was seconded by Mr. Bosco 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 Section 9.34 one time 50% expansion of a non-conforming use or bulk variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house is situated on the street with four other similar sized house that are in the CS zone with a church across the street, the post office on the West and a small string of stores to the East. The proposed addition is in the rear of the house and will not be visible from the street scape.

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2. The Board made the determination that a Special Permit is NOT required; that past practice for many years has determined that existing houses in the CS District required a variance from Section 9.34 (Extension or Enlargement) and cited examples such as ZBA#98-103 for 81 Main Street, Tappan, NY; ZBA#02-59 for 173 Oak Tree Road, Tappan, NY; and ZBA#00-59 for 328 Oak Tree Road, Tappan, NY.
3. The requested Section 9.34 one time 50% expansion of a non-conforming use or bulk variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house is situated on the street with four other similar sized house that are in the CS zone with a church across the street, the post office on the West and a small string of stores to the East. The proposed addition is in the rear of the house and will not be visible from the street scape.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
5. The requested Section 9.34 one-time 50% expansion of a non-conforming use or bulk variance although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The house is situated on the street with four other similar sized house that are in the CS zone with a church across the street, the post office on the West and a small string of stores to the East. The proposed addition is in the rear of the house and will not be visible from the street scape.
6. 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 variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Section 9.34 one time 50% expansion of a use or bulk variance is APPROVED; and FURTHER RESOLVED, that the existing front yard is 15.2'; the existing side yard is 12.8' and 10.1' to the house and 7.7' and 38.8' to the shed and the rear yard to the shed is 23.9'; 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.

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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.

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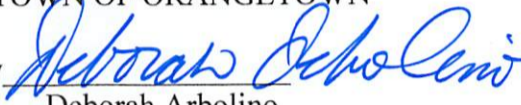
The foregoing resolution to approve the application for the requested Section 9.34 one time 50 % expansion of a use or bulk variance is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine 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 3, 2021

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
BUILDING INSPECTOR-Dom. M.

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

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**FRONT YARD AND SIDE YARD VARIANCES APPROVED; UNDERSIZED LOT
ACKNOWLEDGED**

To: John and Mary Ellen McGovern
94 Cedar Avenue
Pearl River, New York 10965

ZBA #21-94
Date: November 3, 2021
Permit #51470

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-94: Application of John and Mary Ellen McGovern for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12, Columns 8 (Front Yard: 25' required, 21.5' proposed) and 9 (Side Yard: 10' required, 3' & 4' proposed) Section 5.21 Undersized lot applies; for an addition to an existing single-family residence. The property is located at 94 Cedar Avenue, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.20, Block 4, Lot 27 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 3, 2021 at which time the Board made the determination hereinafter set forth.

Mary Ellen Mc Govern and Sean Greenan, son-in-law, appeared and testified.

The following documents were presented:

1. Plans labeled "McGovern Residence Porch Addition/ Renovation" dated April 9, 2021 with the latest revision date of 09/20/2021 signed and sealed by Harold J. Goldstein, Architect. (2 pages).
2. A letter in support of the application signed by eight neighbors.
3. Nine computer generated pictures of the house.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine was absent.

Sean Greenan testified that the applicants have done a major interior renovation since they purchased the house in March of 2021; that they have put in new windows and sided the exterior of the house; that they had permits for that work; that they are proposing to remove the existing deck and put in a new deck; and that the existing structures are too close to the property lines.

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Public Comment:

Neil Crouch, 101 Cedar Avenue, testified that he lives across the street from the house and it looks great; that he wants to speak in support of the project and he really appreciates how much work has been done on the house.

Steven Gallagher, 40 Kinsley Grove, testified that he owns the property at 100 Cedar that abuts the applicant's property and the work looks beautiful and it has been a great addition to the neighborhood.

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. Sullivan 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 front yard and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
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 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 front yard and side yard variances are somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. 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 variance.

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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 the undersized lot is acknowledged; 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.

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The foregoing resolution to approve the application for the requested front yard and side yard variances are APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Sullivan, seconded by Mr. Bosco and carried as follows: Mr. Quinn, aye; Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Valentine 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 3, 2021

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
BUILDING INSPECTOR-Dom.M.

TOWN CLERK
HIGHWAY DEPARTMENT
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FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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FLOOR AREA RATIO VARIANCE APPROVED

To: Bharat and Alka Kothari
21 Shorn Drive
Blauvelt, New York 10913

ZBA #21-95
Date: November 3, 2021
Permit #51878

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-95: Application of Bharat Kothari for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 4 (Floor Area Ratio: 20% permitted, 21 % proposed) for an addition to a single-family residence. The property is located at 21 Shorn Drive, Blauvelt, New York and is identified on the Orangetown Tax Map as Section 70.10, Block 1, Lot 74.17 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 3, 2021 at which time the Board made the determination hereinafter set forth.

Bharat and Alka Kothari appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Sun Room Layout and Alterations for Mr. Bharat Kothari" dated July 27, 2021 signed and sealed by Jorge L. Lopez, Architect. (1 page).

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Valentine was absent.

Bharat Kothari testified that during the pandemic he was working from home and since has retired from the MTA and has a small engineering firm and is working from home; that they are proposing the sunroom because they can be out in nature and in the house at the same time ; that they have grown children that are out on their own; and that their house was built in 2003 and they are the original owners.

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Public Comment:

Jonathan Gontaryk, 23 East Shorn Drive, testified that he is an adjacent neighbor and is speaking in support of the application because it will enhance the neighborhood and they are great neighbors.

Michael Reilly, 17 Shorn Drive, testified that he lives on the other side of the house and he is here to speak in support of the application and they couldn't ask for better neighbors.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested floor area ratio variance 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 variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested floor area ratio variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. 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 variance.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested floor area ratio variance is **APPROVED**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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The foregoing resolution to approve the application for the requested floor area ratio variance is APPROVED ; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Valentine 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 3, 2021

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
BUILDING INSPECTOR-Dom. M.

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

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